TRIMET

Memo

Date: October 28, 2026

To: Board of Directors

From: Sam Desue, Jr.

Subject: **RESOLUTION 26-10-30 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) DECLARING CERTAIN REAL PROPERTY AS NECESSARY AND AUTHORIZING THE ACQUISITION BY PURCHASE OR BY THE EXERCISE OF THE POWER OF EMINENT DOMAIN CERTAIN REAL PROPERTY NECESSARY FOR THE CONSTRUCTION AND OPERATION OF THE 82nd AVENUE TRANSIT PROJECT**

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1. **Purpose of Item**
   This Resolution requests authorization for the General Manager or his designee to declare that certain real property and real property interests are necessary for the construction and operation of the 82nd Avenue Transit Project (Project) and to authorize TriMet to acquire certain real property and real property interests necessary for the construction and operation of the Project by purchase or by the power of eminent domain.

2. **Type of Agenda Item**
   - ☐ Initial Contract
   - ☐ Contract Modification
   - ☒ Other: Declaration of Necessity and Authorization to Acquire Real Property and Real Property Interest by Purchase or Eminent Domain

3. **Reason for Board Action**
   Chapter 267 of the Oregon Revised Statutes (ORS) authorizes TriMet to acquire property by purchase or eminent domain, and ORS 35.235 requires the TriMet Board of Directors (Board) to declare the necessity and purpose for which it is required.

4. **Type of Action**
   - ☒ Resolution
   - ☐ Ordinance 1st Reading
   - ☐ Ordinance 2nd Reading
   - ☐ Other _____

5. **Background**
   The 82nd Avenue Transit Project will be TriMet's second FX bus rapid transit line following the opening of the FX2-Division line in September 2022. Using various transit priority elements, the Project will improve travel times and transit reliability along the 82nd Avenue corridor, between the Clackamas Town Center and Cully neighborhood.

   The combination of transit signal priority, in-lane stops, stop consolidation, station platforms, dedicated business-access-and-transit lanes, 60-foot zero-emissions buses, and other transit infrastructure investments will result in significantly improved public transit service along this

high-priority corridor, along with improved safety.

Since July 2024, this Small Starts Project has been in Project Development in the Federal Transit Administration's (FTA) Capital Investment Grant Program. The Project is currently in 90 percent design, and TriMet awaits FTA grant approval. Construction is anticipated to begin in spring 2027.

To construct and operate the Project, TriMet will need to acquire certain real property and interests in real property. Much of the Project is in a constrained transportation corridor, and care has been taken to design the Project with the least impact possible on private property. Most of the property interests required are either temporary construction easements or small acquisitions of strips of property adjacent to the public right of way, which are necessary to allow for the expansion of the right of way. Except for one parcel needed for the northern terminus, TriMet presently does not expect to acquire any entire properties for the Project.

TriMet has developed an acquisition schedule and will be acquiring property needed for the Project in batches. The acquisition schedule was developed in consultation with the Project's CM/GC Raimore/Sundt Joint Venture and ranks acquisition priority based on constructability, efficiency, and schedule. TriMet anticipates acquiring properties for the Project in approximately six batches, with each property batch determined by the timing of construction needs. For each property batch, TriMet will request Board authorization with separate resolutions seeking a declaration of necessity and approval for authority to acquire the subject properties.

This Resolution requests authorization to acquire the first batch of properties. TriMet needs to acquire these property interests, which are described and depicted in Exhibits A and B (Properties) to this Resolution, for construction to begin on schedule.

After approval of the Resolution, TriMet staff will make formal written offers to purchase the Properties needed based on independent appraisals. TriMet will then attempt to negotiate a purchase price with each owner. If an agreement cannot be reached with any owner or owners of the properties, following a reasonable period of negotiation (which will, at a minimum, comply with ORS 35.346), TriMet will be authorized to proceed with condemnation of these Properties.

6. <u>Financial/Budget Impact</u>

The budget for this Project is included in TriMet's FY2027 Adopted Budget for the Engineering and Construction Division, and funds for the acquisition of the necessary Properties will continue to be requested in TriMet's five-year Capital Improvement Plan (CIP) for future years. As a Federal Transit Administration (FTA) Capital Investment Grants (CIG) Small Starts project, the project is funded through a combination of local and federal sources. The majority of local funding is secured with the FTA CIG grant anticipated in FY 2027.

7. **Impact if Not Approved**

This Resolution is required for TriMet to acquire the first batch of Properties, which are necessary to construct the Project. Passage of this Resolution will allow TriMet to (1) make formal written offers to purchase the Properties, based on values to be determined by independent appraisals, and (2) initiate condemnation proceedings if TriMet is unable to agree with the property owners regarding the acquisition of the identified property interests. It is important that TriMet have the authority to condemn the Properties if required, because condemnation is the only means by which the agency can be assured that the necessary Properties can be acquired for the construction and operation of the Project.

RESOLUTION NO. 26-10-30

RESOLUTION NO. 26-10-30 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) DECLARING CERTAIN REAL PROPERTY AS NECESSARY AND AUTHORIZING THE ACQUISITION BY PURCHASE OR BY THE EXERCISE OF THE POWER OF EMINENT DOMAIN CERTAIN REAL PROPERTY NECESSARY FOR THE CONSTRUCTION AND OPERATION OF THE 82nd AVENUE TRANSIT PROJECT

WHEREAS, Metro convened TriMet, the City of Portland, the Oregon Department of Transportation (ODOT), Clackamas County and other local partners to explore transit improvements on 82nd Avenue, such as Bus Rapid Transit, improved bus stations and related pedestrian and vehicle safety improvements; and

WHEREAS, in 2022, Metro initiated the evaluation of alignment and mode alternatives on 82nd Avenue, and Metro, TriMet, and other regional jurisdictional partners collaborated to develop a Locally Preferred Alternative (LPA) route for the 82nd Avenue Transit Project (Project); and

WHEREAS, a Project Steering Committee was formed, consisting of staff and policy officials from Clackamas County, Portland, Multnomah County, ODOT, the Port of Portland, TriMet, Metro, and community representatives, which conducted extensive planning and analysis to better define the Project; and

WHEREAS, the LPA has been approved by the City of Portland, the Multnomah County Commission, the Clackamas County Commission, and the TriMet Board of Directors (Board); 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 within the TriMet District for the purpose of providing or operating a mass transit system and aiding in the objectives of the District; and

WHEREAS, TriMet has identified certain real property and real property interests as described in the attached Exhibits A and B that are necessary for TriMet to acquire for the construction and operation of the Project; and

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

WHEREAS, before TriMet exercises the right to purchase, acquire, enter upon or appropriate any land or property for establishing, laying out, widening, enlarging or extending roads, streets or highways, ORS 35.610 requires TriMet to describe the land to be purchased, acquired, entered upon, or appropriated, and to further determine that the appropriation of such land is reasonably necessary to protect the full use and enjoyment by the public of the road, street or highway;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Board hereby declares that the acquisition of certain real property and real property interests are necessary for the construction and operation of the Project. Attached as Exhibit A is a matrix that generally describes, for illustrative purposes, the property and property interests to be acquired. Exhibit B specifically describes the property and property interests that are necessary for the construction and operation of the project (Properties). Exhibits A and B are attached hereto and made a part hereof as if fully set forth herein.

2. That the construction and continued operation of the Project is necessary for the public interest and that the Project was planned, designed, located, and will be constructed in a manner that is most compatible with the greatest public good and the least private injury.

3. That the appropriation of the Properties is reasonably necessary to protect the full use and enjoyment by the public of the road, street or highway adjoining the Properties.

4. That the General Manager or his designee is authorized and directed to attempt to make agreements with the owners of the Properties and any other persons in interest as to the compensation to be paid for the real property or real property interests identified in the attached Exhibit B, and damages, if any, for the acquisition thereof, and is authorized to make binding offers for such compensation.

5. That the Board hereby ratifies any offers to purchase any and all rights, title, and interest that have been previously made in connection with the Project.

6. That in the event no satisfactory agreement for TriMet's acquisition of the identified Properties can be reached, TriMet is authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire the Properties; and TriMet is further authorized to make such stipulations, agreements, or admissions in the course of such proceedings as may be in TriMet's best interests.

7. That there is hereby authorized the creation of a fund in the amount estimated to be the just compensation for each of the Properties identified in Exhibit B, which to obtain possession of the Properties may be deposited with the clerk of the Court in which such legal proceedings are commenced with respect to any such Property or Properties, for the use by the defendants in such proceedings.

8. That the General Manager or his designee is authorized to execute the necessary documents on behalf of the Board in a form approved by TriMet's General Counsel.

Dated: October 28, 2026

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:

Legal Department