

ORDINANCE No. 183555

Amend Ordinance authorizing the Bureau of Environmental Services to enter into agreements for the conveyance of properties located within the East Lents Floodplain Restoration project area (Ordinance; amend Ordinance No. 181880)

The City of Portland ordains:

Section 1. The Council finds:

1. Ordinance No. 181880, passed by Council on June 4, 2008, authorized Bureau of Environmental Services to enter into agreements for the conveyance of properties located within the East Lents Floodplain Restoration project area (Ordinance, Amend Ordinance No. 181880)
2. The acceptance of property in frequently flooded areas by the City is consistent with federal policy regarding the management of floodplains and the long-range goal of the Bureau of Environmental Services to allow people to move out of harms way, and restore natural floodplain functions.
3. To position the City of Portland for a higher ranking within FEMA's Community Rating System, the property acquired through this ordinance will be designated 'Open Space' and used for water quality and floodplain functions. The City's current ranking of Class 5 provides a 25% discount on flood insurance premiums for Portland residents.
4. The East Lents Restoration project poses unique challenges for designing a large scale restoration project around existing households. Environmental Services ability to purchase houses with minimal time delay will provide the design certainty needed to meet grant deadlines.
5. Environmental Services has received a \$2.7 million dollar FEMA grant for the East Lents Restoration project. The ability for Environmental Services to purchase property as it becomes available will increase the ease with which Environmental Services can meet the grant requirements.
6. The purchase of properties within four target areas that support the Johnson Creek Restoration Plan, approved by City Council in June 2001, have been routinely passed by Council over the past several years. The acquisition of properties included in this ordinance would complete the Lents Target Area where over 105 acres have been acquired to date.
7. The Bureau of Environmental Services has determined that significant flood mitigation, water quality, floodplain restoration, wildlife habitat and

passive recreation benefits will occur as a result of the City's acquisition, restoration and management of the land and that the acquisition is in the public interest and for the general benefit of the people of the City of Portland.

8. The established total cost is increased and estimated not to exceed \$7,600,000. Funds are available in the Sewer System Operating Fund, FY 09-10 Budget. Bureau of Environmental Services, WBS Element 10040
9. The properties to be allowed for conveyance are:
 - A. Exhibit A. Those properties lying South of SE Foster Rd, North of the SE 7000 block, East of SE 103rd PL and West of SE 112th Ave. With the total number of taxlots acquired to be no more than 24 with a combined area of 13.6 acres.

Acquisition for properties within the East Lents Floodplain Restoration Site are approximately \$2 million over the original 2008 estimate. The new total projected cost is estimated not to exceed \$7,600,000, with funds identified for;

- **Land Acquisition**, including - acquisition, closing costs, moving allowances, appraisals, and consultant fees.
- **Environmental Assessment**, including - Phase I assessment, Phase II assessment, heating oil tank decommissioning, well decommissioning, and soil and/or groundwater remediation.
- **Site Stabilization**, including - hazardous building material inspections, utility decommissioning, building deconstruction or demolition, and septic tank decommissioning
- **Relocation Assistance**, including – tenant relocation assistance, business relocation assistance, displaced homeowner rental compensation, moving allowances,

NOW, THEREFORE, the council directs:

- A. The Director of the Bureau of Environmental Services, or designee, is authorized to execute closing documents and all other necessary documents, once approved as to form by the City Attorney, accepting the property described in Exhibit A as soon as all contingencies in the sales agreement have been removed;

- B. The Director of BES, or designee, requests the Bureau Accounting Office to prepare, as needed, wire transfers from the City Treasury. For Exhibit A, the wire transfers shall not exceed \$7,600,000.
- C. The Mayor and the Auditor are hereby authorized and directed to accept the deeds for the properties identified above conveying the aforementioned properties to the City of Portland, Bureau of Environmental Services, and to pay the agreed upon purchase price, property taxes and closing costs as required.
- D. Funds from Exhibit A will come from:

FY 09 10 Sewer Operating Fund budget WSB Element 10040
- E. The Mayor and Auditor are hereby authorized to draw and deliver warrants chargeable to the Sewer System Operating Fund Budget when demand is presented and approved by the proper authority.

Passed by the Council,
Dan Saltzman FEB 24 2010
Commissioner of Public Affairs

Eli Callison
February 1, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland
By


Deputy

