

ORDINANCE No. 189541

*Authorize the Director of the Bureau of Environmental Services to execute certain easements needed for private sewer laterals. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Director of the Bureau of Environmental Services already has authority, either under City Code or ordinance, to sign certain agreements, such as easements or permits, when used for improvements to the public sewer system.
2. The authority granted to the Bureau of Environmental Services Director in relation to easements is specific to the ability to accept easements, and does not allow the Director to grant easements over BES property.
3. Private sewers may be allowed to cross adjoining private properties if BES has determined it to be the most appropriate route of service.
4. Residential sewer laterals that cross private property prior to connecting to a sewer main are required to have private sewer easements. These easements protect this private sewer infrastructure and allow the owner to make repairs and pull permits as necessary.
5. Over the course of multiple projects, BES has received property from private and public entities, as well as vacated right-of-way. Some of these properties had existing sewer laterals that are now encroaching on BES property without easements, which makes them fall into the non-conforming sewer category by City Code.
6. In such cases it is beneficial to the City, and the private parties, that a permanent easement be granted.
7. These sewer lines were pre-existing conditions at the time of the acquisition.

NOW, THEREFORE, the Council directs:

- a. The Director of Environmental Services, or designee, is authorized to execute, on behalf of the City, easements for existing sewer laterals that allow for maintenance and repair. As such easements were a pre-existing condition to the property acquisition, BES is not required to seek market compensation from the property owners for these easements. All agreements must be approved as to form by the City Attorney.

- b. The Mayor and Auditor are hereby authorized to pay for the contract 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 a delay would unnecessarily hinder the bureau's ability to provide easements that are necessary for repairs to be made on private sewer laterals; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, JUN 05 2019
Commissioner Nick Fish

Eli Callison
May 6, 2019

Mary Hull Caballero
Auditor of the City of Portland

By



Deputy

Agenda No.
ORDINANCE NO. 189541
 Title

*Authorize the Director of the Bureau of Environmental Services to execute certain easements needed for private sewer laterals (Ordinance)

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: FISH</p>	<p>CLERK USE: DATE FILED <u>MAY 28 2019</u></p>
<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>[Signature]</i></p> <p>Position 3/Affairs - Hardesty</p> <p>Position 4/Safety - Eudaly</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p style="text-align: center;"><i>[Signature]</i> By: _____ Deputy</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Environmental Services Bureau Head: Michael Jordan <i>[Signature]</i></p> <p>Prepared by: Eli Callison Date Prepared: May 6, 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>[Signature]</i></p> <p>Council Meeting Date <u>6/5/19</u></p>	
<p>ACTION TAKEN:</p>	

<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>
--

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Hardesty	3. Hardesty	✓	
4. Eudaly	4. Eudaly	✓	
Wheeler	Wheeler	✓	