



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised March 2016)

## Board Clerk Use Only

**Meeting Date:** 11/3/16  
**Agenda Item #:** R.3-A  
**Est. Start Time:** 10:35 am approx  
**Date Submitted:** 10/20/16

**Agenda Title:** Resolution Authorizing Condemnation and Immediate Possession of Real Property Necessary for the NE Arata Road Project

*Note: Title should not be more than 2 lines but sufficient to describe the action requested. Title on APR must match title on Ordinance, Resolution, Order or Proclamation.*

## Requested

**Meeting Date:** November 3, 2016 **Time Needed:** 5 minutes  
**Department:** DCS **Division:** Transportation  
**Contact(s):** Patrick Hinds  
**Phone:** 503-988-3712 **Ext.** 83712 **I/O Address:** 425/2

## Presenter

### Name(s) &

**Title(s):** Patrick Hinds, Permit Specialist; Courtney Lords, Asst. County Attorney

## General Information

### 1. What action are you requesting from the Board?

Authorize the County Attorney to file condemnation proceedings, make a good faith deposit in the Circuit Court, and request an Order from the Court authorizing the County to take immediate possession of real property necessary for the N.E. Arata Road Project.

### 2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

By Resolution No. 2014-140 adopted on Dec. 11, 2014, and Resolution No. 2016-016 adopted March 10, 2016, the Board authorized the County to undertake negotiations for the acquisition of certain real property interests as more particularly described in Exhibit A, and as shown on the Exhibit Map (the "Property") attached to the Resolution; for the purpose of constructing, installing, operating, maintaining, repairing and reconstructing drainage facilities, associated with the N.E. Arata Road Project (the "Project").

The Project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury.

The County, by and through its acquisition agent, HDR, mailed an offer letter on May 5, 2016. The County's offer was not accepted by the property owner. Consequently, negotiations for the acquisition of the Property have not, to date, resulted in a settlement and it is necessary to acquire immediate possession of the Property to allow construction to proceed and be completed on schedule and within budgetary limitations.

**3. Explain the fiscal impact (current year and ongoing).**

Property acquisition costs, plus appraisal fees, court fees and costs of litigation, all of which are included in the Project budget.

**4. Explain any legal and/or policy issues involved.**

The County will strictly follow the rules, policies and procedures of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35, the "State Right of Way Manual", and Multnomah County Administrative Procedure Trans-01 as such rules, policies and procedures prescribe use of the County's eminent domain authority.

**5. Explain any citizen and/or other government participation that has or will take place.**

The County conducted several public meetings to solicit public concerns before starting, and during the planning process.

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**Required Signature**

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**Elected  
Official or  
Department  
Director:**

Kim Peoples /s/

**Date:**

October 20, 2016