

ORDINANCE No. 185691

Authorize the Portland Water Bureau to purchase property located near the Bull Run Watershed to enhance protection of the Watershed, secure right of ways for the conduit routes, contribute to Endangered Species Act compliance and provide for payment (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Water Bureau requires ownership of several parcels of land, owned by Western Rivers Conservancy, for enhanced management and protection of the Bull Run Watershed, acquisition of rights of way for the drinking water conduit routes and the acquisition of riparian lands that will contribute habitat for endangered fish species in accordance with Portland's endangered species act regulatory compliance plan administered by the National Marine Fisheries Service. The parcels are as described in Exhibit A of this Ordinance.
2. The purchase price of the parcels is to be established in accordance with fair market value, which includes land and timber values, appraisal fees and estimated escrow fees and closing costs, not to exceed \$1,650,000.
3. The appraised land and timber values for the parcels, appraisal fees, and estimated escrow fees for the subject parcels are as described in Exhibit B of this Ordinance.
4. The acquisition of these parcels was recommended by the Administrator of the Portland Water Bureau and approved by the current Commissioner-in-Charge.
5. Funds are available in the Water Fund, FY 2012-2013 Budget.

NOW, THEREFORE, the Council directs:

- a. The Administrator of the Portland Water Bureau is hereby authorized to execute on behalf of the City a final Purchase and Sale Agreement, substantially in accordance with the proposed Purchase and Sale Agreement attached as Exhibit C of this Ordinance.
- b. The Mayor and Auditor shall prepare and deliver a payment to an escrow account established for purchase of the parcels described herein. The payment shall be in an amount that will be established in accordance with fair market value and as the final purchase price and related costs are described in Exhibit B. This payment will be charged to the FY 2012-2013 Budget.
- c. The Commissioner-in-Charge of the Portland Water Bureau and the Auditor are authorized to execute, on behalf of the City, all documents necessary to accept title to the parcels described herein, as assets of the Water Fund, as part of completing the purchase approved by this Ordinance.

- d. The Administrator of the Portland Water Bureau shall review and approve the final estimate of closing costs and closing instructions and direct the escrow company to record the executed documents and deliver said documents to the Water Bureau for filing in the appropriate City records.

Passed by the Council, OCT 24 2012

Commissioner Leonard
Thomas Klutz
September 10, 2012

LaVonne Griffin-Valade
Auditor of the City of Portland

By *Susan Parsons*
Deputy

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Agenda No. **185691**

Title

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<p>INTRODUCED BY Commissioner/Auditor: Leonard</p>	<p>CLERK USE: DATE FILED <u>OCT 12 2012</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard <i>Randy Leonard</i></p>	<p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Water</p> <p>Bureau Head: David Shaff <i>[Signature]</i></p> <p>Prepared by: T. Klutz Date Prepared: September 10, 2012</p> <p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date October 17, 2012</p>	<p>ACTION TAKEN:</p> <p>OCT 17 2012 PASSED TO SECOND READING OCT 24 2012 9:30 A.M.</p>
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i></p>	

AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: 10 mins (for presentation, testimony and discussion)</p>

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	✓	