

ORDINANCE No. 183548

Authorize the Bureau of Environmental Services to acquire certain permanent easements necessary for construction and flooding on the Jameson Partners property adjacent to the East Lents Floodplain Restoration Project No. E07384 site, through the exercise of the City's Eminent Domain Authority (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services will construct the East Lents Floodplain Restoration Project to mitigate and reduce damage from nuisance flooding from Johnson Creek on SE Foster Road in the vicinity of SE 111th Avenue.
2. The East Lents Floodplain Restoration Project requires acquisition of certain private property rights through permanent easements to ensure attainment of environmental permits and to construct the Project.
3. The owner of the private property has been informed that use of the City's eminent domain authority will protect their interest and the City's interest during negotiations for permanent easements over their private property.
4. If necessary, acquisition efforts will be completed in accordance with Eminent Domain procedures provided for in ORS Chapter 35 (Eminent Domain; Public Acquisition of Property), including those procedures that apply to notification, valuation, negotiation and early possession for certain easements on the property shown on the Exhibits attached to this ordinance, and owned by Jameson Partners.
5. It is necessary to acquire possession of the easements as soon as possible so that construction can occur within the permit regulated in-water work dates for Johnson Creek.
6. Funds are available in the Sewer System Operating Fund, FY 2009-2010 Budget, Bureau of Environmental Services, Project E07384, WBS Element E07384.L65, Account No. 563300 (permanent asset).

NOW, THEREFORE, the council directs:

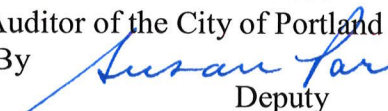
- a. The Director of the Bureau of Environmental Services or designee and/or City Attorney are authorized to acquire necessary permanent easements for the East Lents Floodplain Restoration Project under the Eminent Domain Authority of the City, including filing an action to

acquire the property interests described herein or negotiating just compensation with property owners within available project budget funds.

- b. The Director of the Bureau of Environmental Services or designee and/or City Attorney are further authorized to enter into obligations agreements with property owners to address construction management or maintenance concerns within available project budget funds.
- c. There is hereby authorized the creation of a fund in the amount estimated to be the just compensation for each interest in the property which, if necessary, shall be deposited with the clerk of the court where an action is commenced.
- d. The costs incurred in connection with the acquisition authorized herein shall be charged to the East Lents Floodplain Restoration Project (WBS Code E07384.L65).
- e. The property affected by this ordinance is described and depicted on the exhibits listed below, which are attached hereto, and by this reference made a part hereof.
 - EXHIBIT A - FLOOD MANAGEMENT EASEMENT,
 - EXHIBIT B1 - FLOOD MANAGEMENT EASEMENT,
 - EXHIBIT B2 - FLOOD MANAGEMENT EASEMENT,
 - EXHIBIT A - BERM/DRAINAGE CHANNEL EASEMENT,
 - EXHIBIT B1 - BERM/DRAINAGE CHANNEL EASEMENT,
 - EXHIBIT B2 - BERM/DRAINAGE CHANNEL EASEMENT.
- f. The Commissioner of Public Affairs and Auditor are hereby authorized to draw and deliver a warrant chargeable to the Sewer System Operating Fund Budget when demand is presented and approved by the proper authority.

Passed by the Council, FEB 17 2010

Dan Saltzman
 Commissioner of Public Affairs
 Submitter: Scott Gibson
 Date Prepared: January 4, 2010
 WBS E07384.L65 ord

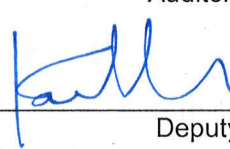
LaVonne Griffin-Valade
 Auditor of the City of Portland
 By  Deputy

212 240

✓100

Agenda No. **183548**
ORDINANCE NO.
 Title

Authorize the Bureau of Environmental Services to acquire certain permanent easements necessary for construction and flooding on the Jameson Partners property adjacent to the East Lents Floodplain Restoration Project site (BES Project E07384) through the exercise of the City's Eminent Domain Authority. (Ordinance)

<p>INTRODUCED BY Commissioner/Auditor:</p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p> <p>BUREAU APPROVAL</p> <p>Bureau: Environmental Services Bureau Head: Dean Marnot</p> <p>Prepared by: Scott Gibson Date Prepared: January 4, 2010</p> <p>Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date February 10, 2010</p> <p>City Attorney Approval <i>D.H.</i></p>	<p>CLERK USE: DATE FILED FEB 05 2010</p> <p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By:  Deputy</p> <p>ACTION TAKEN:</p> <p>FEB 10 2010 PASSED TO SECOND READING FEB 17 2010 9:30 A.M.</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz ✓	
2. Fish	2. Fish ✓	
3. Saltzman	3. Saltzman _____	
4. Leonard	4. Leonard ✓	
Adams	Adams ✓	