

From: [Ron Schmidt](#)
To: [Wheeler, Mayor](#); [Commissioner Mapps](#); [Commissioner Hardesty](#); [Commissioner Ryan Office](#); [Commissioner Rubio](#)
Cc: [Council Clerk – Testimony](#)
Subject: Agenda Item 138 Wed 2.23.22 Slow down N Jantzen Avenue project unnecessary property taking
Date: Tuesday, February 22, 2022 8:04:28 PM

Mayor Wheeler and Commissioners. A special thanks to Commissioner Mapps' staff who did amazing last minute work when we found this was on the agenda today. I am grateful for all the hard work you all do. And thank

My name is Ron Schmidt and I am a resident, part owner of Jantzen Beach Moorage, Inc. a floating home moorage in North Portland comprised of 175 homes, some of which are the most reasonably priced homes in the city and who's origin was from homeless building structures on log rafts in the last century. As you can see behind me we are the ultimate in urban infill with only feet between homes. We are comprised of a significant number of retirees and low income residents along with working folks. Our homes and property are the main financial investment and shelter in our lives. I testify against Agenda 113 and ask that you table this funding until an agreeable solution can be made in the taking of our property. I ask that, if you do approve this funding, that you instruct staff to work diligently to find solutions other than the taking of property from citizens when that taking is not needed. If the taking really must occur, the valuation of \$80k for a 1/2 mile of riverfront needs to be recalculated. Lastly, I ask that you consider moving fire hydrant inspection back to the Fire Department and away from the Water Bureau given the Fire Department is more able to do so without the taking of property.

The Impact Statement states "All easements are currently in negotiation and will be in place prior to bidding the Project."

What is not in the statement is that a huge hammer - eminent domain - is being used to obtain a permanent easement over most of our property that is not needed, has not been needed for decades and would stop us from doing future development - carports, garages, multi habitational (worse case scenario State non renews water leases and we must find another use for our property).

They say the reason for this easement is to guarantee access to a maintenance employee to test/maintain the hydrants given our security fences and gates at each end of the property. This project is replacement and not a significant change from the existing lines - no significant change from the system that has been inspected and maintained for decades.

Station 17 Captain Hayes says the Fire Department has no problem getting in for inspections or test runs with their fire engines both now and when the FD was responsible for the fire hydrant inspections, police has no problem getting in with their vehicles (we give out codes to our gates) and Water Bureau has not complained in the several decades we have had the security fence.

We have tried to amicably work with the PWB including their Rights of Way people and the City Attorney. We have suggested alternatives such as moving hydrants to the public right of way, changing the easement to end upon our request to build, etc. and asked for their help in conceiving solutions given their professional knowledge and skill sets. Instead, they had a walk through with the fire inspector without our input seemingly to find reasons not to move the hydrants rather than working together to find the solutions. (Their response was they

didn't have time to contact us. We live here, all they had to do was call).

The discussions then were recently impacted by their allegations our existing fence constructed in the 1990s violates the existing easements. They cited ORS laws and penalty amounts of \$1k to \$5k per incident. We had to dig into history to find that proper permits had been pulled and the city signed off on the fence construction.

Given they are anxious to move, ready to put out invitations to bid and the impact statement says easements will be in place prior to those bids, we expect to see eminent domain filed with the courts soon and before we have a chance to come to a workable solution or reasonable values.

Please table this project until there is a fair agreement between the city and your citizens. If you fund/approve this project, please instruct staff to find a solution outside of eminent domain of our community and that a fair value for the taking be recalculated. Either way please consider moving hydrant inspection back to the fire department who is able to do so without widespread taking of property rights.

Thank you for your time and consideration.

Sincerely,

Ron Schmidt
JBMI Part Owner, Member Legal Review Committee
1983 N Jantzen Avenue
Portland OR. 97217

From: [Ron Schmidt](#)
To: [Council Clerk – Testimony](#)
Subject: Agenda Item 138 Wed 2.23.22 Slow down N Jantzen Avenue project unnecessary property taking
Date: Tuesday, February 22, 2022 8:06:12 PM

Mayor Wheeler and Commissioners:

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Ron Schmidt
JBMI Part Owner, Member Legal Review Committee
1983 N Jantzen Avenue
Portland OR. 97217

City Council Meeting - Wednesday, February 16, 2022 9:30 a.m.

<u>Agenda No.</u>	<u>First Name</u>	<u>Last Name</u>
113	Ron	Schmidt