

ORDINANCE NO. 167535

* Authorize negotiations for the purchase of two permanent and temporary sewer easements required for construction of the Summer Place No. 23, Sanitary Sewer Project, to begin condemnation proceedings, if necessary, and obtain early possession. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The permanent and temporary sewer easements are required through private property for the construction of the Summer Place No. 23, Sanitary Sewer Project, as designed.
2. The following property owners have not yet granted the easements needed for Summer Place No. 23, Sanitary Sewer Project: William M. Van Buren and Augie Guisto, Paulette D. Rossi, Stella E. Rossi and the heirs and devisees of Dena G. Rossi.
3. In order to control Mid-County sanitary sewer project costs, the City has committed to a condensed schedule for completion of the Mid-County Sewer Project. To meet this commitment, the timeline for completion of each individual sewer project within Mid-County must also be condensed.
4. That under the circumstances, the City Attorney should be authorized to pursue negotiations and proceed with condemnation proceedings, if such negotiations fail, to acquire said easements.
5. It is necessary to acquire possession of the parcels by May 2, 1994, so that construction of the project can proceed without delay.

NOW, THEREFORE, the Council directs:

- a. The City Attorney is authorized and directed to continue negotiations on behalf of the City for the acquisition of the permanent and temporary sewer easements, subject to usual terms and conditions, described as follows:

R/W #4961-4 (Van Buren)

The west 15 feet of the north 62 feet of the following described property:

A tract of land in Section 25, T1N, R2E, W.M., in the County of Multnomah and State of Oregon, described as follows:

Beginning at an iron pipe on the east line of W.G. Wilkes DLC, 2225.4 feet from the southeast corner and running N 1°44' W, 154.4 feet to an iron pipe;

thence N 89° E, 848.8 feet to the center of Fisher Road; thence south in said road 154.4 feet; thence S 89° W, 844.1 feet to the Place of Beginning; EXCEPT that portion lying in NE 148th Avenue.

Together with a temporary construction easement for the original construction of the Powell Village No. 41, Sanitary Sewer Project, more particularly described as follows:

The east 30 feet of the west 45 feet of the north 62 feet of the following described property:

Beginning at an iron pipe on the east line of W.G. Wilkes DLC, 2225.4 feet from the southeast corner and running N 1°44' W, 154.4 feet to an iron pipe; thence N 89° E, 848.8 feet to the center of Fisher Road; thence south in said road 154.4 feet; thence S 89° W, 844.1 feet to the Place of Beginning; EXCEPT that portion lying in NE 148th Avenue.

It is understood and agreed that the temporary construction easement shall terminate upon expiration of the maintenance period of the original construction contract.

R/W #5961-6 (Guisto/Rossi)

The west 15 feet and the south 150 feet of the following described property:

That portion of the following described property in Sections 24 and 25, T1N, R2E, W.M., in the City of Portland, County of Multnomah and State of Oregon lying southerly of the centerline of the Columbia river Highway Road No. 517, now NE Sandy Boulevard:

Beginning at a point 147.5 feet east of the southwest corner of the George Hamilton DLC, in Section 25, T1N, R2E, W.M.; and running thence east on the south boundary of said Hamilton Claim, 407.5 feet to a point; thence N 1°24' E, 855 feet to the northwest corner of the Hiram Barker DLC; thence east 14 feet to a point; thence N 5665.5 feet to the south bank of the Columbia Slough; thence N 71°38' W, 431 feet to a point; thence S 0°10' W, 6610 feet to the Place of Beginning.

Together with a temporary construction easement for the original construction of the Summer Place #23 Sanitary Sewer Project, more particularly described as follows:

The east 30 feet of the west 45 feet and the south 150 feet of the following described property:

That portion of the following described property in Sections 24 and 25, T1N, R2E, W.M., in the City of Portland, County of Multnomah and State of Oregon lying southerly of the centerline of the Columbia river Highway Road No. 517, now NE Sandy Boulevard:

Beginning at a point 147.5 feet east of the southwest corner of the George Hamilton DLC, in Section 25, T1N, R2E, W.M.; and running thence east on the south boundary of said Hamilton Claim, 407.5 feet to a point; thence N 1°24' E, 855 feet to the northwest corner of the Hiram Barker DLC; thence east 14 feet to a point; thence N 5665.5 feet to the south bank of the Columbia Slough; thence N 71°38' W, 431 feet to a point; thence S 0°10' W, 6610 feet to the Place of Beginning.

It is understood and agreed that the temporary construction easement shall terminate upon expiration of the maintenance period of the original construction contract.

- b. In the event any or all of the owners of the property refuse to grant said easements under the terms offered by the City Attorney, the City Attorney is hereby authorized and directed to commence condemnation proceedings by filing an action or actions for the appropriation of the easements against the owner or any parties claiming any interest in said property. The City Attorney shall prosecute said condemnation proceedings with all reasonable diligence to carry them to final judgment.
- c. The City Attorney is hereby authorized and directed to take all appropriate steps to acquire possession of the above described real property by May 2, 1994, or as soon thereafter as possible in accordance with all applicable laws and regulations.
- d. There is hereby authorized the creation of a fund in the amount estimated to be the just compensation for each easement which shall, upon obtaining possession of said property, be deposited with the clerk of the court wherein the action is commenced for the use of the defendants in this action.
- e. The cost incurred by the City Attorney in connection with the acquisition herein authorized shall be charged to the Sewerage Operating Fund No. 151, Center Code #14555110, Project #4991, Account Code 563000.

Section 2. The Council declares that an emergency exists because a delay in acquisition of possession of the parcels described herein might result in delays in construction of the project; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, APR 06 1994

Commissioner Mike Lindberg
Shelley L. Wade:mmv
March 11, 1994
[4961]4-Ord-CD-Summer-Pl

-3- BY

BARBARA CLARK
AUDITOR OF THE CITY OF PORTLAND
Britta Olson
DEPUTY

530

Agenda No.

ORDINANCE NO. 167535

Title

Authorize negotiations for the purchase of two permanent and temporary sewer easements required for construction of the Summer Place No. 23, Sanitary Sewer Project, to begin condemnation proceedings, if necessary, and obtain early possession. (Ordinance)

INTRODUCED BY	Filed: MAR 31 1994
Commissioner Mike Lindberg	Barbara Clark Auditor of the City of Portland
NOTED BY COMMISSIONER	By: <u>Cary Kerahmer</u> Deputy
Affairs	
Finance and Administration	
Safety	
Utilities	
Works	
BUREAU APPROVAL	
Bureau: Environmental Services	ACTION TAKEN:
Prepared by <i>SLW</i> Date Shelley L. Wade:mmv March 11, 1994	
Budget Impact Review: <input type="checkbox"/> Completed <input type="checkbox"/> Not Required	
Bureau Head: <i>Noam Stampfer</i> Noam R. Stampfer, Interim Director	

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
			YEAS	NAYS
Consent <input checked="" type="checkbox"/> Regular	Blumenauer	Blumenauer	<input checked="" type="checkbox"/>	
NOTED BY	Hales	Hales	<input checked="" type="checkbox"/>	
City Attorney	Kafoury	Kafoury	<input checked="" type="checkbox"/>	
City Auditor	Lindberg	Lindberg	<input checked="" type="checkbox"/>	
City Engineer: Victor F. Rhodes	Katz	Katz	<input checked="" type="checkbox"/>	
Approved By: <i>VPR</i>				