

## ORDINANCE No. 184942

Authorize the Bureau of Environmental Services to acquire certain easements and other real property interests necessary for construction of the Westside Liner Sewer Rehabilitation Project No. E09121 through the exercise of the City's Eminent Domain Authority (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services has designed the Westside Liner Sewer Rehabilitation Project to repair existing sewer pipes using the cured in place pipe lining which is a trenchless technology.
2. The Westside Liner Sewer Rehabilitation Project requires acquisition of certain easements and other real property interests to construct the project.
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.
4. It is necessary to acquire possession of the easements and real property interests by January 1, 2012, so that construction can begin on schedule.
5. Funds are available in the Sewer System Operating Fund, FY 2011-2012 Budget, Bureau of Environmental Services, Project No. E09121, Account No. 549000 (temporary construction).

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 certain easements and other real property interests for the Westside Liner Sewer Rehabilitation 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 Westside Liner Sewer Rehabilitation Project No. E09121.

- e. The property affected by this ordinance is described as follows:

R/W #7278 – Sheet #C01 (temporary construction easement)

See attached Exhibit A

R/W #7279 – Sheet #C02 (temporary construction easement)

See attached Exhibit B

R/W #7284 – Sheet #C07 (temporary construction easement)

See attached Exhibit C

R/W #7286 – Sheet #C09 (temporary construction easement)

See attached Exhibit D

R/W #7288 – Sheet #C11 (temporary construction easement)

See attached Exhibit E

R/W #7292 – Sheet #C15 (temporary construction easement)

See attached Exhibit F

- f. The Commissioner of Public Affairs and Auditor are hereby authorized to draw and deliver a warrant chargeable to the Sewer System Operating Fund Budget when demand is presented and approved by the proper authority.

Passed by the Council,  
Dan Saltzman  
Commissioner of Public Affairs

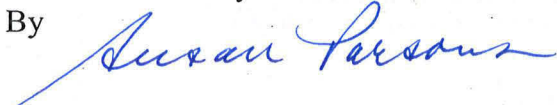
OCT 19 2011

Scott Gibson  
September 2011  
WBS E09121

**LaVonne Griffin-Valade**

Auditor of the City of Portland

By



Deputy

330481

Agenda No.  
**ORDINANCE NO. 184942**  
Title

Authorize the Bureau of Environmental Services to acquire certain easements and other real property interests necessary for construction of the Westside Liner Sewer Rehabilitation Project No. E09121 through the exercise of the City's Eminent Domain Authority (Ordinance)

<p><b>INTRODUCED BY</b> Commissioner/Auditor: <i>Commissioner Saltzman</i></p> <p><b>COMMISSIONER APPROVAL</b></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><b>BUREAU APPROVAL</b></p> <p>Bureau: Bureau Head <i>DCM</i></p> <p>Prepared by: Scott Gibson Date Prepared: 9/7/11</p> <p>Financial Impact &amp; 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 <b>October 12, 2011</b></p> <p>City Attorney Approval <i>6P for LM</i></p>	<p>CLERK USE: DATE FILED <u>OCT 07 2011</u></p> <p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p><b>ACTION TAKEN:</b></p> <p><b>OCT 12 2011 PASSED TO SECOND READING OCT 19 2011 9:30 A.M.</b></p>
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<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input checked="" type="checkbox"/></p>
<p><b>REGULAR</b> <input 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	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	