

## IMPACT STATEMENT

**Legislation title:** \*Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the NE Halsey Bike/Ped/Transit Improvement Project through the exercise of the City's Eminent Domain Authority (Ordinance)

**Contact name:** Kevin Balak, PBOT Right of Way Acquisition

**Contact phone:** 503-823-6693

**Presenter names:** Nicole Peirce and Kevin Balak

### **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 NE Halsey Bike/Ped/Transit Improvement Project (the "Project") will install bike, pedestrian and transit related improvements on NE Halsey between NE 68<sup>th</sup> Ave. and NE 92<sup>nd</sup> Ave. These improvements include installing Americans with Disabilities Act (ADA) wheelchair accessible ramps, signalized pedestrian crosswalks, painted separated bike lanes and new sidewalks.

To accomplish the Projects set forth above, it is necessary to acquire the following property interests described and depicted in Exhibits 1 through 70, 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 Projects. 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 moderate. Funds are available in the Transportation Operating Fund Budget, FY 2021-2022 Budget, SAP #T00871.L46.

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:**

- A virtual open house and online survey were held with the community, including property owners in the Project area.
- The Project Manager has communicated with affected property owners from whom permanent easements will be needed for the Project.
- Pedestrian, bike and transit projects are typically non-controversial and supported by neighbors and the broader community. There will be mostly temporary construction easements, but some permanent easements are required.

**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