

ORDINANCE NO. 188656

Authorize the Water Bureau to acquire certain permanent property rights necessary for construction of the Penridge Mains Replacement Project (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Water Bureau has the responsibility to provide high quality water and stewardship of the City's water infrastructure, including implementation of safety improvements which benefit City employees and the general public.
2. The Penridge Mains Replacement Project (Project) will replace undersized mains with adequately sized mains in the Penridge service area in Northwest Portland. The benefits of the Project include improved fire flow and service pressures within the Penridge service area.
3. The Project has been planned in accordance with appropriate engineering standards for the construction, maintenance, and improvement of the City's water infrastructure in a way that minimizes property damage and protects the health and safety of City employees and the public.
4. To accomplish the Project's goals set forth above and to construct the Project as designed, the City must acquire the property interests described and depicted on Exhibits A through C attached to this Ordinance and by this reference incorporated herein.
5. Pursuant to City Charter, Section 9-108, the City may exercise the power of eminent domain when deemed necessary by the City Council to accomplish public purposes for which the City has responsibility, as long as the power is exercised in accordance with the Oregon Revised Statutes Chapter 35 (Eminent Domain; Public Acquisition of Property), including those procedures that apply to notification, valuation, negotiation, relocation, and early possession, if necessary.
6. The cost to acquire the Project easements will be determined by an Administrative Determination of Just Compensation that will comply with the requirements of ORS Chapter 35, Eminent Domain; Public Acquisition of Property. Funding for the Project in the amount of \$2,530,000 is available in the Water Fund in the FY 2017-18 Budget.

NOW, THEREFORE, the Council directs:

- a. That it is hereby declared that necessary to acquire the property interests described and depicted in Exhibits A through C attached to this Ordinance and that the Penridge Mains Replacement Project has been planned, designed, located, and will be constructed in a manner that will be most compatible with the greatest public good and the least private injury.

- b. That the Water Bureau Administrator and the City Attorney are each authorized to acquire the necessary property interests described herein for the Penridge Mains Replacement Project under the eminent domain authority of the City, including filing an action to acquire said property interests or negotiating just compensation with property owners within available project budget funds.
- c. That the power of eminent domain is hereby authorized with respect to each of the interests in property described and depicted in Exhibits A through C. Each of the properties acquired is subject to payment of just compensation and subject to procedural requirements of Oregon law.
- d. That the Water Bureau Administrator and the City Attorney are authorized to execute on behalf of the City agreements with property owners to address construction management concerns and are authorized to compensate property owners and other persons-in-interest for each acquisition.
- e. In the event that no satisfactory compensation agreement can be reached, the City may commence and prosecute such condemnation proceedings as may be necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition. This authorization is not intended to expand the jurisdiction of any court to decide matters determined or determinable by the City Council.
- f. That the Water Bureau is authorized to determine the continuing necessity or propriety of the acquisition authorized by this Ordinance, its quantity, quality, or locality, and to reduce or abandon an acquisition described within Exhibits A through C attached to this Ordinance.
- g. There is hereby authorized the creation of a fund in the amount estimated to be the just compensation for the subject property which, if necessary, shall be deposited with the clerk of the court where a condemnation action is commenced.
- h. The Mayor and Auditor are hereby authorized to pay for the resulting obligations or agreements on this Project from the Water Fund when demand is presented and approved by the proper authorities.

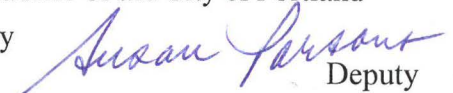
Passed by the Council,

OCT 25 2017

Commissioner Nick Fish
Prepared by: Mary Ellen Collentine
September 5, 2017

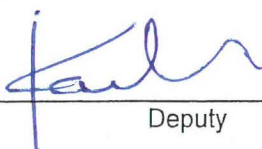
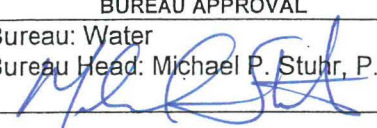

Mary Hull Caballero
Auditor of the City of Portland

By


Deputy

Agenda No. **ORDINANCE NO. 188656**
Title

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INTRODUCED BY Commissioner/Auditor: Commissioner Nick Fish	CLERK USE: DATE FILED <u>OCT 10 2017</u>
COMMISSIONER APPROVAL Mayor—Finance & Administration - Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By:  Deputy
BUREAU APPROVAL Bureau: Water Bureau Head: Michael P. Stuhr, P.E.  Prepared by: Mary Ellen Collentine Date Prepared: September 5, 2017	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	ACTION TAKEN: OCT 18 2017 PASSED TO SECOND READING OCT 25 2017 9:30 A.M.
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter 	
Council Meeting Date October 18, 2107	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 10 mins (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. Eudaly	4. Eudaly	<input checked="" type="checkbox"/>	
Wheeler	Wheeler	<input type="checkbox"/>	