

## IMPACT STATEMENT

**Legislation title:** \*Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the Pedestrian Safety Improvements: Americans with Disabilities Act Accessible Sidewalks Project through the exercise of the City's Eminent Domain Authority (Ordinance)

**Contact name:** Ashley McLay, PBOT Right of Way Acquisition

**Contact phone:** 503-865-6344

**Presenter name:** Ashley McLay

### **Purpose of proposed legislation and background information:**

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.

The City of Portland has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public.

The Pedestrian Safety Improvements: ADA Accessible Sidewalks Project (the "Project") will rebuild the two ramps on the SE corner of 60<sup>th</sup> Ave and E Burnside to meet current ADA compliance. In addition, the Project will also provide safe landing next to signal pole and signal activation push buttons. As a part of this Project, which began in 2019, several ADA accessibility ramp reconstructions have been completed to further the City's ADA compliance.

To accomplish the Project set forth above, it is necessary to acquire the following property interests described and depicted in Exhibits 1 through 4, attached to this Ordinance and, by this reference incorporated herein.

All affected property owners have been contacted and informed as to the City's need for certain private property rights related to completion of the Project. All affected property owners have been invited, by mailing, to attend the reading of this agenda item.

### **Financial and budgetary impacts:**

Property values associated with the property acquisitions 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 low to moderate. Funds are available in PBOT's Proposed FY 2021-2022 Budget, in project SAP #T00687.L46, ADA Ramps.

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, construction of the Project will not be feasible as planned, due to lack of property rights needed to make the improvements.

**Community impacts and community involvement:**

Improving the existing corner ramps to meet current ADA compliance is very supported by the community. The project team has been in communication with the property owner impacted by the needed property rights about the project design and need for these property rights.

**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

mjc 4-30-2021