

**IMPACT STATEMENT**

**Legislation title:** Authorize Bureau of Environmental Services to acquire certain permanent and temporary property rights necessary for construction of the South Portland – Burlingame Phase 2 Sewer Rehab project through the exercise of the City’s Eminent Domain Authority Project No. E11080 (Ordinance)

**Contact name:** Daniel Boatman

**Contact phone:** 503-823-7162

**Presenter name:** Joe Dvorak, P.E., BES Design Division Manager; Daniel Boatman, BES Project Manager; Ashley McLay, PBOT Right-of-Way Agent

**Purpose of proposed legislation and background information:**

The purpose of the proposed legislation is to authorize the Bureau of Environmental Services (BES) to acquire certain temporary property rights, as described in Exhibits 1 through 4 necessary for the construction of the South Portland – Burlingame Phase 2 Sewer Rehab (the “Project”) through the exercise of the City’s Eminent Domain Authority.

Temporary construction easements are needed at said properties in backyards of private properties in order to make pipe repairs by spot repair, and to excavate for lateral service connections.

The subject property already has a permanent easement where the sewer main is located. The existing permanent easements are not sufficiently sized and need to be expanded to allow for future maintenance activities. Additionally, the construction activities will produce excavated material, equipment, pipe and fitting materials storage, and will need a larger footprint than that already in place or proposed for the permanent easement expansion. This legislation will allow BES to utilize the necessary expanded footprint in order to execute the task safely and efficiently and to provide for future maintenance of sewer assets.

**Financial and budgetary impacts:**

The cost of acquiring the needed properties will be determined by an independent appraisal during the Eminent Domain process. Funds are available in the Sewer System Operating Fund, FY 2021-2022 Budget, Bureau of Environmental Services WBS E11080.

The proposed legislation will not create, eliminate or re-classify any positions now or in the future. BES Construction Services Division, supported by BES Engineering Services and the design Engineer of Record (EOR), and the Construction Manager, will manage the construction contract.

**Community impacts and community involvement:**

One property, as depicted in Exhibits 1 through 4 will be affected and will require easements for construction staging and to perform pipe repairs. The contract documents will require the Contractor to restore all affected areas that are disrupted along all properties.

A permanent sewer easement and a temporary construction easement for the properties as described in the Exhibits are necessary for the construction of the repairs and installation of sewer pipes.

BES staff has discussed the proposed project with all property owners over the course of the past two years. All property owners appear supportive of the proposed work. Continued outreach will be coordinated by BES Public Involvement and PBOT Right of Way to coordinate schedules, obtain access, and easements to these properties.

The City will require the construction contractor to install all traffic control measures where necessary, and, during evenings and other non-work hours the active construction zone will be fenced and secured if not completed within the standard working hours.

We do not anticipate that any individuals or groups will be testifying with regard to this proposed legislation. The specific location for this ordinance is not impacting the general public.

100% Renewable Goal:

- This project will neither increase or decrease the City's total energy use.
- This project neither contributes nor takes away for the City's goal of meeting 100 percent community-wide energy needs with renewable energy by 2050.

Budgetary Impact Worksheet

Does this action change appropriations?

- ☐ YES: Please complete the information below.
- ☒ NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount