

ORDINANCE No. 183646

*Authorize the Bureau of Environmental Services to purchase a fee interest in property under the City's eminent domain authority as an alternative to an easement acquisition through condemnation litigation (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City entered into an Amended Stipulation and Final Order (ASFO) with the Oregon Department of Environmental Quality to reduce combined sewer overflow (CSO) discharges into the Willamette River by December 2011.
2. On December 10, 2008, City Council passed Ordinance No. 182400 authorizing the commencement of condemnation proceedings to acquire easement interests in several properties for the Balch Consolidation Conduit, Project No. 5510, and a necessary element of the City's recommended CSO Management Plan to meet the ASFO.
3. In the course of negotiations with the property owners at 2439 NW 22nd Avenue, also referenced as 1N1E28CA, tax lot 3900, they have proposed the sale of their 0.46 acre parcel of land to the City of Portland as they contend that the easements the City needs will significantly impact the remainder value of their property.
4. The City Attorney's Office recommends this purchase because litigating the value of the easements in question will likely cost more than buying the property outright in light of the fact the property owners have accepted the City's valuation of their property.
5. Funds are available in the Sewer System Operating Fund, FY 2009-10 Budget, Bureau of Environmental Services, SAP No. 7TRES0000238, Project No. 5510.

NOW, THEREFORE, the Council directs:

- a. That the Director of the Bureau of Environmental Services and/or City Attorney are authorized, for purposes of settlement of condemnation, Multnomah County Case No. 090607508, to acquire the entire parcel described as follows:

A tract of land situated in the southwest one-quarter of Section 28, T1N, R1E, W.M., in the City of Portland, County of Multnomah, State of Oregon, said tract being those parcels of land described in Document No. 2003-057087, attached as Exhibit A and depicted on Exhibit B attached hereto and by this reference made a part hereof.

b. The Auditor is authorized to draw and deliver a warrant in favor of:

Steven R. Pope and Alice Pope
2120 NW 135th Avenue
Portland, OR 97229

in the amount of \$772,975 for purchase of the above described property. The warrant is to be charged to the Bureau of Environmental Services, Sewerage Operating Fund, SAP No. 7TRES0000238, Project No. 5510.

Section 2. The Council declares that an emergency exists because any delay in property acquisition may result in a construction delay of a consolidation conduit, and impact the overall project completion including the risk of additional construction costs associated with delay; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, MAR 31 2010

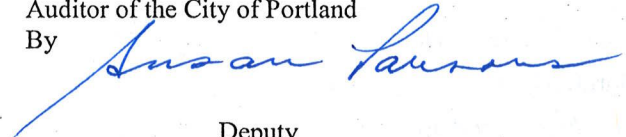
Dan Saltzman
Commissioner of Public Affairs

Scott Clement
March 15, 2010
RW # 6947-9

LaVonne Griffin-Valade

Auditor of the City of Portland

By



Deputy

Title

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<p>INTRODUCED BY Commissioner/Auditor: <i>Saltzman</i></p>	<p>CLERK USE: DATE FILED <u>MAR 26 2010</u></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 <i>[Signature]</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>BUREAU APPROVAL</p> <p>Bureau: Environmental Svcs Bureau Head: Dean Marriott <i>[Signature]</i></p> <p>Prepared by: Scott Clement Date Prepared: March 15, 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 March 31, 2010</p> <p>City Attorney Approval <i>D.W.</i></p>	
<p>ACTION TAKEN:</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 ✓	
2. Fish	2. Fish ✓	
3. Saltzman	3. Saltzman ✓	
4. Leonard	4. Leonard ✓	
Adams	Adams ✓	