

**ORDINANCE No. 187294**

Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the SE 86<sup>th</sup> Ct and Steele St Local Improvement District project, through the exercise of the City's Eminent Domain Authority (Ordinance; C-10051)

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland may exercise the power of eminent domain pursuant to Section 9-108 of the City Charter and 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, when the exercise of such power is deemed necessary by the City Council to accomplish public purposes for which the City has responsibility.
2. The City of Portland has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public.
3. The project known as SE 86<sup>th</sup> Ct and Steele St Local Improvement District has been planned in accordance with appropriate engineering standards for the construction, maintenance or improvement of said transportation infrastructure such that property damage is minimized, transportation promoted, and travel safeguarded.
4. The general character and scope of the improvement to SE Steele Street and to SE 86<sup>th</sup> Court from SE Steele Street to 150 feet north of SE Insley Street is to remove the existing dirt, gravel and/or hard surface; grade streets to their proper subgrade; construct asphaltic concrete streets with an aggregate base; construct stormwater drainage facilities consisting of curb extensions with water quality treatment facilities and roadside swales; construct sidewalk on one side of the street; and plant street trees in most locations. A multiuse path for pedestrians and bicyclists will also be constructed on SE 86<sup>th</sup> Court from 150 feet north of the north right-of-way line of SE Insley Street to the north right-of-way line of SE Insley Street.
5. To accomplish the project set forth above, it is necessary to acquire the following property interests described and depicted in Exhibits 1 through 8, attached to this Ordinance and, by this reference incorporated herein.
6. It is necessary to acquire possession of the property rights by January 5<sup>th</sup>, 2016, so that construction can begin on schedule.
7. The Bureau's level of confidence in the cost estimates for this project is moderate. Funds are available in the Transportation Operating Fund, FY 2015-2016 Budget, SAP #T00496.L46

NOW, THEREFORE, the Council directs:

- a. That it is hereby declared that it is necessary to acquire the property interests described and depicted in Exhibits 1 through 8 to this Ordinance for the SE 86<sup>th</sup> Ct and Steele St Local Improvement District project, for which the City is authorized by law to acquire property, and that the project has been planned, designed, located, and will be constructed in a manner which will be most compatible with the greatest public good and the least private injury.
- b. That the Director of the Bureau of Transportation or designee and/or City Attorney are authorized to acquire necessary permanent and temporary rights for the 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.
- c. That the power of eminent domain is hereby exercised with respect to each of the interests in property described and depicted in Exhibits 1 through 8. Each is acquired subject to payment of just compensation and subject to procedural requirements of Oregon law.
- d. That the Bureau of Transportation's staff and the Office of the City Attorney are authorized to attempt to agree with the owner and other persons in interest as to the compensation to be paid for each acquisition, and, in the event that no satisfactory agreement can be reached, to commence and prosecute such condemnation proceedings as may be necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition. This authorization is not intended to expand the jurisdiction of any court to decide matters determined above or determinable by the City Council.
- e. That the Bureau of Transportation is authorized to determine the continuing necessity or propriety of the acquisition authorized by this Ordinance, its quantity, quality, or locality, and to reduce or abandon any acquisition described in Exhibits 1 through 8.
- f. 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.
- g. The costs incurred in connection with the acquisitions authorized herein shall be charged to the SE 86<sup>th</sup> Ct and Steele St Local Improvement District project.

- h. The Commissioner-in-Charge and the Auditor are hereby authorized to draw and deliver warrants chargeable to the Transportation Operating Fund Budget when demand is presented and approved by the proper authority.

Passed by the Council, **AUG 19 2015**

Commissioner Steve Novick  
Prepared by: Marty Maloney / slg  
Date Prepared: 6/10/2015

**Mary Hull Caballero**  
Auditor of the City of Portland

By



Deputy

710-836

Agenda No.  
**ORDINANCE NO. 187294**  
Title

Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the SE 86th Ct and Steele St Local Improvement District project, through the exercise of the City's Eminent Domain Authority (Ordinance)

**INTRODUCED BY**  
Commissioner/Auditor:  
**COMMISSIONER STEVE NOVICK**

**COMMISSIONER APPROVAL**

Mayor—Finance and Administration - Hales

Position 1/Utilities - Fritz

Position 2/Works - Fish

Position 3/Affairs - Saltzman

Position 4/Safety – Novick *Forie Silver*

**BUREAU APPROVAL**

Bureau: **Transportation**  
Development, Permitting & Transit Group  
Manager: **Christine Leon**  
Division Mgr:  
Assistant Director: *[Signature]*

Prepared by: Marty Maloney:slg  
Date Prepared: June 10, 2015  
Supervisor: *[Signature]*

Impact Statement  
Completed  Amends Budget

Portland Policy Document  
If "Yes" requires City Policy paragraph stated in document.  
Yes  No

**City Auditor Office Approval:**  
required for Code Ordinances

**City Attorney Approval:**  
required for contract, code, easement, franchise, comp plan, charter *[Signature]*

**Council Meeting Date**  
July 1, 2015

CLERK USE: DATE FILED JUN 26 2015

Mary Hull Caballero  
Auditor of the City of Portland

By: *[Signature]*  
Deputy

**ACTION TAKEN:**  
JUL 01 2015 PASSED TO SECOND READING AUG 19 2015 9:30 A.M.

**AGENDA** *2 of 2*

**TIME CERTAIN**   
Start time: 10:15  
Total amount of time needed: **20 MIN**  
(for presentation, testimony and discussion)  
**IF ANDREW'S RESOLUTION PASSES**

**CONSENT**

**REGULAR**   
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"/>	