


Date: July 26, 2023

To: Board of Directors

From: Sam Desue, Jr. 

Subject: **RESOLUTION NO. 23-07-36 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) DECLARING CERTAIN REAL PROPERTY AS NECESSARY FOR CONSTRUCTION AND OPERATION OF THE HOLLYWOOD TRANSIT CENTER INFRASTRUCTURE PROJECT**

**1. Purpose of Item**

This Resolution requests that the TriMet Board of Directors (Board) declare that certain real property interests are necessary for the construction and operation of the Hollywood Transit Center Infrastructure Project (Project), and to authorize the General Manager or his designee to make offers to acquire those property interests by purchase or by the power of eminent domain.

**2. Type of Agenda Item**

- Initial Contract
- Contract Modification
- Other Declaration of Necessity of Real Property

**3. Reason for Board Action**

Chapter 267 of the Oregon Revised Statutes authorizes TriMet to acquire real property by purchase or eminent domain, and ORS 35.235 requires the Board to declare the necessity and purpose for which the real property is required.

**4. Type of Action**

- Resolution
- Ordinance 1<sup>st</sup> Reading
- Ordinance 2<sup>nd</sup> Reading
- Other \_\_\_\_\_

**5. Background**

To promote transit-oriented development and affordable housing, TriMet is redeveloping the Hollywood Transit Center, located at NE 42<sup>nd</sup> Avenue and NE Halsey Street. The scope of the Project includes the redevelopment of NE 42<sup>nd</sup> Avenue as a public plaza, a new stair and ramp structure into which the traction power substation will be integrated, and new bus facilities. At its December 14, 2022 meeting, the Board adopted Resolution No. 22-12-68, authorizing a contract with Raimore Construction, LLC for Construction Manager/General Contractor pre-construction services for the Project, and at its February 22, 2023 meeting the Board adopted Resolution No. 23-02-06, modifying Raimore’s contract to add the construction work for the Project.

The site immediately adjacent to and west of the Project is intended to be developed by BRIDGE Housing with a 12-story, approximately 224 unit building to provide affordable housing.

As part of its Project, TriMet will be constructing improvements to the public right-of-way along NE Halsey Street, including new signals and crosswalks at NE 41<sup>st</sup> Avenue and NE Halsey Street and NE 42<sup>nd</sup> Avenue and NE Halsey Street. TriMet will also construct a new bus shelter on NE 42<sup>nd</sup> Avenue.

In order to improve the accessibility and safety of the intersections and crosswalks at NE 41<sup>st</sup> and NE 42<sup>nd</sup> Avenues, TriMet needs to construct new curb ramps that meet City of Portland design standards and are compliant with the Americans with Disabilities Act (ADA). In order to construct these right-of-way improvements and operate the Project, TriMet needs to acquire certain interests in real property located at 1503 NE 41<sup>st</sup> Avenue, 4121 NE Halsey Street, and 1510 NE 42<sup>nd</sup> Avenue. Those properties are owned, respectively, by AT&T Broadband of Ohio, LLC; Hollywood Crossing 3, LLC; and Baskets Unlimited Holding, LLC. Care has been taken to design the Project to have the least possible impact on private property. In this case, TriMet only needs to acquire permanent easements and temporary construction easements from each of these three properties.

**6. Financial/Budget Impact**

The purchase of necessary property is a Project cost and is included in the Project budget.

**7. Impact if Not Approved**

This Resolution is required in order for TriMet to acquire the real property and real property interests necessary to construct and operate the Project. After approval of the Resolution, TriMet staff will make a formal written offer to purchase each interest in real property based on an independent appraisal, and will attempt to agree with each property owner to acquire the identified property. TriMet anticipates the property interests needed will be acquired by negotiation, and this Resolution does not authorize TriMet to file any condemnation lawsuits. In the event negotiations are unsuccessful and TriMet is required to condemn real property, further action by the Board will be necessary. In that case, staff would return to the Board for the necessary authorizations.

**RESOLUTION NO. 23-07-36**

**RESOLUTION NO. 23-07-36 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) DECLARING CERTAIN REAL PROPERTY AS NECESSARY FOR CONSTRUCTION AND OPERATION OF THE HOLLYWOOD TRANSIT CENTER INFRASTRUCTURE PROJECT**

**WHEREAS**, the Hollywood Transit Center Infrastructure Project (Project) will create several new improvements at and near the existing Hollywood Transit Center, including a public plaza, public walkway and ramp/stair structure for pedestrians and bikes to reach the ODOT pedestrian bridge across I-84 and access the Hollywood MAX station; and

**WHEREAS**, the Project also includes improvements to the public right-of-way along NE Halsey Street, including new signals and crosswalks at NE 41<sup>st</sup> Avenue and NE Halsey Street, and NE 42<sup>nd</sup> Avenue and NE Halsey Street, and a new bus shelter on NE 42<sup>nd</sup> Avenue; and

**WHEREAS**, TriMet has identified certain real property and real property interests as necessary to acquire for the construction and operation of the Project; and

**WHEREAS**, pursuant to ORS 267.200(2) and ORS 267.225(2), TriMet is authorized and empowered to acquire by condemnation, purchase, lease, devise, gift or voluntary grant real and personal property or any interest therein located inside the TriMet boundaries; and

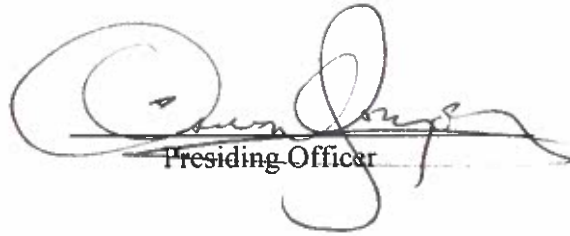
**WHEREAS**, pursuant to ORS 35.235, after the Board first declares by Resolution the necessity for the acquisition of real property and the purpose for which it is required, TriMet is authorized to attempt to agree with the owner of said real property on the amount of compensation to be paid therefor, and the damages, if any, for the taking thereof.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Board hereby declares that the acquisition of certain real property and real property interests owned by AT&T Broadband of Ohio, LLC; Hollywood Crossing 3, LLC; and Baskets Unlimited Holding, LLC, generally described in the attached Exhibit A by owner, address and tax lot identification number, and legally described and depicted on the attached Exhibit B, is necessary for the construction and operation of the Project. Exhibit A and B are attached hereto and made a part hereof as if fully set forth herein.
2. That the construction of the Project is necessary for the public interest, and has been planned, designed, located and will be constructed in a manner that will be most compatible with the greatest public good and the least private injury.

3. That the General Manager or his designee is authorized and directed to attempt to make agreements with the owners of the property and any other persons in interest as to the compensation to be paid for the property and damages, if any, for the taking thereof, and is authorized to make a binding offer of such compensation.

Dated: July 26, 2023



Presiding Officer

Attest:



Recording Secretary

Approved as to Legal Sufficiency:



Legal Department

Exhibit A to Resolution 23-07-36

File number	Name of Owner of Record	Tax Lot Map No./State ID	Tax Property ID No. (R#)	Site Address
HTC 1629	AT&T Broadband of Ohio, LLC, a Delaware limited liability company	1N1E25DD-11500	R251875	1503 NE 41st Ave, Portland, OR 97232
HTC 1630	Hollywood Crossing 3, LLC, a California limited liability company Baskets Unlimited Holding, LLC, a California limited liability company	1N1E25DD-10500	R251864	4121 NE Halsey St, Portland, OR 97232
HTC 1631		1N2E30CC-12800	R251861	1510 NE 42nd Ave, Portland, OR 97213

## **Exhibit B to Resolution 23-07-36 – Legal Descriptions**

EXHIBIT A

TEMPORARY CONSTRUCTION EASEMENT

BEING A PORTION OF LOT 20, BLOCK 4, RALSTONS ADDITION TO EAST PORTLAND, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON, AND LOCATED IN THE SE 1/4 OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 20;

THENCE ALONG THE EAST LINE OF SAID LOT 20, AND THE WEST RIGHT-OF-WAY LINE OF NE 41ST AVENUE, N01°37'02"W, A DISTANCE OF 8.90 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG THE EAST LINE OF SAID LOT 20, AND THE WEST RIGHT-OF-WAY LINE OF NE 41ST AVENUE, N01°37'02"W, A DISTANCE OF 2.70 FEET;

THENCE S88°22'58"W, A DISTANCE OF 1.36 FEET,

THENCE S50°27'35"W, A DISTANCE OF 17.65 FEET MORE OR LESS, TO THE SOUTH LINE OF SAID LOT 20, AND THE NORTH RIGHT-OF-WAY LINE OF NE HALSEY STREET;

THENCE ALONG THE SOUTH LINE OF SAID LOT 20, AND THE NORTH RIGHT-OF-WAY LINE OF NE HALSEY STREET, S88°47'31"E, A DISTANCE OF 3.10 FEET;

THENCE N54°07'34"E, A DISTANCE OF 14.74 FEET MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

BASIS OF BEARINGS: WEST RIGHT-OF-WAY LINE OF NE 41ST AVENUE, SURVEY NO. 66447.

CONTAINING: 42 SQUARE FEET MORE OR LESS.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*David W. Taylor*

OREGON  
FEBRUARY 8, 2000  
DAVID W. TAYLOR  
#53762

RENEWS JUNE 30, 2024

EXHIBIT A

EASEMENT FOR RIGHT-OF-WAY PURPOSES

BEING A PORTION OF LOT 20, BLOCK 4, RALSTONS ADDITION TO EAST PORTLAND, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON, AND LOCATED IN THE SE 1/4 OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 20;

THENCE ALONG THE EAST LINE OF SAID LOT 20, AND THE WEST RIGHT-OF-WAY LINE OF NE 41ST AVENUE, N01°37'02"W, A DISTANCE OF 8.90 FEET;

THENCE S54°07'34"W, A DISTANCE OF 14.74 FEET MORE OR LESS, TO THE SOUTH LINE OF SAID LOT 20, AND THE NORTH RIGHT-OF-WAY LINE OF NE HALSEY STREET;

THENCE ALONG THE SOUTH LINE OF SAID LOT 20, AND THE NORTH RIGHT-OF-WAY LINE OF NE HALSEY STREET, S88°47'31"E, A DISTANCE OF 12.20 FEET MORE OR LESS, TO THE POINT OF BEGINNING.

BASIS OF BEARINGS: WEST RIGHT-OF-WAY LINE OF NE 41ST AVENUE, SURVEY NO. 66447.

CONTAINING: 54 SQUARE FEET MORE OR LESS.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

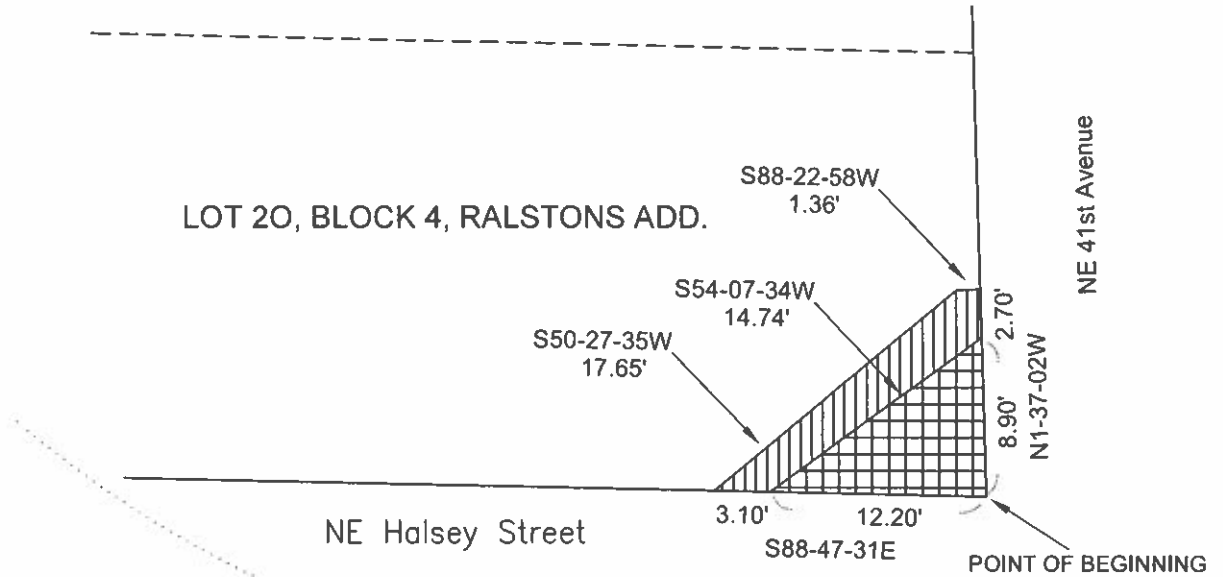
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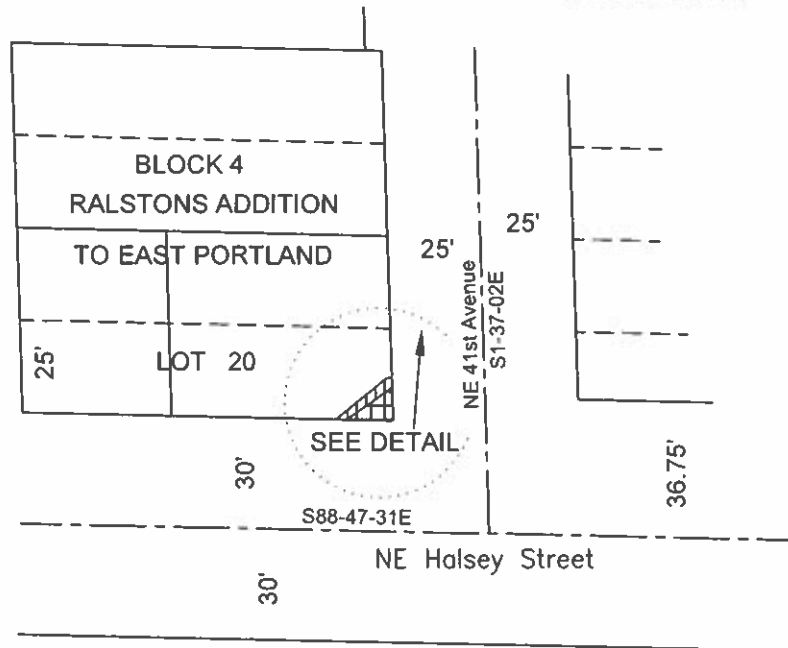
RENEWS JUNE 30, 2024



EXHIBIT B



DETAIL NOT TO SCALE





REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

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OREGON  
FEBRUARY 8, 2000  
DAVID W. TAYLOR  
#53762

RENEWS: JUNE 30, 2024

LEGEND

-  TEMPORARY CONSTRUCTION EASEMENT  
= 42 SQUARE FEET +/-
-  RIGHT-OF-WAY EASEMENT  
= 54 SQUARE FEET +/-



SCALE

REAL ESTATE AND TRANSIT ORIENTED DEVELOPMENT DEPARTMENT  
TRIMET LEGAL SERVICES DIVISION

EXHIBIT A

WESTERLY TEMPORARY CONSTRUCTION EASEMENT

BEING A PORTION OF LOT 28, BLOCK 3, RALSTONS ADDITION TO EAST PORTLAND, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON, AND LOCATED IN THE SE 1/4 OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

THE WEST 5.00 FEET, OF THE SOUTH 14.10 FEET, OF THE NORTH 18.25 FEET, OF SAID LOT 28.

CONTAINING: 71 SQUARE FEET MORE OR LESS.

EASTERLY TEMPORARY CONSTRUCTION EASEMENT

BEING A PORTION OF LOT 26 AND LOT 25, BLOCK 3, RALSTONS ADDITION TO EAST PORTLAND, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON, AND LOCATED IN THE SE 1/4 OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

THE EAST 5.00 FEET, OF THE NORTH 3.00 FEET, SAID LOT 26, AND ALSO THE EAST 5.00 FEET OF THE SOUTH 24.50 FEET OF SAID LOT 25

CONTAINING: 138 SQUARE FEET MORE OR LESS.

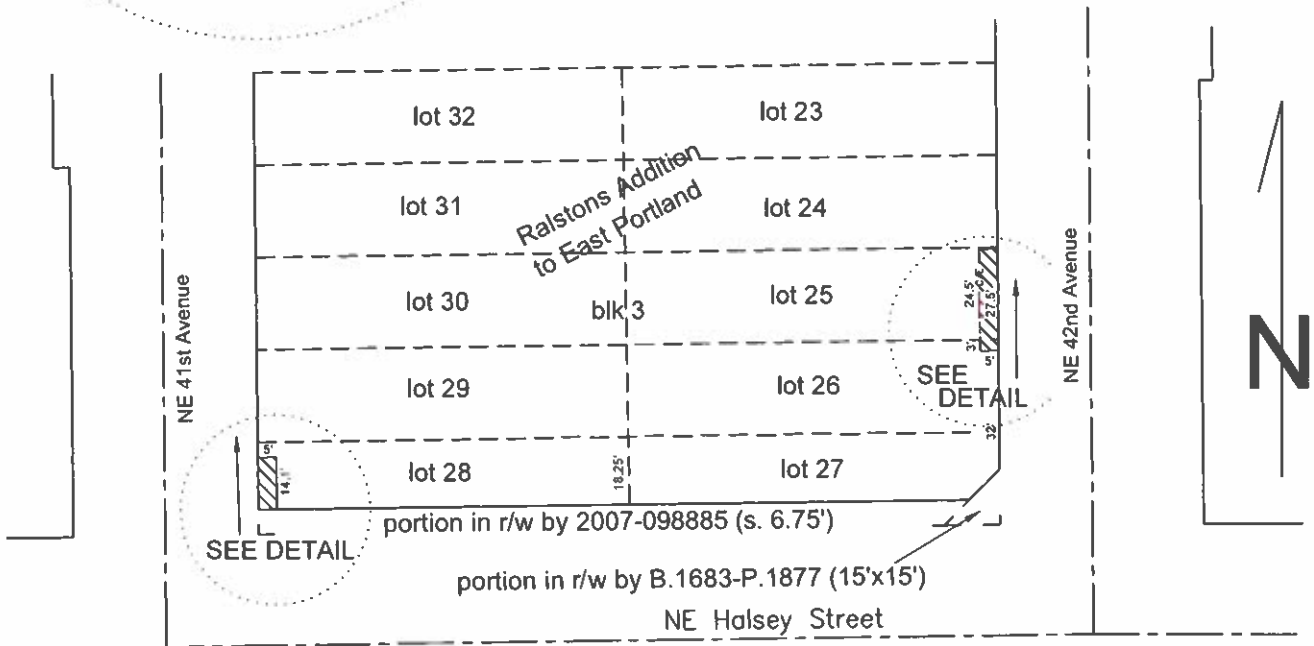
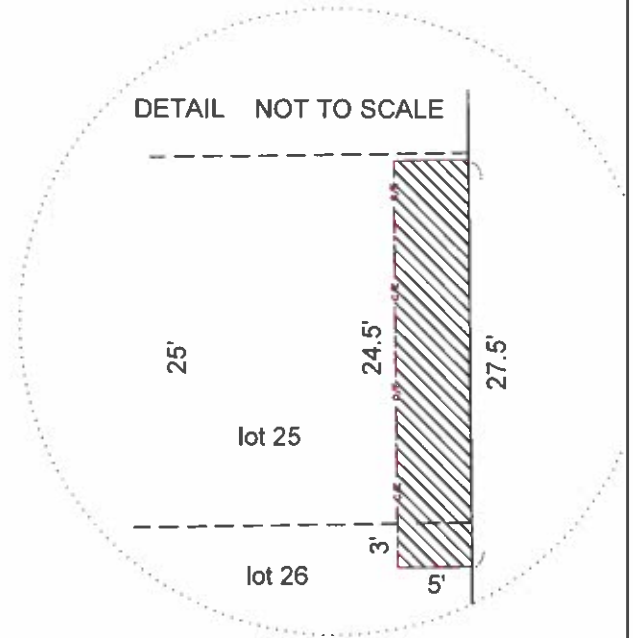
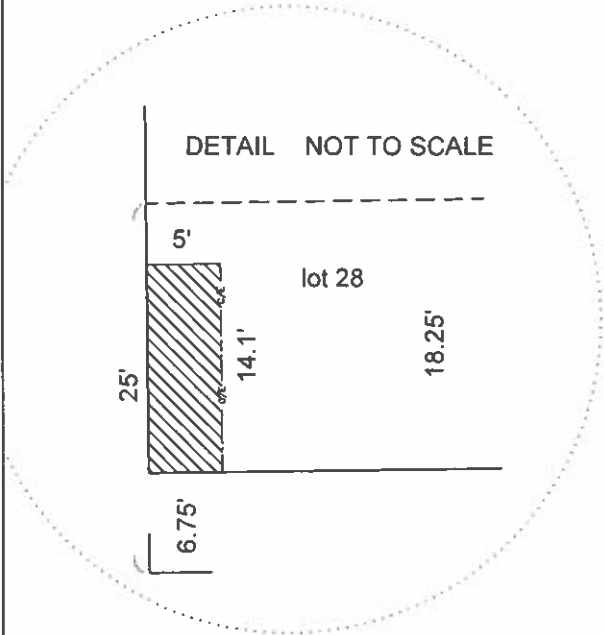
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EXHIBIT B



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RENEWS: JUNE 30, 2024

LEGEND



TEMPORARY CONSTRUCTION EASEMENT



SCALE

REAL ESTATE AND TRANSIT ORIENTED DEVELOPMENT DEPARTMENT  
TRIMET LEGAL SERVICES DIVISION

EXHIBIT A

TEMPORARY CONSTRUCTION EASEMENT

BEING A PORTION OF LOT 17, BLOCK 2, RALSTONS ADDITION TO EAST PORTLAND, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON, AND LOCATED IN THE SW 1/4 OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 17;

THENCE ALONG THE SOUTH LINE OF SAID LOT 17, AND THE SOUTH RIGHT-OF-WAY LINE OF NE HALSEY STREET, N90°00'00"E, A DISTANCE OF 13.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG THE SOUTH LINE OF SAID LOT 17, AND THE SOUTH RIGHT-OF-WAY LINE OF NE HALSEY STREET, N90°00'00"E, A DISTANCE OF 5.00 FEET;

THENCE N00°00'0"E, A DISTANCE OF 3.00 FEET;

THENCE N51°10'03"W, A DISTANCE OF 16.45 FEET;

THENCE N0°31'05"W, PARALLEL WITH THE WEST LINE OF SAID LOT 17, A DISTANCE OF 1.13 FEET;

THENCE S89°28'55"W, A DISTANCE OF 5.00 FEET MORE OR LESS;

THENCE S0°31'05"E, PARALLEL WITH THE WEST LINE OF SAID LOT 17, A DISTANCE OF 3.50 FEET;

THENCE S51°10'03"E, A DISTANCE OF 16.43 FEET;

THENCE S00°00'0"W, A DISTANCE OF 0.60 FEET MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

BASIS OF BEARINGS: EAST RIGHT-OF-WAY LINE OF NE 42ND AVENUE, SURVEY NO. 61246.

CONTAINING: 103 SQUARE FEET MORE OR LESS.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*David W. Taylor*

OREGON  
FEBRUARY 8, 2000  
DAVID W. TAYLOR  
#53762

RENEWS JUNE 30, 2024

EXHIBIT A

PUBLIC WALKWAY EASEMENT

BEING A PORTION OF LOT 17, BLOCK 2, RALSTONS ADDITION TO EAST PORTLAND, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON, AND LOCATED IN THE SW 1/4 OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 17;

THENCE ALONG THE SOUTH LINE OF SAID LOT 17, AND THE SOUTH RIGHT-OF-WAY LINE OF NE HALSEY STREET, N90°00'00"E, A DISTANCE OF 13.00 FEET;

THENCE N00°00'0"E, A DISTANCE OF 0.60 FEET;

THENCE N51°10'03"W, A DISTANCE OF 16.43 FEET;

THENCE N0°31'05"W, PARALLEL WITH THE WEST LINE OF SAID LOT 17, A DISTANCE OF 3.50 FEET;

THENCE S89°28'55"W, A DISTANCE OF 0.30 FEET MORE OR LESS, TO THE WEST LINE OF SAID LOT 17;

THENCE ALONG THE WEST LINE OF SAID LOT 17, AND THE EAST RIGHT-OF-WAY LINE OF NE 42ND AVENUE, S0°31'05"E, A DISTANCE OF 14.40 FEET MORE OR LESS, TO THE POINT OF BEGINNING.

BASIS OF BEARINGS: EAST RIGHT-OF-WAY LINE OF NE 42ND AVENUE, SURVEY NO. 61246.

CONTAINING: 77 SQUARE FEET MORE OR LESS.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

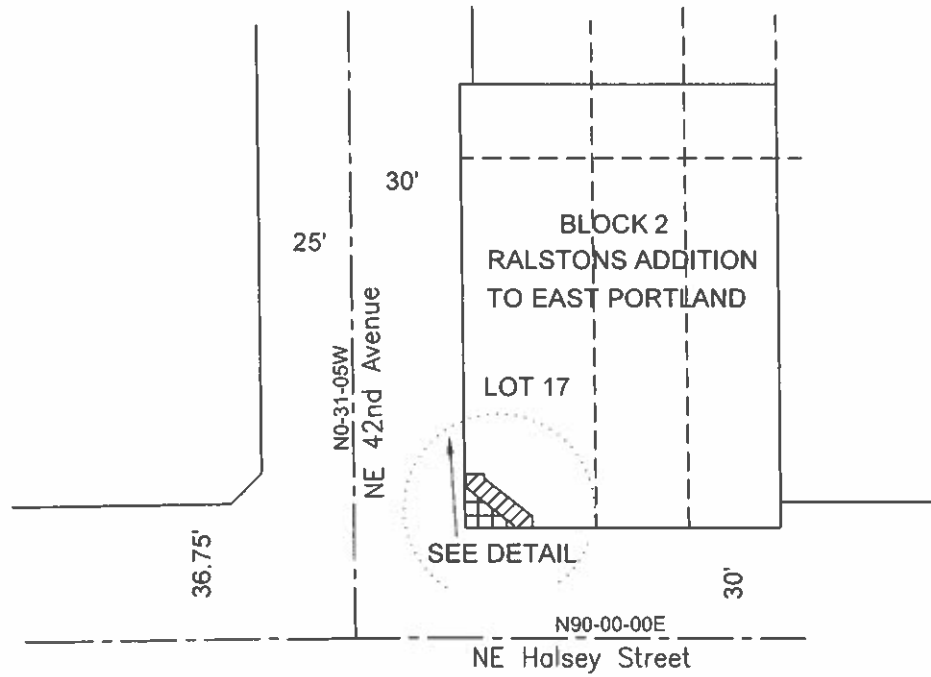
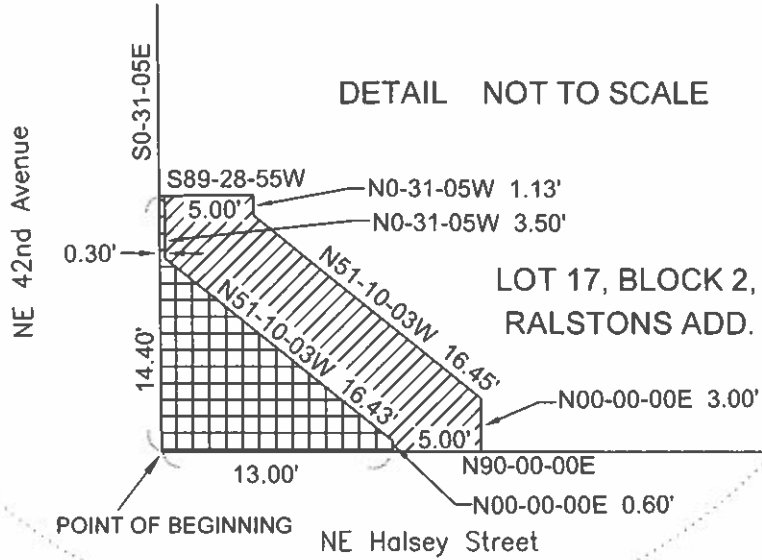
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EXHIBIT B

DETAIL NOT TO SCALE





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RENEWS: JUNE 30, 2024

LEGEND

-  TEMPORARY CONSTRUCTION EASEMENT  
= 103 SQUARE FEET +/-
-  PUBLIC WALKWAY EASEMENT  
= 77 SQUARE FEET +/-

25' | 50'

SCALE

REAL ESTATE AND TRANSIT ORIENTED DEVELOPMENT DEPARTMENT  
TRIMET LEGAL SERVICES DIVISION

