

ORDINANCE NO. 183550

*Authorize the Portland Water Bureau to acquire fee ownership of property for construction and staging of Powell Butte Reservoir II. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Portland Water Bureau (PWB) requires ownership of a parcel of land (Subject Parcel) to facilitate the planned construction of a second 50 million gallon reservoir on Powell Butte in keeping with the Powell Butte Conditional Use Master Plan approved in 2003.
2. The Subject Parcel is located at 5009 SE 174th Avenue more particularly described as: Lots 1 and 2 of the amended plat of Jennelynd Acres Subdivision situated and of record in Multnomah County Oregon, and comprising approximately 75,478 ft².
3. The cost of the Subject Parcel is \$165,000, plus closing costs and fees estimated not to exceed \$7,500, for a total expenditure not to exceed \$172,500.
4. Funding for this acquisition is available in the FY 2009-10 Budget in project W01343.

NOW, THEREFORE, the Council directs:

- a. The Administrator and Chief Engineer of the Portland Water Bureau are authorized to execute on behalf of the City a final Real Estate Sale Agreement, substantially in accordance with the proposed Real Estate Sale Agreement, a copy of which is attached as Exhibit A of this Ordinance.
- b. The Administrator and Chief Engineer of the Portland Water Bureau are authorized to execute on behalf of the City all documents necessary to accept title to the property described herein and fulfill all obligations of the PWB under the Real Estate Agreement including acceptance of title.
- c. The Auditor is hereby authorized to draw and deliver warrants chargeable to the Powell Butte II Reservoir Project when demand is presented and approved by the proper authority.

Section 2. The Council declares that an emergency exists because any delay in obtaining the property may cause the property owner to call for renegotiation or withdrawal of the terms and conditions of the transaction, which may result in additional expense to the City. Therefore this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, FEB 17 2010

Commissioner Leonard
Ben Gossett
January 26, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland

By  Deputy

Agenda No. **183550**
ORDINANCE NO.
 Title

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INTRODUCED BY Commissioner/Auditor: Commissioner Leonard	CLERK USE: DATE FILED <u>FEB 11 2010</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard <i>[Signature]</i>	LaVonne Griffin-Valade Auditor of the City of Portland By: <u><i>[Signature]</i></u> Deputy ACTION TAKEN:
BUREAU APPROVAL Bureau: Portland Water Bureau Bureau Head: David G. Shaff <i>[Signature]</i>	
Prepared by: Ben Gossett Date Prepared: January 26, 2010	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date February 17, 2010	
City Attorney Approval	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz <input checked="" type="checkbox"/>	
2. Fish	2. Fish <input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman <input type="checkbox"/>	
4. Leonard	4. Leonard <input checked="" type="checkbox"/>	
Adams	Adams <input checked="" type="checkbox"/>	