

## ORDINANCE No. 186526

Authorize the Bureau of Transportation to acquire certain permanent and temporary property rights necessary for construction of the SE Holgate and SE Ramona: 122<sup>nd</sup> to 136<sup>th</sup> Avenue Sidewalk Project, through the exercise of the City's Eminent Domain Authority (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The SE Holgate and SE Ramona: 122<sup>nd</sup> to 136<sup>th</sup> Avenue Sidewalk Project will include: construction of curb extensions, a six-foot wide sidewalk, green curb extensions and marked bike lanes along the SE Holgate Blvd. The result will be new and safe connections along both SE Holgate Blvd. and SE Ramona St. to two neighborhood schools.
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 April 1, 2015, 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 2014-2015 Budget, SAP #T00305.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 SE Holgate and SE Ramona: 122<sup>nd</sup> to 136<sup>th</sup> Avenue Sidewalk 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 the property interests which, if necessary, shall be deposited with the clerk of the court where an action is commenced.

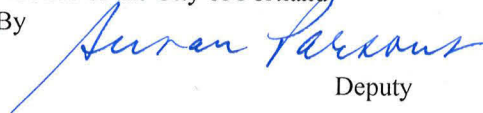
- 082081
- c. The costs incurred in connection with the acquisition authorized herein shall be charged to the SE Holgate and SE Ramona: 122<sup>nd</sup> to 136<sup>th</sup> Avenue Sidewalk Project.
  - d. The Commissioner-in-Charge and the Auditor are hereby authorized to draw and deliver warrants chargeable 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 59.

Passed by the Council, APR 09 2014

Commissioner Steve Novick  
Prepared by: Marty Maloney:slg  
Date Prepared: March 5, 2014  
R/W #7700

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By



Deputy

311 - 329

J140

Agenda No. **186526**  
**ORDINANCE NO.**  
 Title

Authorize the Bureau of Transportation to acquire certain permanent and temporary property rights necessary for construction of the SE Holgate and SE Ramona: 122<sup>nd</sup> to 136<sup>th</sup> Avenue Sidewalk Project, through the exercise of the City's Eminent Domain Authority (Ordinance)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>COMMISSIONER STEVE NOVICK</b>	CLERK USE: DATE FILED <u>MAR 28 2014</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick <i>CW</i>	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy
<b>BUREAU APPROVAL</b> Bureau: Bureau of Transportation Group Manager: Christine Leon Development & Streetcar Prepared by: Marty Maloney:slg Date Prepared: March 5, 2014	<b>ACTION TAKEN:</b> APR 02 2014 PASSED TO SECOND READING APR 09 2014 9:30 A.M.
<b>Financial Impact &amp; Public Involvement Statement</b> Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
<b>Portland Policy Document</b> If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>Council Meeting Date</b> <b>April 2, 2014</b>	
<b>City Auditor Office Approval:</b> required for Code Ordinances	
<b>City Attorney Approval:</b> <i>WRM</i> required for contract, code, easement, franchise, comp plan, charter	

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