

# ORDINANCE No. 183982

\*Authorize the Director of the Bureau of Environmental Services to execute a permit of entry agreement with ProLogis/Catellus Land and Development Corporation, including an indemnification to the extent allowed under the Oregon Constitution and the Oregon Tort Claims Act, for conducting a Phase I Environmental Site Assessment (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services acquires land through the Willing Seller Program and the Grey to Green Land Acquisition Program.
2. The Bureau of Environmental Services has determined that significant water quality, wildlife habitat, and passive recreation benefits will occur as a result of the City's acquisition of a property owned by ProLogis/Catellus Land and Development Corporation.
3. The Bureau of Environmental Services requires a Phase I Environmental Site Assessment as a standard due diligence protocol for potential land acquisitions.
4. The Office of the City Attorney has reviewed this matter and recommends that the City provide the requested indemnification to the extent allowed under the Oregon Constitution and the Oregon Tort Claims Act.

NOW, THEREFORE, the council directs:

- a. The Director of Environmental Services is authorized to enter into the permit of entry agreement, attached as Exhibit A, with indemnification provided as described above.

Section 2. The Council declares that an emergency exists because delay in performing the Phase I Environmental Assessment would impact the ability of the Bureau to perform time-sensitive due diligence on this high priority acquisition. 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

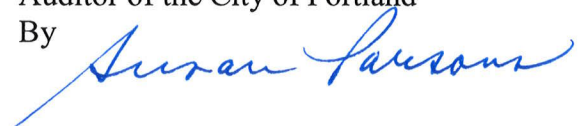
[Shannah Anderson]  
[June 21, 2010]

Cost object - ord

JUL 14 2010

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

By



Deputy

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Agenda No. **ORDINANCE NO. 183982**

Title

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INTRODUCED BY Commissioner/Auditor: <i>Don Saltzman</i>	CLERK USE: DATE FILED <u>JUL 09 2010</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - <i>Don Saltzman</i> Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland  By: <u><i>[Signature]</i></u> Deputy
<b>BUREAU APPROVAL</b> Bureau: Environmental Services Bureau Head: <i>Dean Marriott</i> Prepared by: Shannah Anderson Date Prepared: June 21, 2010	<b>ACTION TAKEN:</b>
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date <b>July 14, 2010</b>	
City Attorney Approval <i>[Signature]</i>	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____  Total amount of time needed: _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input checked="" type="checkbox"/>
<b>REGULAR</b> <input type="checkbox"/> 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 ✓	