

## ORDINANCE No. 183573

Authorize the Bureau of Environmental Services to acquire certain permanent easements necessary for construction of the NE 33<sup>rd</sup> Drive Culvert Replacement Project No. E07154 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, in partnership with the US Army Corps of Engineers, has designed the NE 33<sup>rd</sup> Drive Culvert Replacement Project to improve hydrology, water quality and habitat of the Columbia Slough.
2. The Project alignment requires acquisition of certain private property interests to construct the culvert and embankment.
3. 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, relocation and early possession if necessary.
4. It is necessary to acquire possession of the permanent easements by April 5, 2010, so that construction can begin on schedule.
5. Funds are available in the Sewer System Operating Fund, FY10 Budget, Bureau of Environmental Services, WBS element E07154.L65, Account No. 561000.

NOW, THEREFORE, the Council directs:

- a. The Director of the Bureau of Environmental Services or his designee and/or City Attorney are authorized to acquire necessary permanent easements for NE 33<sup>rd</sup> Drive Culvert Replacement 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. 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 concerns within available project budget funds.
- b. 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.
- c. The costs incurred in connection with the acquisition authorized herein shall be charged to the NE 33<sup>rd</sup> Drive Culvert Replacement Project (WBS element E07154.L65).

- d. The property affected by this ordinance is described as follows:

Easement 1

A portion of Lot 15, AYERS ADDITION, recorded March 15, 1948, situated in the northwest quarter of Section 13, T1N, R1E, W.M., in the City of Portland, County of Multnomah, and State of Oregon, more particularly described in Exhibit A.

Easement 2

A portion of Lot 27, Sunderland Acres, recorded July 2, 1920, situated in the northwest quarter of Section 13, T1N, R1E, W.M., in the City of Portland, County of Multnomah, and State of Oregon, more particularly described in Exhibit A.

- e. The Commissioner of Public Affairs 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  
Commissioner of Public Affairs

MAR 03 2010

[Nancy Hendrickson]  
[February 5, 2010]

[WBS element E07154.L65 – ord]

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By



Deputy

Agenda No. **183573**  
**ORDINANCE NO.**

Title

Authorize the Bureau of Environmental Services to acquire certain permanent easements necessary for construction of the NE 33<sup>rd</sup> Drive Culvert Replacement Project No. E07154 through the exercise of the City's Eminent Domain Authority. (Ordinance)

<p><b>INTRODUCED BY</b> Commissioner/Auditor:</p>	<p>CLERK USE: DATE FILED <b>FEB 19 2010</b></p>
<p><b>COMMISSIONER APPROVAL</b></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 <i>P. Saltzman</i></p> <p>Position 4/Safety - Leonard</p>	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p><b>BUREAU APPROVAL</b></p> <p>Bureau: <i>Environmental Svcs</i> Bureau Head: Dean Marriott</p> <p>Prepared by: Nancy Hendrickson Date Prepared: February 5, 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 <b>February 24, 2010</b></p>	<p><b>ACTION TAKEN:</b></p> <p><b>FEB 24 2010 PASSED TO SECOND READING MAR 03 2010 9:30 A.M.</b></p>
<p><b>City Attorney Approval</b> <i>D.H.</i></p>	

**AGENDA**

**TIME CERTAIN**   
 Start time: \_\_\_\_\_  
 Total amount of time needed: \_\_\_\_\_  
 (for presentation, testimony and discussion)

**CONSENT**

**REGULAR**   
 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 checked="" type="checkbox"/>	
4. Leonard	4. Leonard <input checked="" type="checkbox"/>	
Adams	Adams <input checked="" type="checkbox"/>	