

ORDINANCE No. 184656 As Amended

*Authorize Settlement Agreement with Mary S. Shaver for the purchase of property necessary for construction of the Fanno Basin Pump Station Expansion Project No. E09051 and authorize payment (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services (BES) will construct the Fanno Basin Pump Station Expansion Project to significantly increase the firm pumping capacity of the station to reliably capture and convey projected influent flows and eliminate diversions to Clean Water Services during storm events of up to a 5-year recurrence.
2. The Fanno Basin Pump Station Expansion Project requires the purchase of certain real property within a specific geographic area and possessing certain characteristics that are needed to obtain the necessary Washington County Land Use approvals and permits.
3. BES has identified a parcel of land, described on Exhibit A attached hereto, that has the needed characteristics for the permitting and construction of the project.
4. An offer from BES to purchase said property for an established cost of \$1,867,520 has been accepted.
5. Funds are available in the Sewer System Operating Fund, FY 2010-2011 Budget, Bureau of Environmental Services, Project E09051, WBS Element E09051.L65.

NOW, THEREFORE, the Council directs:

- a. The Director of the Bureau of Environmental Services or designee is authorized to execute closing documents and all other necessary documents, once approved as to form by the City Attorney, accepting the property described on Exhibit A attached hereto.
- b. The Director of the Bureau of Environmental Services or designee is authorized to request the Bureau Accounting Office to prepare one (1) wire transfer from the City Treasury. For the property described on Exhibit A, the wire transfer shall not exceed the amount of \$1,867,520.
- c. The Mayor and the Auditor are hereby authorized and directed to accept a statutory warranty deed conveying the aforementioned property to the City of Portland and to pay the agreed upon purchase price, property taxes and closing costs as required.
- d. Costs incurred in connection with the purchase of the property authorized herein shall be charged to the Fanno Basin Pump Station Expansion Project (WBS E09051.L65).
- e. 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.

Section 2. The Council declares that an emergency exists because the real estate transaction is dependent upon BES's timely action to acquire the property. Any delay in the acquisition of the required property will result in a delay of the final design and construction of the Fanno Basin pump station expansion project and increase the risk of significant payments to Clean Water Services to convey and treat Fanno Basin flows. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, JUN 08 2011
Dan Saltzman
Commissioner of Public Affairs

Scott Gibson
Date Prepared: May 20, 2011
E09051.L65 - ord

LaVonne Griffin-Valade
Auditor of the City of Portland

By



Deputy

Agenda No. **184656** As Amended
ORDINANCE NO.

Settlement Agreement with Mary S. Title Shaver

*Authorize the Bureau of Environmental Services to enter into an agreement for the purchase of property necessary for construction of the Fanno Basin Pump Station Expansion Project No. E09051 and authorize payment. (Ordinance)

INTRODUCED BY Commissioner/Auditor: <i>Saltzman</i>	CLERK USE: DATE FILED <u>JUN 03 2011</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities – Fritz Position 2/Works – Fish Position 3/Affairs - Saltzman <i>Don Saltzman</i> Position 4/Safety – Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy
BUREAU APPROVAL Bureau: Environmental Services Bureau Head: <i>Dean Marriott</i> Prepared by: Scott Gibson Date Prepared: May 20, 2011 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 June 8, 2011	ACTION TAKEN:
✓ City Attorney Approval <i>[Signature]</i>	

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

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	<i>[Signature]</i>	