



[Home](#) / [Browse Council Documents](#)

190521

Ordinance

Authorize the Bureau of Environmental Services to acquire certain permanent and temporary property rights necessary for construction of the Portsmouth Force Main Valve Vault Monitoring project through the exercise of the City's Eminent Domain Authority Project No. E10735

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland may exercise the power of eminent domain pursuant to Section 9-108 of the City Charter when deemed necessary by the City Council to accomplish public purposes for which the City has responsibility, provided that power is exercised in accordance with the eminent domain procedures established by Oregon Revised Statutes Chapter 35 (Eminent Domain; Public Acquisition of Property), including those procedures that apply to notification, valuation, negotiation, relocation, and early possession, if necessary.
2. The City of Portland has the responsibility to provide sewage and stormwater collection and treatment services to accommodate the City's current and future needs and to protect public health, water quality and the environment.
3. The BES project known as the Portsmouth Force Main Valve Vault Monitoring Project ("the Project") has been planned in accordance with appropriate engineering standards for the construction, maintenance, or improvement of the City's sewer infrastructure in a way that minimizes property damage, promotes healthy ecosystems and safeguards the environment.
4. The Project is primarily in the Swan Island Basin neighborhood of North Portland. The Project includes approximately six work sites, and the Project area is limited by the Willamette River to the West, N Basin Ave to the East, Waud Bluff Trail to the North, and N Going St. to the South. The Project includes installing monitoring equipment

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Environmental Services](#)

Prepared by

Joe Dvorak, P.E.

Date Prepared

June 14, 2021

Requested Agenda Type

Regular

along the Portsmouth force main sewer line on Swan Island. This monitoring system will help public sewer pipes operate efficiently and safely and prevent sewage overflows to the Willamette River. While most of the proposed work at the six sites is within existing easements or the public right-of-way (ROW), one particular valve vault requires work in a new easement. Methods of construction include installing electrical panels at six air pressure relief vaults along the force main. The equipment will monitor sewage levels in the vaults and alert maintenance staff of potential problems so that they can take corrective action.

5. To accomplish the Project's goals set forth above and to construct the Project as designed, the City must acquire the property interests described and depicted in Exhibits 1 and 2 attached to this Ordinance and by this reference incorporated herein.
6. The City must acquire possession of these property interests by December 1, 2021 so construction of the Project can begin on schedule.
7. The Bureau's level of confidence in the cost estimates for the Project is high. Funds are available in the Sewer System Operating Fund, FY 2021-2022 and FY 2022-2023 Budgets, BES Project No. E10735.

NOW, THEREFORE, the Council directs:

- A. That it is hereby declared that it is necessary to acquire the property interests described and depicted in Exhibits 1 and 2 to this Ordinance for the Project, for which the City is authorized by law to acquire property, and that the Project has been planned, designed, located, and will be constructed in a manner that will be most compatible with the greatest public good and the least private injury.
- B. That the Director of BES or designee and the City Attorney are each authorized to acquire the necessary property interests described herein for the Project under the eminent domain authority of the City, including filing an action to acquire said property interests or negotiating just compensation with the property owner within available project budget funds. The Director of BES or designee and the City Attorney are each further authorized to enter into an obligation agreement with the property owner to address construction management concerns within available Project budget funds.
- C. That the power of eminent domain is hereby exercised with respect to the interests in property described and depicted in Exhibits 1 and 2. The property right is acquired subject to payment of just compensation and subject to procedural requirements of Oregon law.
- D. That BES staff and the Office of the City Attorney are authorized to compensate the property owner and other persons-in-interest for the acquisition. In the event that no satisfactory compensation

agreement can be reached, the City may commence and prosecute such condemnation proceedings as may be necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition. This authorization is not intended to expand the jurisdiction of any court to decide matters determined or determinable by the City Council.

- E. That BES is authorized to determine the continuing necessity or propriety of the acquisition authorized by this Ordinance, its quantity, quality, or locality, and to reduce or abandon any acquisition described and depicted in Exhibits 1 and 2.
- F. Exhibits 1 and 2 hereby authorize the creation of a fund in the amount estimated to be the just compensation for interest in the property which, if necessary, shall be deposited with the clerk of the court where an action is commenced.
- G. The costs incurred in connection with the acquisition authorized herein shall be charged to the Sewer System Operating Fund, FY 2021-2022 Budget, BES Project No. E10735.
- H. The Mayor and the City Auditor are hereby authorized to pay for the property right from the Sewer System Operating Fund Budget when demand is presented and approved by the proper authority.

Documents and Exhibits

 [Exhibit 1](#) (98.01 Kb)

 [Exhibit 2](#) (111.54 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
July 28, 2021

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

 [Impact Statement](#) (74.88 Kb)

Agenda Items

582 Regular Agenda in [July 21-22, 2021 Council Agenda](#)

Passed to second reading

Passed to second reading July 28, 2021 at 9:30 a.m.

613 Regular Agenda in [July 28-29, 2021 Council Agenda](#)

Passed

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

General information

✉ cityinfo@portlandoregon.gov

📞 [503-823-4000](tel:503-823-4000)

🗉 [711](#) Oregon Relay Service

City of Portland, Oregon



© Copyright 20182021