

ORDINANCE No. 186095

Authorize the Bureau of Environmental Services to acquire certain easements and other real property interests necessary for construction of the Safeway Pump Station Remodel Project No. E10292 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 Safeway Pump Station Remodel Project to improve the pump station's reliability and reduce ongoing maintenance expenses.
2. The Safeway Pump Station Remodel Project requires acquisition of certain permanent easements to remodel and operate the pump station.
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 November 1, 2013 so that construction can begin on schedule.
5. Funds are available in the Sewer System Operating Fund, FY 2012-2013 Budget, Bureau of Environmental Services, Project No. E10292, Account No. 563300 (permanent 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 Safeway 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 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 Safeway Pump Station Remodel Project No. E10292, WBS E10292.L65.
- e. The property affected by this ordinance is described as follows:

Pump Station Easement

2,131 square feet, as described on Exhibit A and depicted on Exhibit B attached hereto.

Sewer Easement

6,346 square feet, as described on Exhibit C and depicted on Exhibit D attached hereto.

Access Easement

3,989 square feet, as described on Exhibit E and depicted on Exhibit F attached hereto.

- f. 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.

Passed by the Council,

JUN 19 2013

Commissioner Nick Fish
Scott Gibson
April 5, 2013

E10292 - ord

LaVonne Griffin-Valade

Auditor of the City of Portland

By



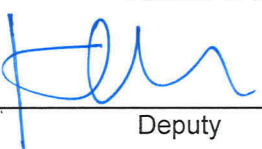

Deputy

556 590

140

Agenda No.
ORDINANCE NO. 186095
Title

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INTRODUCED BY Commissioner/Auditor: FISH	CLERK USE: DATE FILED JUN 07 2013
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Hales	By:  Deputy
Position 1/Utilities - Fritz	ACTION TAKEN:
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Novick	
BUREAU APPROVAL	
Bureau: Environmental Services Bureau Head: Dean Marriott 	JUN 12 2013 PASSED TO SECOND READING JUN 19 2013 9:30 A.M.
Prepared by: Scott Gibson Date Prepared: April 5, 2013	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> <i>EM</i>	
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 12, 2013	
City Attorney Approval: <i>pt</i>	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
REGULAR <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	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Novick	4. Novick	<input checked="" type="checkbox"/>	
Hales	Hales	<input checked="" type="checkbox"/>	