

ORDINANCE No. 184193

Authorize the Bureau of Environmental Services to acquire certain easements and other real property interests necessary for construction of the East Lents Floodplain Restoration Project No. E08464 through the exercise of the City's Eminent Domain Authority. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services will construct the East Lents Floodplain Restoration Project to mitigate and reduce damage from nuisance flooding from Johnson Creek on SE Foster Road in the vicinity of SE 111th Avenue.
2. The East Lents Floodplain Restoration Project requires acquisition of certain permanent easements and other real property interests to construct the project.
3. Acquisition efforts will be completed in accordance with Eminent Domain procedures provided for in ORS Chapter 35 (Eminent Domain; Public Acquisition of Property), including those procedures that apply to notification, valuation, negotiation and early possession if necessary.
4. It is necessary to acquire possession of the easements and real property interests so that construction can begin on schedule.
5. Funds are available in the Sewer System Operating Fund, FY 2010-2011 Budget, Bureau of Environmental Services, Project E08464, WBS code E08464.L65, Account No. 563300 (permanent asset).

NOW, THEREFORE, the Council directs:

- a. The Director of the Bureau of Environmental Services or designee and/or City Attorney are authorized to acquire certain easements and other real property interests for the East Lents Floodplain Restoration Project under the Eminent Domain Authority of the City, including filing an action to acquire the property interests described herein or negotiating just compensation with property owners within available project budget funds.
- b. The Director of the Bureau of Environmental Services or designee and/or City Attorney are further authorized to enter into obligations agreements with property owners to address construction management or maintenance concerns within available project budget funds.
- c. There is hereby authorized the creation of a fund in the amount estimated to be the just compensation for each interest in the property which, if necessary, shall be deposited with the clerk of the court where an action is commenced.
- d. The costs incurred in connection with the acquisition authorized herein shall be charged to the East Lents Floodplain Restoration Project (WBS Code E08464.L65).

- e. The property affected by this ordinance is described as follows:

As described on Exhibit A attached hereto.

- f. The Commissioner of Public Affairs and Auditor are hereby authorized to draw and deliver a warrant chargeable to the Sewer System Operating Fund Budget when demand is presented and approved by the proper authority.

Passed by the Council, OCT 27 2010
Dan Saltzman
Commissioner of Public Affairs

Scott Gibson
September 29, 2010
E08464.L65 - ord

LaVonne Griffin-Valade
Auditor of the City of Portland
By



Deputy

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✓140

Agenda No.
ORDINANCE NO. 1841 93
Title

Authorize the Bureau of Environmental Services to acquire a certain permanent easement and other real property interests necessary for construction of the East Lents Floodplain Restoration Project (~~BES Project~~ No. E08464) through the exercise of the City's Eminent Domain Authority. (Ordinance)

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| INTRODUCED BY Commissioner/Auditor: <u>Saltzman</u> | CLERK USE: DATE FILED <u>OCT 15 2010</u> |
| COMMISSIONER APPROVAL | LaVonne Griffin-Valade Auditor of the City of Portland |
| Mayor—Finance and Administration - Adams | By: <u>[Signature]</u> Deputy |
| Position 1/Utilities - Fritz | ACTION TAKEN: |
| Position 2/Works - Fish | OCT 20 2010 PASSED TO SECOND READING OCT 27 2010 9:30 A.M. |
| Position 3/Affairs - Saltzman | |
| Position 4/Safety - Leonard | |
| BUREAU APPROVAL | |
| Bureau: Environmental Services Bureau Head: Dean Marriott | |
| Prepared by: Scott Gibson Date Prepared: September 29, 2010 | |
| Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/> | |
| Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| Council Meeting Date October 20, 2010 | |
| ✓ City Attorney Approval <u>D.H.</u> | |

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| AGENDA |
| TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion) |
| CONSENT |
| REGULAR <input checked="" type="checkbox"/> Total amount of time needed: <u>5 min</u> (for presentation, testimony and discussion) |

| FOUR-FIFTHS AGENDA | COMMISSIONERS VOTED AS FOLLOWS: | | |
|--------------------|---------------------------------|------|------|
| | | YEAS | NAYS |
| 1. Fritz | 1. Fritz | ✓ | |
| 2. Fish | 2. Fish | ✓ | |
| 3. Saltzman | 3. Saltzman | ✓ | |
| 4. Leonard | 4. Leonard | ✓ | |
| Adams | Adams | ✓ | |