

## ORDINANCE No. 189723

Authorize the Bureau of Environmental Services to enter into an agreement with Metro to cooperate in the management of the McDuffie Property, the Goff Conservation Easement, Gray Easements, and the acquisitions of future property interests to protect watershed health and to accomplish projects including, but not limited to, the Tryon Creek at Boones Ferry Culvert Replacement Project No. E08682 (Ordinance)

The City of Portland ordains:

### Section 1. The Council finds:

1. Metro and BES acquired fee title, as tenants in common, the property located at 10930 SW Boones Ferry Rd., Portland, Oregon, also referred to as tax lot 1S1E33AA-02900 (the "McDuffie Property").
2. Metro and BES acquired a conservation easement (the "Goff Conservation Easement") over the property located at 11000 SW Boones Ferry Rd., Portland, Oregon, also referred to as tax lot 1S1E33AA-03000 (the "Goff Property") for \$50,000. BES will reimburse Metro \$25,000 toward the purchase price of the Goff Conservation Easement upon receipt of an invoice from Metro. Payment to Metro will be offset by the reimbursement from Metro to BES toward the purchase price of the Gray Easements.
3. BES acquired easement rights for watershed management purposes (the "Gray Easements") over and across the property located at 10750 SW Boones Ferry Rd., Portland, Oregon, also referred to as tax lot 1S1E33AA-02800 (the "Gray Property") for \$60,000. Metro will reimburse BES \$30,000 toward the purchase price of the Gray Easements upon receipt of an invoice from BES. Reimbursement will be reduced by the amounts payable to Metro for the Goff Easement (balance due to BES is \$5,000).
4. The properties are located in high priority acquisition areas identified in BES' Fanno Tryon Water Quality and Total Maximum Daily Load (TMDL) CIP (Capital Improvement Program) Pre-Design Report (2008) for infrastructure protection, floodplain reconnection, water quality improvement opportunities, and habitat and biological community protection. BES, community, and agency partners are designing a project to remove the undersized and aging culvert below SW Boones Ferry Road and replace it with a restored streambed and a new bridge, the Tryon Creek at Boones Ferry Culvert Replacement Project No. E08682. The existing culvert blocks all upstream fish passage and is too small to allow adequate flow during wet weather. Project construction is expected to begin March 2020 and last approximately 10 months. The new bridge and restored stream will allow fish passage, and provide a safe, streamside crossing for pedestrians and wildlife. The project is partially funded by a Metro Nature in the Neighborhoods Grant, and will help protect water quality and the environment.
5. Metro and BES wish to cooperate in the management of the McDuffie Property, the Goff Conservation Easement, the Gray Easements, and the acquisition of future property interests (collectively, the "Property Interests") to protect watershed health and to accomplish projects including, but not limited to, the Tryon Creek at Boones Ferry Culvert Replacement Project. The parties therefore desire to enter into this Agreement

(Exhibit A) to provide for the responsibilities and obligations of the parties with respect to the acquisition, management, maintenance, and operation of the Property Interests and to the acquisition of future property interests.

NOW, THEREFORE, the Council directs:

- a. That the BES Director is authorized to execute an agreement with Metro in a form substantially similar to Exhibit A to cooperate in the management of the McDuffie Property, the Goff Conservation Easement, and Gray Easements, and the acquisitions of future property interests to protect watershed health and to accomplish projects including, but not limited to, the Tryon Creek at Boones Ferry Culvert Replacement BES Project No. E08682. The BES Director may execute amendments to the agreement provided they will not increase the City's financial obligation to Metro.

Passed by the Council: OCT 02 2019  
Commissioner Nick Fish

Prepared by: Lisa Moscinski  
Date prepared: 8/2819

Cost object – E08905 and E10486

**Mary Hull Caballero**  
Auditor of the City of Portland

By

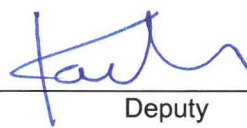

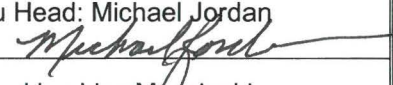




Deputy

902 932

Agenda No.  
**ORDINANCE NO. 189723**

Authorize the Bureau of Environmental Services ("BES") to enter into an agreement with Metro to cooperate in the management of the McDuffie Property, the Goff Conservation Easement, and Gray Easements, and the acquisitions of future property interests to protect watershed health and to accomplish projects including, but not limited to, the Tryon Creek at Boones Ferry Culvert Replacement BES Project No. E08682. (Ordinance)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>FISH</b>	<b>CLERK USE: DATE FILED</b> <u>SEP 17 2019</u>
<b>COMMISSIONER APPROVAL</b>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u></u> Deputy</p> <p><b>ACTION TAKEN:</b></p> <p>SEP 25 2019 PASSED TO SECOND READING OCT 02 2019 9:30 A.M.</p>
Mayor—Finance and Administration - Wheeler	
Position 1/Utilities - Fritz	
Position 2/Works - Fish 	
Position 3/Affairs - Hardesty	
Position 4/Safety - Eudaly	
<b>BUREAU APPROVAL</b>	
Bureau: Environmental Services Bureau Head: Michael Jordan 	
Prepared by: Lisa Moscinski Date Prepared: 8/28/19	
Financial Impact & Public Involvement 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"/>	
<b>City Auditor Office Approval:</b> required for Code Ordinances	
 <b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter 	
Council Meeting Date <b>September 25, 2019</b>	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____
<b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input checked="" type="checkbox"/> Per Asena
<b>REGULAR</b> <input checked="" type="checkbox"/> <b>Total amount of time needed: Combined</b> <b>with Competitive Solicitation Ordinance for</b> <b>E08682</b> (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. Hardesty	3. Hardesty	<input checked="" type="checkbox"/>	
4. Eudaly	4. Eudaly	<input checked="" type="checkbox"/>	
Wheeler	Wheeler	<input checked="" type="checkbox"/>	