

# ORDINANCE No. 185017

Authorize the Bureau of Environmental Services to acquire certain easements and other real property interests necessary for construction of the Eastside Combined Sewer Overflow Communication and Control – Outfall 46 Project No. E10223 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 Eastside Combined Sewer Overflow Communication and Control – Outfall 46 Project to monitor the sewer overflow level at Outfall 46.
2. The Eastside Combined Sewer Overflow Communication and Control – Outfall 46 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 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. E10223, Account No. 563300 (permanent asset) and Account No. 549000 (temporary 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 certain easements and other real property interests for the Eastside Combined Sewer Overflow Communication and Control – Outfall 46 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 Eastside Combined Sewer Overflow Communication and Control – Outfall 46 Project No. E10223.
- e. The property affected by this ordinance is described as follows:
- Permanent Underground Power Easement  
63 square feet, as described on Exhibit A and depicted on Exhibit C attached hereto.
- Permanent Pad Easement  
25 square feet, as described on Exhibit B and depicted on Exhibit C attached hereto.
- Temporary Construction Easements  
96 square feet and 53 square feet, as depicted on Exhibit C attached hereto.
- 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, **NOV 30 2011**  
Dan Saltzman  
Commissioner of Public Affairs

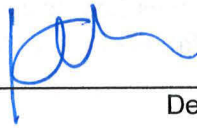

Scott Gibson  
September 26, 2011  
E10223 - ord

**LaVonne Griffin-Valade**  
AUDITOR OF THE CITY OF PORTLAND  
By

  
Deputy

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 Agenda No.  
**ORDINANCE NO. 185017**  
 Title

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<b>INTRODUCED BY</b> Commissioner/Auditor:	CLERK USE: DATE FILED <u>NOV 10 2011</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland  By:  Deputy
<b>BUREAU APPROVAL</b> Bureau: Environmental Services Bureau Head: Dean Marriott  Prepared by: Scott Gibson Date Prepared: October 17, 2011  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"/>  Council Meeting Date <b>November 16, 2011</b>	<b>ACTION TAKEN:</b>  NOV 16 2011 PASSED TO SECOND READING NOV 30 2011 9:30 A.M.
City Attorney Approval 	

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