

**FULTON PUMP STATION IMPROVEMENTS PROJECT**IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

| NAME (print)   | ADDRESS AND ZIP CODE                                | Email         |
|----------------|---|---------------|
| Rebecca Morris | Oregon Public Broadcasting<br>7140 SW Macadam 97219 | legal@opb.org |
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## ORDINANCE NO.

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.

3-4. The proposed easement and related Fulton Pump Station Improvements Project may potentially have impacts on the property of Oregon Public Broadcasting, including potential disruption of pedestrian and vehicular access, interference with satellite signals, vibration damage to transmitting and other equipment, damage to existing fiber, power, and telecommunications lines; employee safety issues; which concerns have been communicated in correspondence between the Water Bureau and Oregon Public Broadcasting, and which should be reasonably addressed in the terms of the above-proposed easement.

4-5. 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.

185996

Passed by the Council,

Mayor Charlie Hales  
Dave Evonuk  
March 8, 2013

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

By  
Deputy

185996

**Moore-Love, Karla**

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**From:** Rebecca Morris [RMorris@opb.org]  
**Sent:** Tuesday, April 16, 2013 5:03 PM  
**To:** Moore-Love, Karla  
**Subject:** OPB Comments to Proposed Ordinance  
**Attachments:** OPB Comments 4\_16\_13 - Replacement Fulton Pump Station Easement\_ Ordinance.doc

Karla,

Attached are OPB's comments to the proposed ordinance that is listed as item 356 on the City Council's agenda tomorrow.

I plan to attend the meeting to present OPB's comments. I see that this item is scheduled towards the end of the meeting. Do you have some sense for approximately what time that might be?

Thank you.

~Rebecca

Rebecca Morris, VP Legal Affairs  
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4/17/2013

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