

ORDINANCE No. 183649

Designate a sewer shaft easement in City-owned property assigned to the Bureau of Transportation and assign said easement to the Bureau of Environmental Services for the East Side Combined Sewer Overflow Tunnel Project No. E07594. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services (BES) has designed the East Side Combined Sewer Overflow (ESCSO) Tunnel Project to comply with an Amended Stipulation and Final Order (ASFO) with the Oregon Department of Environmental Quality to reduce combined sewer overflow discharges to the Willamette River by December 1, 2011.
2. Construction of the ESCSO Tunnel project requires construction of sewer improvements in City-owned property assigned to the Bureau of Transportation (PBOT). These improvements require designation of a sewer shaft easement and assignment of this easement to BES.
3. PBOT has agreed to assign the public sewer shaft easement to BES.
4. Allowing the proposed use of City-owned property is in the public interest and is consistent with City policies.
5. It should be made a matter of public record that a public sewer shaft easement has been designated in a portion of City-owned property assigned to PBOT and that the easement has been assigned to BES.
6. There is no cost involved in the assignment of responsibilities.

NOW, THEREFORE, the Council directs:

- a. That the following described easement for sewer shaft purposes is hereby designated, and assigned to BES, as being necessary for construction, reconstruction, operation, inspection, monitoring, maintaining and protecting a sewer or sewers, sewer shaft facilities and appurtenances, through, under, over and along the following described parcel:

A portion of that tract of land designated as Parcel XII, recorded in Book 2708, page 302, on June 17, 1993, Multnomah County Deed Records, situated in the northeast quarter of Section 34, T1N, R1E, W.M., Block 31, *WHEELERS ADDITION TO EAST PORTLAND*, City of Portland, County of Multnomah, State of Oregon, described as follows;

Beginning at the northwest corner of said Parcel XII, said northwest corner being the northwest corner of Block 31, *WHEELERS ADDITION TO EAST PORTLAND*; thence S 88° 12' 48" E, along the north line of said Block 31, a distance of 69.12 feet; thence along the arc of a non-tangent 327.40 foot radius curve to the right, through a central angle of 0° 52' 33", an arc distance of 5.01 feet (the chord bears S 0° 51' 17" E, 5.01 feet); thence N 88° 12' 48" W, parallel with the north line of said Block 31, a distance of

69.35 feet, to the west line of said Block 31; thence N 01° 47' 12" E, a distance of 5.00 feet, to the Point of Beginning.

Said easement area contains 346 square feet, more or less, and is generally depicted on Exhibit A, attached hereto.

- b. That the easement for sewer shaft purposes is hereby designated with the following provisions:
1. BES will restore the easement area to a condition that is as good as or better than the condition existing prior to the original construction, except as to permanent changes made necessary by and authorized under this easement.
 2. No other utilities, buildings, facilities, easements, material storage, grade change or tree planting will be allowed within the easement boundaries without prior written consent of the Director of the BES and the Director of PBOT.
 3. The easement includes the right of access for construction, inspection, maintenance or other sewerage system activities.
 4. PBOT reserves all other rights not conveyed herein, but will not exercise said rights in any manner that would be inconsistent or interfere with or materially affect rights herein granted.
- c. Upon conveyance or sale of the City-owned property, an easement shall be reserved for the sewer shaft facility as described above, on behalf of BES and its successors and assigns.
- d. That the Auditor shall return a certified copy of this Ordinance to the Right-of-Way Acquisition Section, Development and Capital Program, PBOT, for recording in the Multnomah County Deed Records. Right-of-Way Acquisition shall return the recorded Ordinance to the Auditor and send a copy of the recorded Ordinance to BES.

Passed by the Council, **MAR 31 2010**
Dan Saltzman
Commissioner of Public Affairs

Patty Nelson
March 8, 2010

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LaVonne Griffin-Valade
Auditor of the City of Portland

By



Deputy

410 442

Agenda No.
ORDINANCE NO. 183649
Title

Designate a sewer ^{shaft} tunnel easement in City-owned property assigned to the Bureau of Transportation and assign said easement to the Bureau of Environmental Services for the East Side Combined Sewer Overflow Tunnel Project No. E07594. (Ordinance)

<p>INTRODUCED BY Commissioner/Auditor: <u>Saltzman</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 <u>Dan Saltzman</u></p> <p>Position 4/Safety - Leonard</p> <p>BUREAU APPROVAL</p> <p>Bureau Head: Dean Marriott</p> <p>Prepared by: Patty Nelson Date Prepared: March 8, 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 24, 2010</p> <p>City Attorney Approval <u>Jim V. Katz</u></p>	<p>CLERK USE: DATE FILED <u>MAR 19 2010</u></p> <p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u>[Signature]</u> Deputy</p> <p>ACTION TAKEN:</p> <p style="text-align: center;">MAR 24 2010 PASSED TO SECOND READING MAR 31 2010 9:30 A.M.</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

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	✓	