

ORDINANCE No. 184884

*Authorize the Director of the Bureau of Environmental Services to enter into an agreement with Union Pacific Railroad for construction equipment staging in the Union Pacific right-of-way to facilitate the structural reinforcement of the Guilds Lake Junction Structure. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services has constructed the West Side and East Side CSO Tunnels in compliance with the requirements of a state Amended Stipulation and Final Order, No. WQ-NWR-91-75. In order to complete construction and operate the CSO Tunnel System at full capacity, it is necessary to structurally reinforce the Guilds Lake Junction Structure (GLJS).
2. Equipment access to the GLJS is through Union Pacific Railroad (UPRR) property. In exchange for access, UPRR requires the City to indemnify them for any damage caused by the City or its contractor while working in the UPRR right-of-way.
3. The Office of City Attorney has reviewed the agreement and determined that it is in the interest of the City to enter into the attached agreement, which includes an indemnification provision in favor of UPRR.
4. The cost for the access agreement is \$5000.00. Funds are available in the Sewer System Operating Fund, FY 12/FY 13 Budget, Bureau of Environmental Services, Project Number E10120.

NOW, THEREFORE, the council directs:

- a. The Director of the Bureau of Environmental Services is authorized to execute an agreement with UPRR in substantially the form of Exhibit A, attached hereto.

Section 2. The Council declares that an emergency exists because the work must be performed in the dry weather season and prior to testing of the Tunnel System to ensure compliance with a December 1, 2011, deadline; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,
Dan Saltzman
Commissioner of Public Affairs

Scott Gibson
September 8, 2011

WBS E10120 – Ord

SEP 21 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By 

Deputy

Agenda No.
ORDINANCE NO. 184884
 Title

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<p>INTRODUCED BY Commissioner/Auditor: <i>Saltzman</i></p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs <i>Saltzman</i></p> <p>Position 4/Safety - Leonard</p> <p>BUREAU APPROVAL</p> <p>Bureau: Environmental Services Bureau Head: Dean Marriott</p> <p><i>WFR</i> <i>JLL</i> Prepared by: Scott Gibson Date Prepared: September 14, 2011</p> <p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date: September 21, 2011</p> <p>City Attorney Approval <i>John V. Bush</i></p>	<p>CLERK USE: DATE FILED <u>SEP 16 2011</u></p> <p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

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