

IMPACT STATEMENT

Legislation title: *Authorize the Bureau of Transportation to acquire additional temporary and permanent rights and amend certain legal descriptions for temporary construction and sewer easements necessary for construction of the NE 112th Ave and Marx St Local Improvement District Project, through the exercise of the City's Eminent Domain Authority (Ordinance; amend Ordinance No. 186292; C-10043)

Contact name: Marty Maloney, PBOT Right of Way Acquisition

Contact phone: 503-823-7933

Presenter name: Marty Maloney

Purpose of proposed legislation and background information:

The purpose of this legislation is to acquire certain permanent and temporary rights as well as to amend certain legal descriptions of existing temporary construction and sewer easements necessary for construction of the NE 112th Avenue and NE Marx Street Local Improvement District (LID) project.

This legislation amends Ordinance 186292 passed on October 16, 2013. It was found that additional property rights both permanent and temporary were needed to construct the culvert improvements as well as the hammerhead needed for fire access. Both areas of additional property rights are located on NE 112th Avenue in a segment recently added to the scope of the LID under an Extra Work Agreement executed with property owner Saks, Inc. under authority delegated to the LID Administrator by Council.

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.

It is necessary to acquire possession of the easements by June 1, 2015, so that construction can begin on schedule.

Financial and budgetary impacts:

Property values associated with the easement acquisition have not yet been quantified since negotiations are not completed; however, an estimate for the right of way phase has been budgeted in the Transportation Operating Fund. The level of confidence for the estimate is moderate.

This legislation does not affect staffing levels nor result in a new or modified financial obligation or benefit now or in the future.

If City Council does not approve the ordinance as an emergency ordinance, construction of the NE 112th Avenue and NE Marx Street LID project will be delayed due to improvements including portions of sidewalk, the culvert and the hammerhead not being completed due to lack of property rights. The delay in beginning to acquire these property rights was due to waiting for the successful conclusion of negotiations between the LID Administrator and Saks, Inc., and City Attorney approval as to form of the Extra Work Agreement, which has now been executed to the satisfaction of all parties.

Project funds are available in the Transportation Operating Fund, FY 2014-2015 Budget, SAP #T00347.L46

Community impacts and community involvement:

The acquisition of property rights is necessary in order to build new sidewalks and to replace an undersized culvert underneath NE 112th Avenue in the Columbia South Shore Plan District. The planned improvements will increase pedestrian safety and comfort, and will benefit environmental and scenic resources, while also increasing the infrastructure capacity to accommodate future development. Property owners will be temporarily impacted during construction. However, access to property will always be maintained during construction.

All property owners abutting the planned improvements have been invited to project meetings with additional outreach made to interested parties in East Portland. The Parkrose Neighborhood Association was briefed on the funding and scoping of the overall project during the LID petitioning and LID formation.

The LID was formed with 77% petition support among property owners financially participating in the LID. The right-of-way acquisition needs have been communicated to property owners financially participating in the LID.

Development and execution of the public involvement plan was implemented by Andrew Aebi, Local Improvement District Administrator & Project Manager.

Future public involvement will involve staff continuing to coordinate with the community and adjacent property and business owners to communicate design and schedule updates, as well as to communicate construction impacts. Additional formal public comment opportunities will be provided during the remaining design phase of the project, which is currently at 60% design.

Budgetary Impact Worksheet**Does this action change appropriations?**☐ **YES:** Please complete the information below.☒ **NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

KK 1-16-15