

Legislation Details (With Text)

File #: 17-627 **Version:** 1
Type: Resolution **Status:** Agenda Ready
In control: Urban Renewal Agency
On agenda: 1/8/2018 **Final action:** 1/8/2018
Title: Initiation of condemnation proceedings for the Portland Road Streetscape Improvement Project.
Ward(s): 5
Board Member(s): Ausec
Neighborhood(s): Northgate Neighborhood Association

Sponsors:**Indexes:****Code sections:**

Attachments: 1. Project Area Map, 2. Property Acquisition Map, 3. Resolution No. 18-1 URA

Date	Ver.	Action By	Action	Result
1/8/2018	1	Urban Renewal Agency		
1/8/2018	1	Urban Renewal Agency	adopted	Pass

TO: Urban Renewal Agency Board
THROUGH: Steve Powers, Executive Director
FROM: Kristin Retherford, Director Urban Development Dept.
Peter Fernandez, Director Public Works Dept.

SUBJECT:

Initiation of condemnation proceedings for the Portland Road Streetscape Improvement Project.

Ward(s): 5
Board Member(s): Ausec
Neighborhood(s): Northgate Neighborhood Association

ISSUE:

Shall the Agency adopt Resolution No. 18-1 URA authorizing the use of eminent domain to acquire right-of-way for the construction of the Portland Road Streetscape Improvement Project?

RECOMMENDATION:

Adopt Resolution No. 18-1 URA authorizing the use of eminent domain to acquire right-of-way for the construction of the Portland Road Streetscape Improvement Project.

SUMMARY AND BACKGROUND:

The Portland Road NE Streetscape Improvement Project (Attachment 1) originated following cancellation of the larger Portland Road NE Phase 2 project from the early 2000s. While the Phase 2 project did not advance to the construction phase, the right-of-way for the project was acquired from all but one property owner (Attachment 2). The current streetscape improvements are a result of the Portland Road Action Plan adopted in 2016. The project is being constructed with funds from the North Gateway Urban Renewal Area.

Design of the streetscape project began in spring 2017. A review of the acquisitions from the Phase 2 project identified a strip of property along Portland Road NE adjacent to 3820 Portland Road NE that was never acquired. In 2002, the Agency and Blue Chip Properties signed acquisition documents for the property, and the Agency issued a check to Blue Chip Properties. However, the funds were not dispersed, the transaction was not completed and property ownership was never transferred to the Agency.

In 2003, Blue Chip Properties sold the property to Khan Oil, LLC. The transfer of ownership utilized the legal description of the remainder property, omitting the property the Agency had attempted to acquire. This illegally created two parcels: the remainder parcel and a strip parcel intended for public right-of-way. The current owner of the remainder parcel has no claim to the strip parcel, which remains under Blue Chip Properties ownership.

FACTS AND FINDINGS:

Blue Chip Properties is defunct and staff has been unable to contact any of its principals to purchase the property. In order to eliminate the illegally created parcel, clear title issues, and secure the property necessary to construct the project, it is necessary to acquire the property through condemnation as described in Resolution No. 18-1 URA (Attachment 3).

Clint Dameron
Real Property Services Manager

Attachments:

1. Project Area Map
2. Property Acquisition Map
3. Resolution No. 18-1 URA