

ORDINANCE No. 186282

*Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the N Burgard Rd-Over Abandon Railroad and N Burgard Rd Storm Sewer Project, through the exercise of the City's Eminent Domain Authority (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Transportation has designed a street improvement project. The project will be constructing street improvements including improvements to be completed at the intersection of N Burgard Rd and N Terminal Rd. Off-street improvements will include curbs, sidewalk and drainage improvements.
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 February 1, 2014, so that construction can begin on schedule.
5. The Bureau's level of confidence in the cost estimates for this project is moderate. Funds are available in the Transportation Operating Fund, FY 2013-2014 Budget, SAP #T00051.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 N Burgard Rd (Over Abandon Railroad) and N Burgard Rd Storm Sewer 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.

- c. The costs incurred in connection with the acquisition authorized herein shall be charged to the N Burgard Rd (Over Abandon Railroad) and N Burgard Rd Storm Sewer Project.
- d. The Commissioner-in-Charge and the 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 12.

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,

OCT 09 2013

Commissioner Steve Novick
Prepared by: Marty Maloney / SG
Date Prepared: September 23, 2013
R/W #6885

LaVonne Griffin-Valade
Auditor of the City of Portland

By

Gayla Jennings

Deputy

Agenda No. **186282**
ORDINANCE NO.
 Title

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<p>INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK</p>	<p style="text-align: right; color: blue;">OCT 04 2013</p> <p>CLERK USE: DATE FILED _____</p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety – Novick <i>[Signature]</i></p>	<p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> _____ Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Bureau of Transportation Group Manager: Greg Jones <i>[Signature]</i> Development & Capital Program Prepared by: Marty Maloney: SG <i>[Signature]</i> Date Prepared: September 23, 2013</p> <p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> <i>on behalf of DM</i></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date October 9, 2013</p> <p>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: <i>[Signature]</i> required for contract, code, easement, franchise, comp plan, charter</p>	<p>ACTION TAKEN:</p>

AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: 5 minutes (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Novick	4. Novick	✓	
Hales	Hales	✓	