COMMITTEE STAFF SUMMARY

Public Works Committee

Ordinance (Document number 2026-335): Authorize Bureau of Transportation to acquire certain temporary property rights necessary for construction of the SE Stark St: 111th - 151st Ave Project through the exercise of the City's Eminent Domain Authority

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Action Date: September 22, 2026

Action: Referred to City Council with the recommendation it be passed

Vote: 4-0-1

Ayes: Koyama Lane, Smith, Kanal, Clark

Nays: N/A

Absent: Green

Impact Statements: Financial and budgetary impacts; Community impacts and community involvement

Prepared by: Claire Adamsick, Council Operations Policy Analyst

Committee Meetings: September 22, 2026 (recording and transcript)

WHAT THE ORDINANCE DOES:

The ordinance (document number 2026-335) authorizes the Portland Bureau of Transportation (PBOT) to acquire certain temporary property rights necessary for intersection improvements at SE 119th Avenue and SE Stark Street through exercise of the City's eminent domain authority pursuant to Section 9-108 of the City Charter and Oregon Revised Statutes Chapter 35. Exhibits 1-4 of the ordinance describe the temporary construction easement needed to facilitate the improvements, that include new ADA curb ramps and a pedestrian refuge island to facilitate safe and accessible crossing.

The ordinance grants PBOT and the City Attorney's Office the authority to negotiate and offer just compensation for the required property interests. If negotiations are unsuccessful, the ordinance authorizes the initiation of condemnation proceedings to determine just compensation through the judicial process. This authority does not extend or alter the jurisdiction of the courts beyond what is appropriate or reserved for City Council determination. The ordinance further authorizes the creation of a sub-fund in the amount estimated to be the just compensation for each interest property which, if necessary, shall be deposited with the clerk of the court where an action is commenced.

ISSUES DISCUSSED:

- Whether outreach via mail is sufficient in reaching affected property owners and ensuring they understand what is being requested of them
- PBOT right-of-way staff efforts to make direct contact with property owners beyond mail outreach that is required prior to a Council hearing, and focus on successful negotiation with property owners

PUBLIC TESTIMONY IN COMMITTEE:

No verbal or written testimony was submitted on this item prior to committee action.

BACKGROUND:

Outer SE Stark Street is part of the City's High Crash Network, and is among the 30 streets and intersections with the most serious crashes. Recent safety improvements in this corridor, in alignment with the Safer Outer Stark safety plan, include paving ADA corner ramp upgrades and the installation of protected bike lanes on SE Stark between SE 108th and SE 122nd Avenues.

The current phase of the Safer Outer Stark safety plan includes pedestrian crossing improvements at six intersections with higher crash history: SE 111th and Stark; SE 119th and Stark; SE 128th and Stark; SE 137th and Stark; SE 141st and Stark; and SE 151st and Stark. At these intersections, the Portland Bureau of Transportation will construct ADA compliant curb ramps, pedestrian crossing islands, enhanced signing and striping, and updated drainage and utility components.

Safety improvements at the intersection of SE 119th Avenue and SE Stark Street require a temporary construction easement. The City is initiating this action through its eminent domain authority. The City is authorized to exercise the power of eminent domain under Section 9-108 of the City Charter and in accordance with the procedures outlined in Oregon Revised Statutes (ORS) Chapter 35. In accordance with ORS 35.235, the acquisition of property for public purposes requires the adoption of an ordinance by the Council.