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GEORGE YERKOVICH, AUDITOR  
CITY OF PORTLAND, ORE.

149031

AUD 50-25-640

ACCEPTANCE

BY C

Portland, Oregon, January 16, 1980

GEORGE YERKOVICH  
Auditor of the City of Portland,  
Room 202, City Hall  
Portland, Oregon 97204

Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 149031, passed by the Council January 16, 1980, authorizing employment of Richard C. Bemis, Attorney at Law, to assist the office of the City Attorney in certain condemnation litigation relating to the Powell Butte Reservoir Project and the Groundwater Development Program, and declaring an emergency,

and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

*Richard C. Bemis*

\* Richard C. Bemis

[CORPORATE  
SEAL]

1100 SW 6th, Portland, OR 97204  
Address

APPROVED AS TO FORM

Approved as to form:

*Christina P. Thomas*

CITY ATTORNEY  
City Attorney

\*When an acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

ORDINANCE NO. 149031

An Ordinance authorizing employment of Richard C. Bemis, Attorney at Law, to assist the office of the City Attorney in certain condemnation litigation relating to the Powell Butte Reservoir Project and the Groundwater Development Program, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

- (1) That in conjunction with the Powell Butte Reservoir Project and the Groundwater Development Program, it is necessary that the city acquire certain real property.
- (2) To date the owners of the property, the Portland Gun Club in the case of the property needed for the Powell Butte Reservoir Project and in the case of the Groundwater Development Program, Ross Phillippi, and others, have been unwilling to convey to the city the needed property and it appears that it may become necessary to acquire such property by eminent domain proceedings in the Multnomah County Circuit Court.
- (3) It is in the best interests of the city that the services of legal counsel be retained to assist the office of the City Attorney in the prosecution of this litigation. Richard C. Bemis, an attorney, has had extensive experience in condemnation litigation and is well qualified in this field.
- (4) That retention of Richard C. Bemis in this matter has been approved by the Administrator of the Bureau of Water Works and the Commissioner in charge thereof.

NOW, THEREFORE, the Council directs:

- (a) That Richard C. Bemis, Attorney at Law, be retained to assist the office of the City Attorney in the event that it becomes necessary to acquire by eminent domain certain property necessary for the Powell Butte Reservoir Project, owned by the Portland Gun Club and certain property necessary for the Groundwater Development Program, owned by Ross Phillippi, and others.
- (b) That Mr. Bemis shall be reimbursed at the rate of \$75 per hour for his time expended in these matters and shall be paid upon presentation of appropriate statements; the reimbursement for the Powell Butte Reservoir Project to be made from 1979-80 Budget, Water Fund, Project 3701, Powell Butte Storage, BUC 18600374 and reimbursement from the Groundwater Development Program to be made from the Water Fund, Project No. 3700, Object Code 610, BUC 18600374.
- (c) This ordinance shall become an effective agreement between the city and Richard C. Bemis upon acceptance of its terms by Mr. Bemis.

ORDINANCE No.

149033

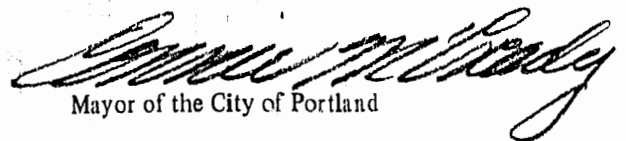
Section 2. The Council declares:

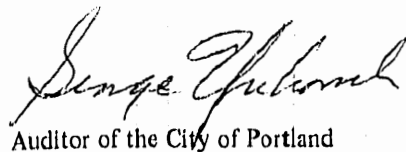
It is necessary that no further delay be encountered in acquiring the needed properties for the above mentioned projects, and that the hiring of Mr. Bemis to assist the City Attorney's office in this endeavor will be advantageous to the city, therefore, an emergency exists and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **JAN 16 1980**

Commissioner Ivancie  
December 27, 1979  
RCIrelan/fg

Attest:

  
Mayor of the City of Portland

  
Auditor of the City of Portland

Calendar No. 147

**ORDINANCE No. 149031**

**Title**

An Ordinance authorizing employment of Richard C. Bemis, Attorney at Law, to assist the office of the City Attorney in certain condemnation litigation relating to the Powell Butte Reservoir Project and the Ground-water Development Program, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	/	
Jordan	/	
Lindberg	/	
Schwab	/	
McCready	/	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY
Commissioner Ivancie

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works

BUREAU APPROVAL	
Bureau:	
Prepared By: RCIrelan/fg	Date: 12/27/79
Budget Impact Review:	
<input type="checkbox"/> Completed <input type="checkbox"/> Not required	
Bureau Head:	

R.R.

NOTED BY
City Attorney
City Auditor
City Engineer

Filed JAN 10 1980

**GEORGE YERKOVICH**  
Auditor of the CITY OF PORTLAND

By Gordon Craxell  
Deputy