

## IMPACT STATEMENT

189121

**Date:** July 9, 2018

**Council Date:** August 8, 2018

**Legislation Title:** Authorize the Water Bureau to acquire certain permanent and temporary property rights necessary for the Conduit 2 Trestle Rehabilitation Project through negotiation or through the City's eminent domain authority (Ordinance)

**Contact Name:** Mary Ellen Collentine, P.E.

**Contact Phone:** (503) 823-7474

**Presenter Name:** Teresa K. Elliott, P.E., Chief Engineer

### **Purpose of proposed legislation and background information:**

The purpose of the proposed legislation is to authorize the Water Bureau to acquire certain permanent and temporary easements necessary for the Conduit 2 Trestle Rehabilitation Project (Project) through negotiation or through the exercise of the City's Eminent Domain Authority. It is necessary to acquire these property rights because 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.

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. The Project consists of two locations: Beaver Creek Trestle and El Camino Trestle. The subject properties are 210 La Mesa Court, 250 La Mesa Court, 3860 SE El Camino Drive and 850 SE Ironwood Place in Gresham, Oregon.

This Project is justified by the business case analysis completed as part of the 2015 Conduits Rehabilitation Plan. This Project mitigates Conduit 2 failure risks due to seismic and flooding events, which will improve the Water Bureau's supply resiliency due to natural disasters. The Project will install seismically resilient concrete supports

and improve the scour protection on the El Camino Trestle. It will also replace the 11 existing concrete supports with seismically resilient supports, spot weld repairs and install scour protection on the Beaver Creek Trestle. This Project will significantly reduce Conduit 2 failure and supply risks, and mitigate the risk of damage to the immediate aquatic environment.

### **Financial and budgetary impacts:**

The cost to acquire the Project easements will be determined by an appraisal that will comply with the requirements of ORS Chapter 35, Eminent Domain; Public Acquisition of Property. Funds are available in the Water Fund in the FY 2018-19 through FY 2019-20 Budgets.

The proposed legislation will not create, eliminate or re-classify any positions now or in the future.

### **Community impacts and community involvement:**

The Beaver Creek Trestle is the Water Bureau's longest trestle at 120-feet. It has limited access being in the woods on a wide, flat flood plain associated with a braided channel tributary. The El Camino Trestle is located outside of the watershed in a residential subdivision.

Construction will take place during working hours to minimize the impact to the community. Flaggers may be used during limited hours and access to local residents will be maintained throughout the Project. During non-work hours, the road will be open as is normal. The right of way will be used to store equipment and materials for the project, and for working room during construction. The Water Bureau will be in contact with the property owner during the course of the construction.

Water Bureau designated staff will inform impacted owners within the project area of the proposed legislation to obtain eminent domain authority to acquire the easements on their property. Based on this information, area owners may testify at the City Council meeting.

### **100% Renewable Goal:**

This is not applicable to this council action.

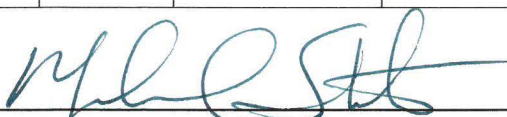
### **Budgetary Impact Worksheet**

#### **Does this action change appropriations?**

☐ **YES:** Please complete the information below.

☒ **NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

  
Michael Stuhr, P.E., Administrator

7/10/18  
Date