

## **ORDINANCE NO. 190322**

Authorize the purchase of 2.00 acres of real property at 35227 SE Carpenter Lane in the amount of \$875,000 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 directed the Portland Water Bureau to design the Bull Run Filtration Project (Project) to comply with the Environmental Protection Agency's Long Term 2 Enhanced Surface Water Treatment Rule.
2. The Project is being planned on City owned property located on SE Carpenter Lane in east Multnomah County. Carpenter Lane is a narrow local road that also serves residences and nursery businesses.
3. Project planning documents recommend improving ingress and egress to the Project site by relocating the access to SE Dodge Park Boulevard to the north. Relocating the access as recommended requires the Portland Water Bureau to acquire additional property.
4. The property owners (Owners) at 35227 SE Carpenter Lane, located north and adjacent to the Project site, offered to sell their property to the City of Portland (City) for Project purposes for \$875,000.
5. The Owners agreed to sell the property to the City under terms outlined in the attached Exhibit A, Purchase Agreement. The terms include, among others, City covering closing costs that are estimated to be less than 3% of the purchase price. City Council approval is needed to authorize the Portland Water Bureau to execute the Purchase Agreement because the purchase price and closing costs exceed existing Portland Water Bureau purchase authority. City has the authority to appropriate the subject property by purchase pursuant to ORS 223.005 through ORS 223.020.
6. Upon City Council approval of the purchase, and the parties execute the Purchase Agreement, the Owners will be entitled to relocation benefits at closing, in addition to the purchase price and closing costs. Owners' relocation benefits will be determined pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act (the Relocation Act) and Oregon Revised Statutes, Chapter 35 (ORS 35). Owner relocation benefits are estimated to be \$100,000; however, the actual cost will be determined after City Council approval of the Purchase Agreement and full execution of the same.

NOW, THEREFORE, the Council directs:

- a. That the Portland Water Bureau Director is authorized to execute on behalf of the City a Purchase Agreement in a form substantially in accordance with attached Exhibit A; execute all closing documents; and take the actions necessary to close the transaction, including payment of closing costs and the relocation benefit costs as outlined in the Relocation Act and ORS Chapter 35.
- b. The Purchase Agreement authorized by this ordinance is subject to approval as to form by the City Attorney's Office.
- c. Amendments to the Purchase Agreement may be executed by the Portland Water Bureau Director and would be subject to approval as to form by the City Attorney's Office.
- d. The Mayor and Auditor are hereby authorized to draw and deliver checks chargeable to the Water Fund when demand is presented and approved by the proper authorities.
- e. The Mayor and Auditor are hereby authorized to deposit funds from the Bull Run Filtration Project into an escrow account established for the purpose of acquiring the property and to pay for the resulting obligations or agreements, including relocation benefit payments, from the Water Fund.

Passed by the Council: March 10, 2021

Commissioner Mingus Mapps  
 Prepared by: David Peters, P.E.  
 February 10, 2021

**Mary Hull Caballero**  
 Auditor of the City of Portland  
 By *Megan Lehman* Deputy

152  
140  
Agenda No.  
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Title

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| <p style="text-align: center;"><b>INTRODUCED BY</b><br/>Commissioner/Auditor:<br/><b>Mingus Mapps</b></p>   | <p>CLERK USE: DATE FILED <u>February 23, 2021</u></p>  |
| <p style="text-align: center;"><b>COMMISSIONER APPROVAL</b></p>   | <p style="text-align: center;">Mary Hull Caballero<br/>Auditor of the City of Portland</p> <p>By: <u>Megan Lehman</u><br/>Deputy</p> <p><b>ACTION TAKEN:</b><br/>March 3, 2021 Passed to Second Reading March 10, 2021</p> |
| <p>Mayor—Finance &amp; Administration - Wheeler</p>   |  |
| <p>Position 1/Utilities - Rubio</p>   |  |
| <p>Position 2/Works - Ryan</p>  |  |
| <p>Position 3/Affairs - Hardesty</p>  |  |
| <p>Position 4/Safety - Mapps</p>  |  |
| <p style="text-align: center;"><b>BUREAU APPROVAL</b></p>   |  |
| <p>Bureau: Water<br/>Bureau Head: Gabriel Solmer</p>  |  |
| <p>Prepared by: <b>David Peters, P.E.</b><br/>Date Prepared: <b>2/9/2021</b></p>  |  |
| <p>Impact Statement<br/>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>  |  |
| <p>Portland Policy Document<br/>If "Yes" requires City Policy paragraph stated in document.<br/>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> |  |
| <p><b>City Auditor Office Approval:</b><br/>required for Code Ordinances</p>  |  |
| <p><b>City Attorney Approval:</b><br/>required for contract, code, easement, franchise, comp plan, charter</p>  |  |
| <p>Council Meeting Date<br/>March 3, 2021</p>   |  |

| <p style="text-align: center;"><b>AGENDA</b></p> <p><b>TIME CERTAIN</b> <input type="checkbox"/><br/>Start time: _____</p> <p><b>Total amount of time needed:</b> _____<br/>(for presentation, testimony and discussion)</p> <p><b>CONSENT</b> <input type="checkbox"/></p> <p><b>REGULAR</b> <input checked="" type="checkbox"/><br/><b>Total amount of time needed:</b> <u>10min</u><br/>(for presentation, testimony and discussion)</p> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">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. Rubio</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>2. Ryan</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>3. Hardesty</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>4. Mapps</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>Wheeler</td> <td style="text-align: center;">✓</td> <td></td> </tr> </table> | FOUR-FIFTHS AGENDA | COMMISSIONERS VOTED AS FOLLOWS: |  |  | YEAS | NAYS | 1. Rubio | ✓ |  | 2. Ryan | ✓ |  | 3. Hardesty | ✓ |  | 4. Mapps | ✓ |  | Wheeler | ✓ |  |
|---|---|--------------------|---------------------------------|--|--|------|------|----------|---|--|---------|---|--|-------------|---|--|----------|---|--|---------|---|--|
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|   | YEAS  | NAYS               |                                 |  |  |      |      |          |   |  |         |   |  |             |   |  |          |   |  |         |   |  |
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| 2. Ryan   | ✓   |                    |                                 |  |  |      |      |          |   |  |         |   |  |             |   |  |          |   |  |         |   |  |
| 3. Hardesty   | ✓   |                    |                                 |  |  |      |      |          |   |  |         |   |  |             |   |  |          |   |  |         |   |  |
| 4. Mapps  | ✓   |                    |                                 |  |  |      |      |          |   |  |         |   |  |             |   |  |          |   |  |         |   |  |
| Wheeler   | ✓   |                    |                                 |  |  |      |      |          |   |  |         |   |  |             |   |  |          |   |  |         |   |  |