

# **ORDINANCE NO. 185996**

Authorize the Water Bureau to acquire a permanent easement necessary for construction of the Fulton Pump Station Improvements Project through direct negotiation or exercise of the City's Eminent Domain Authority (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Water Bureau has designed the Fulton Pump Station Improvements Project to replace the existing Fulton Pump Station which is now functionally obsolete.
2. The Fulton Pump Station Improvements Project requires acquisition of certain private real property interests to facilitate construction.
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, relocation and early possession, if necessary.
4. Funds are available in the Water Fund, FY 2013-2014 Budget.

NOW, THEREFORE, the Council directs:

- a. The Portland Water Bureau Administrator or his designee and/or City Attorney are authorized to acquire certain real property interests for the Fulton Pump Station Improvements 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. 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.
- c. The property affected by this Ordinance is the easement interest described in the attached Exhibit A and depicted in the attached Exhibit B.

- d. The Mayor and Auditor are hereby authorized to draw and deliver a warrant chargeable to the Water Fund when demand is presented and approved by the proper authority.

Passed by the Council, APR 24 2013

Mayor Charlie Hales  
Dave Evonuk  
March 8, 2013

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By   
Deputy

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✓140

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185996

Agenda No.  
**ORDINANCE NO.**

Title

✓ Authorize the Water Bureau to acquire a permanent easement necessary for construction of the Fulton Pump Station Improvements Project through direct negotiation or exercise of the City's Eminent Domain Authority (Ordinance)

INTRODUCED BY  
Commissioner/Auditor:  
**Mayor Charlie Hales**

CLERK USE: DATE FILED **APR 12 2013**

**COMMISSIONER APPROVAL**

Mayor—Finance and Administration - Hales **15**

Position 1/Utilities - Fritz

Position 2/Works - Fish

Position 3/Affairs - Saltzman

Position 4/Safety - Novick

**BUREAU APPROVAL**

Bureau: Portland Water Bureau  
Bureau Head: David G. Shaff **20**

Prepared by: Dave Evonuk

Date Prepared: March 8 2013

**Financial Impact Statement**

Completed ☒ Amends Budget ☐

Not Required ☐

Council Meeting Date  
**April 17, 2013**

**City Attorney Approval:**  
required for contract, code, easement,  
franchise, charter, Comp Plan **10**

LaVonne Griffin-Valade  
Auditor of the City of Portland

By:   
Deputy

**ACTION TAKEN:**

**APR 17 2013 PASSED TO SECOND READING APR 24 2013 9:30 A.M.**

**AGENDA**

**TIME CERTAIN** ☐

Start time: \_\_\_\_\_

Total amount of time needed: \_\_\_\_\_  
(for presentation, testimony and discussion)

**CONSENT** ☐

**REGULAR** ☒

Total amount of time needed: **10 minutes**  
(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. Novick	4. Novick	✓	
Hales	Hales	✓	