

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Establishing A Policy For Acquisition Of Real Property For Transportation Projects

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County's Department of Community Services, through its Land Use and Transportation Program (LUTP), is responsible for the design and delivery of the County's Transportation Capital Improvement Projects (Projects) within the County Transportation System comprising of roads and bridges.
- b. It is the Board's policy to maintain its authority to review and approve the Projects to insure consistency with departmental budgets, the Transportation Capital Improvement Plan (TCIP) and overall County policies and strategies.
- c. Biennially, LUTP staff present the Transportation Capital Improvement Plan (TCIP) to the Board. The TCIP identifies and establishes specific Projects and projected completion timelines.
- d. The Projects are required by law to be planned, designed and located in a manner that is most compatible with the least private injury and the greatest public good, but frequently require the acquisition of privately owned property interests.
- e. Historically, through its eminent domain authority, the County has acquired only the real property interests necessary for the construction, maintenance, operation, repair or replacement of transportation infrastructure.
- f. The right-of-way acquisition process is highly prescribed by federal and state law. Currently, LUTP utilizes a compressed process to inform the Board of project specific right-of-way needs and simultaneously request authorization to initiate right-of-way acquisition.
- g. The Board wishes to be better informed and have greater oversight on Projects when property acquisition is contemplated and to expand public notice regarding the potential impact to property interests.
- h. There is a need to develop a County transportation project Administrative Procedure to conform to revised project planning process improvements.

The Multnomah County Board of Commissioners Resolves:

1. LUTP will develop a new Administrative Procedure for approval by the Chair that explains the property acquisition needs of projects in the TCIP, including an expansion of opportunities for public notice and comment.
2. On Projects for which the County will need to acquire property interests, the acquisition must be conducted in a manner consistent with all applicable federal and state laws and regulations including, but not limited to, the notice requirements to affected property owners.
3. The Administrative Procedure will include a procedure allowing for up to two hearings before the Board for consideration of any LUTP adopted capital improvement project where a need to acquire property interests is identified.
 - a) At the first hearing before the Board, LUTP will explain and describe the specific property interests to be acquired and seek authorization to proceed with appraisals and good faith property acquisition negotiations.
 - b) A second hearing will be required before the Board if good faith negotiations are not succeeding as expeditiously as necessary and LUTP will seek further direction from the Board for proceeding including, but not limited to, authorization to exercise the use of eminent domain authority.
4. In an emergency situation, where time is of the essence as provided for under ORS 35.346 and ORS 35.350, compliance with the Administrative Procedure will not be required.

ADOPTED this 14th day of October, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

REVIEWED: HENRY LAZENBY, JR., COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By

Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
M. Cecilia Johnson, Director, Community Services