

ORDINANCE NO. 189749

Authorize the acquisition of 1.87 acres of real property at 35319 SE Carpenter Lane in the amount of \$800,000 to be used for the Bull Run Filtration Project (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In August 2017, Portland City Council voted to build a water filtration treatment facility to meet the Environmental Protection Agency's Long Term 2 Enhanced Surface Water Treatment Rule (Rule). The Bull Run Filtration Project (Project) is tasked with planning a water treatment facility capable of complying with the Rule.
2. Property at 35319 SE Carpenter Lane (Subject Property) is offered for sale on the open market for \$800,000. The Subject Property is across Carpenter Lane from the Project and has frontage on SE Dodge Park Boulevard where plan alternatives suggest pipelines may connect.
3. Purchasing property needed for the Project from a willing seller is a strategic opportunity to reduce acquisition costs, which would be higher if it were necessary to acquire it through the City's eminent domain authority. A memo outlining other strategic advantages of acquiring the Subject Property is attached as Exhibit B.
4. The Water Bureau has negotiated an agreement to purchase the Subject Property in accordance with the terms and conditions contained in the Sale Agreement (Agreement) dated June 19, 2019, and attached as Exhibit A. The Agreement was executed under the authority granted in City Code 21.12.330. Approval from City Council is needed to complete the purchase.
5. The purchase price is \$800,000. Funding is available in the FY 2019 - 20 Budget (W02229.1LC) as part of the Bull Run Filtration Project. Costs to complete the purchase will include the payment of the purchase price and closing cost estimated to be less than 3%. An earnest money deposit in the amount of \$30,000 was deposited to an escrow account at First American Title Company as a down payment and to secure the property for the Water Bureau purchase.

NOW, THEREFORE, the Council directs:

- a. That the Water Bureau Administrator and Chief Engineer are hereby authorized to accept a deed and execute closing documents needed to complete the purchase of the Subject Property on behalf of the City in accordance with the Agreement attached as Exhibit A. All documents will be approved as to form by the City Attorney prior to execution.

- b. The Water Bureau Administrator and Chief Engineer are hereby authorized to deposit funds from the Bull Run Filtration Project into an escrow account established for the purpose of acquiring the Subject Property and to pay for the resulting obligations or agreements from the Water Fund when demand is presented and approved by the proper authorities.

Passed by the Council, OCT 30 2019

Commissioner Amanda Fritz
Prepared by: Ben Gossett
September 4, 2019

Mary Hull Caballero
Auditor of the City of Portland

By

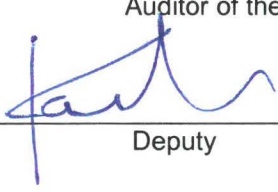
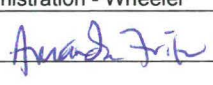




Deputy

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Agenda No.
ORDINANCE NO. 189749
Title

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| INTRODUCED BY Commissioner/Auditor: FRITZ | CLERK USE: DATE FILED OCT 15 2019 |
| COMMISSIONER APPROVAL | <p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By:  Deputy</p> <p>ACTION TAKEN: OCT 23 2019 PASSED TO SECOND READING OCT 30 2019 9:30 A.M.</p> |
| Mayor—Finance & Administration - Wheeler | |
| Position 1/Utilities - Fritz  | |
| Position 2/Works - Fish | |
| Position 3/Affairs - Hardesty | |
| Position 4/Safety - Eudaly | |
| BUREAU APPROVAL | |
| Bureau: Director Stahr | |
| Bureau Head:  | |
| Prepared by: Ben Gosset Date Prepared: 10/14/19 | |
| 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 type="checkbox"/> | |
| City Auditor Office Approval: required for Code Ordinances | |
| ✓ City Attorney Approval:  required for contract, code, easement, franchise, comp plan, charter | |
| Council Meeting Date 10/23/19 | |

| 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 type="checkbox"/> | 1. Fritz | ✓ | |
| REGULAR <input checked="" type="checkbox"/> | 2. Fish | ✓ | |
| Total amount of time needed: 10 min (for presentation, testimony and discussion) | 3. Hardesty | ✓ | |
| | 4. Eudaly | ✓ | |
| | Wheeler | _____ | _____ |