

ORDINANCE No. 183594

*Authorize the Bureau of Environmental Services to amend legal descriptions for permanent and temporary easements and to acquire said easements for the construction of the Fanno Pump Station Pressure Line – Garden Home Section Replacement Project through the exercise of the City’s Eminent Domain Authority. (Ordinance; amend Ordinance No. 183126)

The City of Portland ordains:

Section 1. The Council finds:

1. Ordinance No. 183126 passed City Council August 19, 2009 authorized the Bureau of Environmental Services to acquire permanent and temporary easements for construction of the Fanno Pump Station Pressure Line – Garden Home Section Replacement Project through use of the City's Eminent Domain Authority.
2. As a result of a change in project design, it has been determined that a change is required to the Sewer Easement and Temporary Construction Easement areas needed on the property located at 7475 SW Oleson Road (also referenced as 1S124DB 01800).
3. Funds are available in the Sewer System Operating Fund, FY 2009-2010 Budget, Bureau of Environmental Services, WBS E08293.L65.

NOW, THEREFORE, the council directs:

- a. The Director of the Bureau of Environmental Services or designee and/or City Attorney are authorized to acquire the necessary permanent and temporary easements for the Fanno Pump Station Pressure Line – Garden Home Section 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. The property affected by this ordinance is described on Exhibit A and depicted on Exhibit B attached hereto and by this reference made a part hereof.
- c. The cost incurred in connection with the acquisition herein authorized shall be charged to the Fanno Pump Station Pressure Line – Garden Home Section Replacement Project, WBS E08293.
- d. All remaining portions of Ordinance No. 183126 shall remain unchanged and all conditions thereof shall remain in full force and effect.
- 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.

Section 2. The Council declares that an emergency exists because all Fanno Basin flow is being diverted to Clean Water Services (CWS) resulting in significant costs to the City of Portland. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

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Passed by the Council, **MAR 10 2010**
Dan Saltzman
Commissioner of Public Affairs

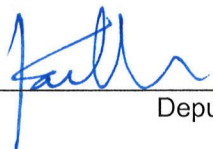
Scott Gibson
January 28, 2010
WBS E08293 - ord

LaVonne Griffin-Valade
Auditor of the City of Portland
By


Deputy

Agenda No. **183594**
ORDINANCE NO.
 Title

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INTRODUCED BY Commissioner/Auditor:	CLERK USE: DATE FILED <u>MAR 05 2010</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland By: <u></u> Deputy ACTION TAKEN:
Mayor—Finance and Administration - Adams	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman <i>Don Saltzman</i>	
Position 4/Safety - Leonard	
BUREAU APPROVAL	
Bureau: Environmental Services Bureau Head: Dean Marriott <i>with DeMar</i>	
Prepared by: Scott Gibson Date Prepared: January 28, 2010	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/> <i>EM</i>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date March 10, 2010	
City Attorney Approval <i>D.H.</i>	

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	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	—	
Adams	✓	