

ORDINANCE No. 186063

Authorize the Bureau of Environmental Services to acquire certain easements and other real property interests necessary for construction of the Skidmore Pump Station Upgrade Project No. E10291 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 is proceeding with the Skidmore Pump Station Remodel Project to meet current design and safety standards, reduce ongoing maintenance expenses and improve the pump station's reliability.
2. The Skidmore Pump Station Remodel Project requires acquisition of a certain permanent and temporary easements 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 easement by October 1, 2013 so that construction can begin on schedule.
5. Funds are available in the Sewer System Operating Fund, FY 2013-2014 Budget, Bureau of Environmental Services, Project No. E10291, 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 Skidmore Pump Station Remodel 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 the property owner 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 the 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 Skidmore Pump Station Remodel Project No. E10291.

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

As described on Exhibit A and Exhibit C and depicted on Exhibit B and Exhibit D attached hereto and by this reference made a part hereof.

- f. The Commissioner in Charge 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.

Passed by the Council,
Charlie Hales
Office of the Mayor

JUN 05 2013

Scott Gibson
May 3, 2013

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LaVonne Griffin-Valade
Auditor of the City of Portland
By



Susan Parsons

Deputy

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 Agenda No.
ORDINANCE NO. 186063
 Title

Authorize the Bureau of Environmental Services to acquire certain easements and other real property interests necessary for construction of the Skidmore Pump Station Upgrade Project No. E10291 through the exercise of the City's Eminent Domain Authority (Ordinance)

<p>INTRODUCED BY Commissioner/Auditor: <u>Mayor Charlie Hales</u></p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p> <p>BUREAU APPROVAL</p> <p>Bureau: Environmental Services Bureau Head: <u>Dean Marriott</u></p> <p>Prepared by: Scott Gibson Date Prepared: May 3, 2013</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 <u>May 29, 2013</u></p> <p>City Attorney Approval: <u>[Signature]</u></p>	<p>CLERK USE: DATE FILED <u>MAY 24 2013</u></p> <p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u>[Signature]</u> Deputy</p> <p>ACTION TAKEN:</p> <p style="text-align: center;">MAY 29 2013 PASSED TO SECOND READING JUN 05 2013 9:30 A.M.</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 checked="" type="checkbox"/></p>
<p>REGULAR <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. Novick	4. Novick	✓	
Hales	Hales	✓	