

# ORDINANCE No. 176143

\*Authorize a License Agreement with The Burlington Northern and Santa Fe Railway Company for a below-grade private grade crossing to provide access to the Columbia Boulevard Wastewater Treatment Plant Solids Lagoon, and provide for payment (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The solids lagoon at the Columbia Boulevard Wastewater Treatment Plant (CBWTP) is an essential process in the treatment of the City of Portland's wastewater. The solids lagoon requires ongoing maintenance and periodic construction activities.
2. The only access to the CBWTP solids lagoon, for heavy equipment is across property owned by The Burlington Northern and Santa Fe Railway Company (BNSF). The access is at an existing below-grade crossing.
3. The BNSF will enter into a license agreement with the City of Portland for a below-grade crossing for the purpose of maintenance and construction activities. The license agreement is for a term of 25 years. A contract fee is required.
4. Pursuant to ORS 824.214, the Oregon Department of Transportation issued Order No. 50032 authorizing crossings of BNSF tracks.
5. The cost of the license agreement is \$5,000. Funds are available in the adopted Sewer System Operating Fund, FY 2001-2002 Budget, Bureau of Environmental Services, Center Code 145-22-110, Project Number 6072, Account No. 561000.

NOW, THEREFORE, the Council directs:

- a. The Director of the Bureau of Environmental Services is authorized to sign a License Agreement with The Burlington Northern and Santa Fe Railway Company in substantially the same form as the attached Agreement.
- b. The Mayor and Auditor are hereby authorized to draw and deliver warrants chargeable to the Sewer System Operating Fund when demand is presented and approved by the proper authorities for the License payment.

Section 2. The Council declares that an emergency exists because a delay in execution of the license agreement might result in delays in the construction; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, DEC 19 2001  
Commissioner Dan Saltzman

**GARY BLACKMER**

Auditor of the City of Portland  
By /S/ Terry Reisz

Garry Ott (310)  
November 16, 2001  
14522110 / 561000 / 6072

Deputy

## BACKING SHEET INFORMATION

AGENDA NO. 1449-2001

ORDINANCE/RESOLUTION/COUNCIL DOCUMENT NO. 176143

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
FRANCESCONI	X	
HALES	X	
SALTZMAN	X	
STEN	X	
KATZ	X	