

ORDINANCE No. 183508

*Grant sewer easement under Ivon Street Park to the adjacent property owner. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

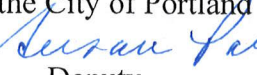
1. The City owns real property at 2533 SE 47th (Park), which is informally referred to as Ivon Street Park, that has been assigned to the Bureau of Parks and Recreation (Parks).
2. Parks is currently working on developing this park property.
3. During the land use review process, it was discovered that the sewer line benefiting the adjacent property at 2525 SE 47th is encroaching on the Park.
4. The Oregon Plumbing Specialty Code Section 721 provides that private sewers may not be located on property lots other than the lot served by the sewer unless an easement is provided in a form that is acceptable to the Bureau of Development Services.
5. In order to complete the land use review process needed to begin development of the Park, the sewer line must be relocated or the City must grant an easement to bring the sewer line into compliance with Code.
6. Parks wishes to grant a sewer easement to the adjacent property owners (Grantees). Among other conditions, it will require the Grantees to be responsible for all maintenance and repair costs.

NOW, THEREFORE, The Council Directs:

- a. The Director of Parks and Recreation is authorized to execute an easement agreement, substantially similar to the attached and approved as to form by the City Attorney, that grants a non-exclusive sewer easement.

Section 2. The Council declares that an emergency exists in order to avoid further delay in the development of the Park; therefore, this Ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council: FEB 03 2010
Commissioner Fish
Prepared by: Zalane Nunn
January 20, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland
By 
Deputy

Agenda No. **183508**
ORDINANCE NO.
 Title

*Grant sewer easement under Ivon Street Park to the adjacent property owner. (Ordinance)

INTRODUCED BY Commissioner/Auditor: Fish	CLERK USE: DATE FILED <u>JAN 29 2010</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish <i>[Signature]</i> Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy ACTION TAKEN:
BUREAU APPROVAL Bureau: Parks and Recreation Bureau Head: Zari Santner <i>[Signature]</i> Prepared by: Zalane Nunn Date Prepared: Jan 20, 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 February 3, 2010	
City Attorney Approval	

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