

## ORDINANCE No. 186243

Authorize the Bureau of Environmental Services to amend the legal descriptions for temporary easements and to acquire said easements necessary for construction of the Safeway Pump Station Remodel Project No. E10292 through the exercise of the City's Eminent Domain Authority (Ordinance; amend Ordinance No. 186095)

The City of Portland ordains:

Section 1. The Council finds:

1. Ordinance 186095 passed City Council June 19, 2013 and authorizes the Bureau of Environmental Services to acquire certain permanent easements for the Safeway Pump Station Remodel Project.
2. The Bureau of Environmental Services has determined that certain additional Temporary Construction Easements are required over a portion of the property adjacent to the permanent easements.
3. Funds are available in the Sewer System Operating Fund, FY 2013-2014 Budget, Bureau of Environmental Services, Project No. E10292, Account No. 549000 (temporary non-asset).

NOW, THEREFORE, the Council directs:

- a. The Director of the Bureau of Environmental Services or his designee and/or City Attorney are authorized to acquire the necessary temporary easements for the Safeway Pump Station Remodel 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 Safeway Pump Station Remodel Project No. E10292.
- e. The property affected by this ordinance is described as follows:

Temporary Construction Easement No. 1

3,845 square feet, as described in Exhibit A1 and depicted in Exhibit B attached hereto.

Temporary Construction Easement No. 2

3,588 square feet, as described in Exhibit A2 and depicted in Exhibit B attached hereto.

- f. All remaining portions of Ordinance No. 186095 shall remain unchanged and all conditions thereof shall remain in full force and effect.
- g. The Mayor and Auditor are hereby authorized to draw and deliver warrants chargeable to the Sewer System Operating Fund Budget when demand is presented and approved by the proper authority.

Passed by the Council,  
Commissioner Nick Fish

Scott Gibson, P.E.  
August 6, 2013

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SEP 11 2013

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

By

*Gayla Jennings*

Deputy

~~831~~ 865

Agenda No.  
**ORDINANCE NO. 186243**  
Title

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INTRODUCED BY Commissioner/Auditor: <i>FISA</i>	CLERK USE: DATE FILED <u>AUG 30 2013</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Hales	
Position 1/Utilities - Fritz	By: <u><i>Susan Parsons</i></u> Deputy
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Novick	
BUREAU APPROVAL	ACTION TAKEN:
Bureau: Environmental Services Bureau Head: Dean Marriott	SEP 04 2013 PASSED TO SECOND READING SEP 11 2013 9:30 A.M.
Prepared by: Scott Gibson Date Prepared: August 6, 2013	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval:	
City Attorney Approval:	
Council Meeting Date September 4, 2013	

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

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