

ORDINANCE No. 185854

*Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the SW Boones Ferry Rd - SW Stephenson St Project, through the exercise of the City's Eminent Domain Authority (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The SW Boones Ferry Road – SW Stephenson Street Project will design and construct a realigned intersection at SW Boones Ferry Road and SW Stephenson Street in order to increase sight and stopping distances and provide a functional connection between neighborhood and district collector streets. Property acquisition will be required near this intersection to establish the new connection. Other improvements include a left turn pocket on SW Boones Ferry Road to help prevent rear-end accidents involving vehicles waiting to turn, improved pavement design on SW Boones Ferry Road, new sidewalk, and street trees.
2. The Project requires acquisition of certain private property interests to construct the project.
3. Acquisition efforts will be completed in accordance with Eminent Domain procedures provided for in ORS Chapter 35 (Eminent Domain; Public Acquisition of Property), including those procedures that apply to notification, valuation, negotiation, relocation and early possession if necessary.
4. It is necessary to acquire possession of the easements by May 1, 2013, so that construction can begin on schedule.
5. Funds are available in the Transportation Operating Fund, FY 2012-2013 Budget, SAP #T00048.L46

NOW, THEREFORE, the Council directs:

- a. That the Director of the Bureau of Transportation or designee and/or City Attorney are authorized to acquire necessary permanent and temporary easements for the SW Boones Ferry – Stephenson Street Project under the Eminent Domain Authority of the City, including filing an action to acquire the property interests described herein or negotiating just compensation with property owners within available project budget funds. The Director of the Bureau of Transportation or designee and/or the City Attorney are further authorized to enter into obligations agreements with property owners to address construction management concerns within available project budget funds.
- b. There is hereby authorized the creation of a fund in the amount estimated to be the just compensation for each interest in the property which, if necessary, shall be deposited with the clerk of the court where an action is commenced.

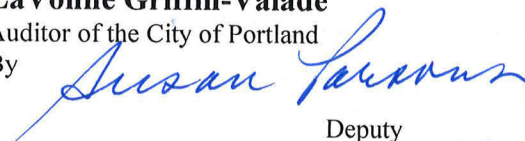
- 182824
- c. The costs incurred in connection with the acquisition authorized herein shall be charged to the SW Boones Ferry Road – Stephenson Street Project.
 - d. The Mayor and Auditor are hereby authorized to draw and deliver warrants chargeable to the Transportation Fund Budget when demand is presented and approved by the proper authority.
 - e. The properties affected by this ordinance are described in, and depicted on the attached exhibits 1 through 5 with their associated exhibits.

Section 2. The Council declares that an emergency exists because delay in property acquisition may result in a delay in construction and impact the overall project completion; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, JAN 09 2013

Mayor Charlie Hales
Prepared by: Marty Maloney / SG
Date Prepared: December 11, 2012
R/W #7273

LaVonne Griffin-Valade
Auditor of the City of Portland
By


Deputy

128281

Agenda No.
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 Title

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| INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales | CLERK USE: DATE FILED <u>JAN 04 2013</u> |
| COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales <i>[Signature]</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick | LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy |
| BUREAU APPROVAL Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other <i>[Signature]</i> Prepared by: Marty Maloney:slg Date Prepared: 12/11/2012 | ACTION TAKEN: |
| Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/> | |
| Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| Council Meeting Date January 9, 2013 | |
| City Attorney Approval <i>bf</i> | |

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| AGENDA |
| TIME CERTAIN <input checked="" type="checkbox"/> Start time: 9:30 Total amount of time needed: 15 min. (for presentation, testimony and discussion) |
| CONSENT <input type="checkbox"/> |
| REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion) |

| FOUR-FIFTHS AGENDA | COMMISSIONERS VOTED AS FOLLOWS: | |
|--------------------|---|------|
| | YEAS | NAYS |
| 1. Fritz | 1. Fritz <input checked="" type="checkbox"/> | |
| 2. Fish | 2. Fish <input checked="" type="checkbox"/> | |
| 3. Saltzman | 3. Saltzman <input checked="" type="checkbox"/> | |
| 4. Novick | 4. Novick <input checked="" type="checkbox"/> | |
| Hales | Hales <input checked="" type="checkbox"/> | |