

ORDINANCE No. 183973

*Authorize the Bureau of Environmental Services to acquire certain permanent easements necessary for construction of the Royal Highlands Phase II Local Improvement District Project No. E08888 through the exercise of the City's Eminent Domain Authority. (Ordinance; C-10033)

The City of Portland ordains:

Section 1. The Council finds:

1. The City Council adopted Resolution No. 36680 on February 18, 2009, declaring its intent to initiate local improvement district formation proceedings and at which time the name of the local improvement district was established as the Royal Highlands Phase II Local Improvement District.
2. The general character and scope of the project is to complete sanitary sewer segment replacements through open excavation repair methods, concrete manhole reconstructions, associated excavations and compacted backfills, necessary diversion of flow, television inspection of the repairs, and final paving of asphalt roadways as required to bring existing system to full rehabilitation. These steps are a prerequisite to acceptance of City of Portland ownership and maintenance responsibility of the newly-upgraded public sanitary sewer system.
3. The improvements will also be constructed within easements on private property plus any transition work on abutting street segments, intersections and/or adjacent property determined to be necessary by the Chief Engineer of the Bureau of Environmental Services. The extent of sanitary sewer improvements will be at the sole discretion of the Chief Engineer of the Bureau of Environmental Services.
4. Each parcel of land within the Royal Highlands Phase II Local Improvement District will receive special benefit from the project.
5. 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.
6. Funds are available in the Sewer System Operating Fund, FY 2010-11 Budget, Bureau of Environmental Services, Project Number E08888, Account No. 563300.
7. It is necessary to acquire possession of the property rights by September 1st, 2010, so that construction can begin on schedule.

NOW, THEREFORE, the council directs:

- a. That the Director of the Bureau of Environmental Services and/or City Attorney are authorized to acquire necessary permanent easements for the Royal Highlands Phase II Local Improvement District 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.

- b. The cost incurred in connection with the acquisitions herein authorized shall be charged to the Royal Highlands Phase II Local Improvement District (BES JN E08888).
- c. The Commissioner of Public Utilities 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.
- d. The properties affected by this ordinance are described on Exhibits 1 through 12 attached hereto and by this reference made a part hereof.

Section 2. The Council declares that an emergency exists because delay in property acquisitions may result in a delay of construction and impact the overall project completion. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

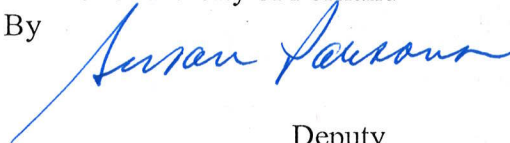
Passed by the Council,
Dan Saltzman
Commissioner of Public Affairs

Matt Hickey
June 8, 2010

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JUN 30 2010

LaVonne Griffin-Valade
Auditor of the City of Portland
By



Deputy

998

Agenda No.
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Title

*Authorize the Bureau of Environmental Services to acquire certain permanent easements necessary for construction of the Royal Highlands Phase II Local Improvement District Project, BES Job Number E08888, through the exercise of the City's Eminent Domain Authority. (Ordinance; C-10033)

<p>INTRODUCED BY Commissioner/Auditor: <i>Saltzman</i></p>	<p>CLERK USE: DATE FILED <u>JUN 25 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>Don 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>BUREAU APPROVAL</p> <p>Bureau: Environmental Services Bureau Head: Dean Marriott <i>W.D. Marriott</i></p> <p>Prepared by: Matthew Hickey Date Prepared: June 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 June 30, 2010</p>	<p>ACTION TAKEN:</p>
<p>City Attorney Approval <i>D.H.</i></p>	

<p align="center">AGENDA</p> <p>TIME CERTAIN <input type="checkbox"/> Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p> <p>CONSENT <input type="checkbox"/></p> <p>REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 5 min. (for presentation, testimony and discussion)</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:30%;">FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th>YEAS</th> <th>NAYS</th> </tr> <tr> <td>1. Fritz</td> <td align="center"><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>2. Fish</td> <td align="center"><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>3. Saltzman</td> <td align="center"><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>4. Leonard</td> <td align="center"><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>Adams</td> <td align="center"><input checked="" type="checkbox"/></td> <td></td> </tr> </table>	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:			YEAS	NAYS	1. Fritz	<input checked="" type="checkbox"/>		2. Fish	<input checked="" type="checkbox"/>		3. Saltzman	<input checked="" type="checkbox"/>		4. Leonard	<input checked="" type="checkbox"/>		Adams	<input checked="" type="checkbox"/>	
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