

A special meeting of the Astoria Common Council was held at the above place at the hour of 12:00 pm.

Councilors Present: Nemlowill, Jones, Price, Mayor LaMear, and Brownson.

Councilors Excused: None

Staff Present: City Manager Estes, Finance Director Brooks, Public Works Director Cook, City Engineer Harrington, City Support Engineer Moore, Library Director Pearson, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

## REGULAR AGENDA ITEMS

### **Item 3(a): Waterfront Bridges Replacement Project: Private Easements and Right of Way Dedications**

Where each of the City's numbered streets between 6th and 11th Streets meet the Columbia River, a short bridge connects the solid-ground road to the over-water pier structure. These waterfront bridge structures are of utmost importance to the City as they provide access to critical portions of our waterfront. They provide both pedestrian, vehicular, and trolley access to many businesses and attractions. In addition, they provide essential emergency vehicle access to the waterfront. Currently the structures are all vehicular load limited. The City secured funding through the Oregon Department of Transportation (ODOT) Local Highway Bridge Program with only 10.27 percent City match required. The design phase is over 60 percent complete.

As part of the Waterfront Bridges Replacement Project, multiple easements are required with private property owners. Temporary construction easements are needed for 11 of the properties adjacent to the bridge construction. These temporary construction easements will only be used during construction and the property will be restored to as good or better condition as it was prior to the work. Permanent right-of-way dedication is necessary for six of the properties for the purpose of placing, installing, and maintaining small portions of the new bridge structures.

The engineering design firm, OBEC Consulting Engineers, the City, and ODOT have followed the Federal Highway Administration policy and the ODOT right-of-way manual in developing the property easements and dedication deeds needed for the Waterfront Bridges Replacement Project. Appropriate and fair compensation for the easements and right-of-way acquisitions was based on these guidance documents and a full appraisal report.

A resolution must also be approved by the Council as a formality to meet the federal and state requirements. This resolution establishes the City's authority to exercise the power of eminent domain for this project, should it become necessary. Property easements and dedication deeds are an essential part of the construction and alignment of the new bridge structures. Formal correspondence with property owners regarding the property transactions has been ongoing since February including delineating the easement and deed areas in the field for the property owners and meeting with them to discuss the project need and compensation. Negotiations with the property owners are at various stages regarding the terms and compensation. In the event that no satisfactory agreement can be reached, and as a last resort, the City may commence with condemnation proceedings when in the public interest for project implementation.

Federal and state law requires the following process, at a minimum:

- Resolution Exercising the Power of Eminent Domain
- Formal offer letter to property owner with 40 days to come to a settlement agreement (If a settlement cannot be reached, City Staff will inform Council and request authorization to initiate the next steps as outlined in subsequent bullets).
- City's attorney sends letter to property owner with final offer while simultaneously filing a Complaint in Court with payment

- Jurisdiction has a right to the property after the Complaint is filed and payment deposited
- Any legal action by property owner would be addressed while the jurisdiction maintains rights to the property

The project team will allow as much time as feasible to come to a settlement with each of the property owners, without jeopardizing the project timeline. Again, the condemnation process will only be used as a last resort if an agreement is not realized.

A couple of property owners have signed the legal documents, which are included with this packet for approval. Upon Council approval of these easements and dedication deed, each property owner will be paid the following:

ALLEN temporary construction easement	\$350.00
ALLEN temporary construction easement	\$1,100.00
L&F PROPERTIES temporary construction easement	\$498.00
L&F PROPERTIES dedication deed	\$3,602.00
<b>TOTAL</b>	<b>\$5,950.00</b>

The remaining easements and dedication deeds are still being negotiated. Finalized documents will be presented to Council as they become available. Private property transactions are important to the success of a project and critical deadlines must be met with these transactions to keep the project on schedule.

Procurement of easements was included in the project budget and is eligible for reimbursement through the project funding. The City will be responsible for 10.27 percent of the bridge project final cost. The 10.27 percent is proposed to be paid through Surface Transportation Program (STP) Funds. The total cost for the easements and dedication deeds is estimated at up to \$90,000 with the City's contribution totaling \$9,243.00. The property owners will be paid within two weeks of signatures. The fully executed easement document will be recorded within a month of signatures. The City Attorney has reviewed the easements and approved as to form. The resolution has also been reviewed by the City Attorney.

A brief project funding update:

ODOT Local Agency Bridge Selection Committee approved the City's request for additional funding that was authorized by Council in March. An IGA Amendment is being prepared by ODOT to reflect increased funding and is expected to be presented to Council for approval within the next two months.

An Infrastructure Finance Authority (IFA) loan will be utilized for the City's match for the Waterfront Bridges Project. The loan will be paid back with annual Surface Transportation Program (STP) funds that the City receives from ODOT. Oregon Department of Justice is currently reviewing the contract. Said contract is expected to be presented to Council for approval in the next 2 months.

It is recommended that City Council approve the attached resolution and authorize the Mayor to sign the three private easements and one dedication for a total cost of \$5,950.00 for construction of the Waterfront Bridges Replacement project.

City Support Engineer Moore reviewed the project timeline and said the in-water work needed to begin no later than November 1<sup>st</sup> to avoid delaying the project by an entire year. She displayed exhibits of the easements and rights-of-ways and described the work that needed to be done in each area. She confirmed no buildings would be affected by the construction.

Mayor LaMear asked why businesses were not willing to grant an easement or right-of-way. Engineer Moore clarified none of the businesses had said they were completely unwilling, but Staff does have some hurdles to work through. Their goal is to get through all of the negotiations without going through the condemnation process. The resolution is required by the State. Condemnation will only be implemented if the negotiations

cannot be completed in time to start work on November 1<sup>st</sup>. Each property has its own challenges, some of which include changes of ownership and ongoing property sales.

Councilor Brownson asked for details about the condemnation process. Engineer Moore said dedications would be needed to put a structure on a property, which would limit the use of the property. This would be permanent. The construction easements would be temporary and the property would be returned in as good or better condition at the end of construction. She confirmed that the City would give the fair market value for the dedications.


Councilor Brownson understood that there were some technical issues, but no resistance. Engineer Moore noted that one or two property owners were not excited about the project, but the City would work towards a resolution. She briefly reviewed the project funding, which was outlined in the Staff report.

**City Council Action:** Motion by Councilor Nemlowill, seconded by Councilor Brownson to approve the attached resolution and authorize the Mayor to sign the three private easements and one dedication for a total cost of \$5,950.00 for construction of the Waterfront Bridges Replacement project. Motion passed unanimously. Ayes: Councilors Price, Nemlowill, Jones, Brownson, and Mayor LaMear. Nays: None.

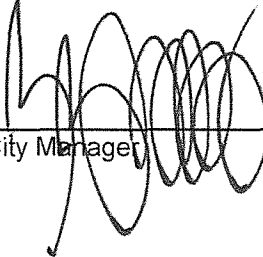
**ADJOURNMENT**

There being no further business, the meeting was adjourned at 12:17 pm.

**ATTEST:**

  
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Finance Director

**APPROVED:**

  
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City Manager