

ORDINANCE No. 188833

*Authorize the Director of Portland Parks & Recreation to execute an agreement with Willamette Oaks Building, LLC for environmental obligations at Willamette Park (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Portland Parks & Recreation (PP&R) owns Willamette Park on SW Macadam Avenue.
2. Willamette Oaks Building LLC (WOB) owns property adjacent to Willamette Park with a street address of 6720 SW Macadam Avenue ("the WOB Property").
3. Historical releases from former dry cleaning and laundry operations at the WOB Property have entered the groundwater and have migrated to an area beneath Willamette Park.
4. In December 2004, the Oregon Department of Environmental Quality (DEQ) issued a Record of Decision describing the remedial actions needed to address the contamination from the WOB property.
5. Cleanup actions have been performed by WOB including removal of underground storage tanks and contaminated soil on the WOB Property and installation of groundwater monitoring wells in Willamette Park. WOB operated a groundwater treatment system from 1997 to 2014.
6. To complete DEQ's requirements for the cleanup, WOB must ensure that an Easement and Equitable Servitude is put on the deed for Willamette Park which prevents future groundwater use in Willamette Park and prepare a Contaminated Media Management Plan to manage the residual contaminated soil or groundwater should it encountered during ground-disturbing activities.

7. WOB and the City have negotiated an agreement that provides that after DEQ issues a No Further Action Determination to WOB, the City will record an Easement and Equitable Servitude on the deed for Willamette Park. The agreement and easement are attached as Exhibit A. In addition, as provided in the agreement, the City has provided a limited release of claims against WOB. The City is not releasing WOB from claims arising under state or federal environmental cleanup laws.
8. Under the agreement, WOB will pay PP&R \$90,000 to compensate for the loss of use of the groundwater and will indemnify the City for up to \$10,000 of the City's increased project costs incurred from complying with the Contaminated Media Management Plan through 2025.

NOW, THEREFORE, the Council Directs:

- a. The Director of the Bureau of Portland Parks and Recreation or the Director's designee is authorized to enter into the Agreement for Willamette Park Environmental Obligations substantially in the form of the agreement attached as Exhibit A and any other documents necessary to effectuate implementation of that agreement.
- b. Funds received by the City under the Agreement will be deposited to Portland Parks & Recreation accounts for any related expenses.

Section 2. The Council declares that an emergency exists because the indemnity provisions of the agreement expire on a date certain in 2025 and delay in execution of the agreement shortens the time period in which the City can be reimbursed for certain costs under the agreement; therefore, this ordinance shall be in full force and effect upon its passage by the Council.

Passed by the Council: FEB 28 2018

Commissioner Fritz
Prepared by: Nanci Klinger
Date Prepared: 1/18/2018

Mary Hull Caballero
Auditor of the City of Portland
By


Deputy

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Agenda No.

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Title

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INTRODUCED BY Commissioner/Auditor: Fritz	CLERK USE: DATE FILED <u>FEB 20 2018</u>
COMMISSIONER APPROVAL Mayor—Finance & Administration - Wheeler Position 1/Utilities - Fritz <i>Tim Cail</i> Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By: <i>Karl</i> Deputy
BUREAU APPROVAL Bureau: Parks & Recreation Bureau Head: <i>Mike Abbate</i> Prepared by: Nanci Klinger/Zalane Nunn Date Prepared: January 29, 2018 Impact 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"/> City Auditor Office Approval: required for Code Ordinances City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>Nanci Klinger</i> Council Meeting Date February 28, 2018	ACTION TAKEN:

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)		YEAS	NAYS
CONSENT <input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)	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 checked="" type="checkbox"/>	