

ORDINANCE No. 189468

* Authorize the Bureau of Environmental Services to execute a temporary access easement and settlement agreement with Bruce Ankarberg as part of the Luther Road Habitat Restoration Project No. E10854 in the amount of \$68,534 (Ordinance).

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services has designed the Luther Road Habitat Restoration Project E10854 (the "Project") to repair storm damage to a portion of the stream channel in Johnson Creek and to prevent further erosion within the Project area.
2. The Project requires the acquisition of a Temporary Access Easement (the "Easement") over property owned by Bruce Ankarberg to enable access to the Project area during construction.
3. As a condition for granting the Easement, Bruce Ankarberg has requested indemnification by the City for any damage caused by the City or its representatives.
4. In lieu of the City restoring the property encumbered by the Easement after construction of the Project has been completed, the City has agreed to enter into a settlement agreement (the "Agreement") to pay Bruce Ankarberg a sum of money based on an estimate of the restoration costs.
5. The established costs of the Easement and the Agreement total \$68,534.00. Funds are available in the Sewer System Operating Fund, FY 2019-2020 Budget, Bureau of Environmental Services WBS element E10854, Account No. 549000 (temporary non-asset).
6. The Bureau's level of confidence in the cost estimates for the Easement and the Agreement is high.

NOW, THEREFORE, the Council directs:

- a. The Director of the Bureau of Environmental Services, or his designee, is authorized to execute the Easement substantially in the form of the attached Exhibit A-1 with Bruce Ankarberg, for the purpose described in Section 1.
- b. The Director of the Bureau of Environmental Services, or his designee, is authorized to execute the Agreement substantially in the form of the attached Exhibit A-2 with Bruce Ankarberg, for the purpose described in Section 1.
- c. The Commissioner in charge is hereby authorized to pay for the property rights from the Sewer System Operating Fund Budget when demand is presented and approved by the proper authority.

Section 2. The Council declares that an emergency exists because delay in execution of the required easement at this location may result in a delay of construction and impact the overall project completion. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: APR 24 2019
Commissioner Nick Fish

Prepared by: Chris Lastomirsky
Date prepared: 3/20/2019

Cost object - ord

Mary Hull Caballero
Auditor of the City of Portland

By



Deputy

Agenda No.
ORDINANCE NO. 189468
 Title

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Fish</p> <hr/> <p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Wheeler</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish <i>MF</i></p> <p>Position 3/Affairs - Hardesty</p> <p>Position 4/Safety - Eudaly</p> <hr/> <p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Environmental Services Bureau Head: Michael Jordan <i>Michael Jordan</i></p> <p>Prepared by: Chris Lastomirsky Date Prepared: 4/5/2019</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>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>hrs</i></p> <p>Council Meeting Date April 24, 2019</p>	<p>CLERK USE: DATE FILED <u>APR 16 2019</u></p> <hr/> <p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p>
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<p style="text-align: center;">AGENDA</p> <p>TIME CERTAIN <input type="checkbox"/> 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"/> Total amount of time needed: _____ (for presentation, testimony and discussion)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 35%;">FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th style="width: 20%;">YEAS</th> <th style="width: 20%;">NAYS</th> </tr> <tr> <td>1. Fritz</td> <td>1. Fritz <i>✓</i></td> <td></td> </tr> <tr> <td>2. Fish</td> <td>2. Fish <i>✓</i></td> <td></td> </tr> <tr> <td>3. Hardesty</td> <td>3. Hardesty <i>✓</i></td> <td></td> </tr> <tr> <td>4. Eudaly</td> <td>4. Eudaly <i>✓</i></td> <td></td> </tr> <tr> <td>Wheeler</td> <td>Wheeler <i>✓</i></td> <td></td> </tr> </table>	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:			YEAS	NAYS	1. Fritz	1. Fritz <i>✓</i>		2. Fish	2. Fish <i>✓</i>		3. Hardesty	3. Hardesty <i>✓</i>		4. Eudaly	4. Eudaly <i>✓</i>		Wheeler	Wheeler <i>✓</i>	
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