

ORDINANCE No. 174050

*Authorize the continuance of negotiations for the purchase of sewer and temporary construction easements required for the Vermont Trunk Sewer Project, authorize the City Attorney to commence condemnation proceedings, if necessary, and obtain early possession. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland is replacing obsolete pump stations in the Vermont Hills area of SW Portland with a trunk sewer line.
2. Negotiations with the affected owners, Edward G. Atsinger III and Stuart W. Epperson, and Oregon Episcopal Schools, an Oregon non-profit corporation, duly organized and incorporated under the laws of the State of Oregon which acquired title as the Board of Trustees of St. Helens Hall, an Oregon corporation, have been initiated.
3. Should negotiations for the easements reach an impasse, the City Attorney should be authorized to continue negotiations and to commence condemnation proceedings to acquire the property rights.
4. It is necessary to acquire possession of the parcels by March 1, 2000, so that construction can occur in the summer months.

NOW, THEREFORE, the Council directs:

- a. The City Attorney is authorized and directed to continue negotiations on behalf of the City for the acquisition of the sewer and temporary construction easements described as follows:

R/W # 5655-1 (Sewer Easement) (Atsinger and Epperson)

A strip of land over and across that property described in Volume 86 at Page 47434, Deed Records of Washington County, Oregon, being located in the southeast quarter of Section 13, T1S, R1W, WM, County of Washington, State of Oregon, said strip of land is more particularly described as follows:

Commencing at the southwest corner of the southeast quarter of said Section 13; thence N 01°21' E 557.20 feet to a pipe set on the south boundary of the tract conveyed to S. B. and Vivian Lawrence by deed recorded in Book 115 at Page 360, Deed Records of said County; thence N 85°20' E 940.00 feet to the northeast corner of said property and the True Point of Beginning; thence S 01°21' W, along the east line of said property, 654.85 feet to the south line of said section; thence along said section line, N 88°42' W 40.00 feet; thence N 01°21' E, parallel to the east line of said property to the north line of said property; thence N 85° 20 E along said north line to the True Point of Beginning.

R/W #5655-1T (Temporary Construction Easement) (Atsinger and Epperson)

A strip of land lying adjacent to and west of the above-described permanent easement, and more particularly described as follows:

Beginning at a point that bears S 88°42' E 935.20 feet from the southwest corner of the southeast quarter of Section 13, T1S, R1W, WM, County of Washington and State of Oregon; thence N 88°42' W 40.00 feet to the True Point of Beginning; thence continuing N 88°42' W 140.00 feet; thence N 37°34'07" E 164.01 feet to a point that lies 10.00 feet west of, when measured perpendicularly, the west line of the above described permanent easement; thence north parallel to said west line, 552.00 feet, more or less, to the north line of that property described in Volume 86 at Page 47434, Deed Records of said County; thence along said north line to the west line of the above-described permanent easement; thence south along said west line 654.85 feet to the True Point of Beginning.

R/W # 5655-2 (Oregon Episcopal Schools)

The east 720.00 feet of a 12.00 foot wide strip of land bounded on the south by the southerly portion of SW Vermont Court and partially bounded on the north by the northerly portion of SW Vermont Court and lying in the northwest one-quarter of the northeast one-quarter of Section 24, T1S, R1W, W.M., in Washington County, Oregon, described as follows:

A parcel of land in the northwest one-quarter of the northeast one-quarter of Section 24, T1S, R1W, W.M., in the City of Beaverton, County of Washington and State of Oregon, described as follows:

Beginning at the one-quarter corner of Sections 24 and 13, T1S, R1W, W.M., in Washington County, Oregon, marked by an iron pipe; thence S 89°07' E, 935.27 feet to an iron bar; thence S 89°05' E 737.09 feet to a point on the westerly line of Oleson Road (County Road No. 179); thence at right angles to this line 12.00 feet to an iron pipe marking the southeast corner of this property; thence N 89°05' W 737.09 feet to a point; thence N 89°07' W 935.27 feet to a point marked with an iron pipe; thence N 0°30' W 12 feet to the Point of Beginning.

EXCEPTING THEREFROM that portion described in Dedication Deed recorded December 18, 1990 as Recorder's Fee No. 90-69327, said portion being more particularly described as follows:

Beginning at the one-quarter corner of Sections 24 and 13, T1S, R1W, W.M., in Washington County, Oregon, marked by an iron pipe; thence S 87°33'49" E 935.27 feet to an iron bar; thence S 87°33'49" E 737.09 feet to a point on the westerly line of Oleson Road, being the True Point of Beginning; thence

S 12°16'30" E along said right-of-way line 12.00 feet, more or less; thence N 87°33'49" W 112.00 feet, more or less; thence northerly 12.00 feet, more or less; thence S 87°33'49" E 113.00 feet, more or less, to the True Point of Beginning.

- b. In the event any or all of the owners of the property refuse to grant said easements under the terms offered by the City Attorney, the City Attorney is hereby authorized and directed to commence condemnation proceedings by filing an action or actions for the appropriation of the easements against the owner or any parties claiming any interest in said property. The City Attorney shall prosecute said condemnation proceedings with all reasonable diligence to carry them to final judgment.
- c. The City Attorney is hereby authorized and directed to take all appropriate steps to acquire possession of the above described real property by March 1, 2000, or as soon thereafter as possible in accordance with all applicable laws and regulations.
- d. There is hereby authorized the creation of a fund in the amount estimated to be the just compensation for each easement which shall, upon obtaining possession of said property, be deposited with the clerk of the court wherein the action is commenced for the use of the defendants in this action.
- e. The cost incurred by the City Attorney in connection with the acquisition herein authorized shall be charged to the Sewer Operating Fund, Center Code #14522110, Project #5439, Account Code 561000.

Section 2. The Council declares that an emergency exists because a delay in acquisition of possession of the parcels described herein might result in delays in construction; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, JAN 05 2000

Commissioner Dan Saltzman
Heidi M. Ware:clm
December 17, 1999

BY

GARY BLACKMER
AUDITOR OF THE CITY OF PORTLAND

Britta Olson

DEPUTY

* Authorize the continuance of negotiations for the purchase of sewer and temporary construction easements required for the Vermont Trunk Sewer Project, authorize the City Attorney to commence condemnation proceedings, if necessary, and obtain early possession. (Ordinance)

INTRODUCED BY	Filed: DEC 30 1999
Commissioner Dan Saltzman	Gary Blackmer Auditor of the City of Portland
NOTED BY COMMISSIONER	By: <u>Gary Kershner</u> Deputy
Affairs <i>Don Saltzman</i>	
Finance and Administration	
Safety	
Utilities	
Works	
BUREAU APPROVAL	
Bureau: Environmental Services	ACTION TAKEN:
Prepared by: <i>Heidi M. Ware:clm</i> Date: December 17, 1999	
Budget Impact Review:	
<input checked="" type="checkbox"/> Completed <input type="checkbox"/> Not Required	
Bureau Head: <i>DCM</i> Dean Marriott, Director	

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
		YEAS	NAYS
Consent <input checked="" type="checkbox"/> Regular			
NOTED BY	Francesconi	Francesconi	}
City Attorney	Hales	Hales	
City Auditor	Saltzman	Saltzman	
City Engineer: Brant Williams <i>W</i>	Sten	Sten	
Approved By:	Katz	Katz	