

ORDINANCE No. 184159

*Authorize the Director of Portland Parks & Recreation to execute easements that are required to be granted by City Code (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

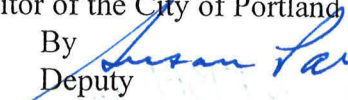
1. Portland City Code 33.272 requires that applicants for land use review or building permits on lands designated with a recreational trail symbol on the zoning map grant a trail easement to the city.
2. Typically, Portland Parks & Recreation (Parks) negotiates the terms of the trail easement, and the easement is managed by Parks.
3. While PCC 33.272 states that the applicant will build and maintain the trail, under certain circumstances it allows the City to maintain the trail. In these cases, the City often indemnifies the applicant/land owner against claims arising from the City's construction or maintenance of the trail and Parks will require operation and maintenance funds to fulfill its obligations.
4. Occasionally, easements for other purposes, such as utilities, may be required by City Code or a land use decision.
5. Until an easement required by City Code is issued, the Bureau of Development Services typically does not issue building permits to the applicant.
6. By authorizing the Director of Parks to execute required easements on behalf of the City, easements will be executed, and thus building permits issued, more quickly and efficiently.

NOW, THEREFORE, The Council Directs:

- a. The Director of Parks and Recreation is authorized to execute all easements that are granted to fulfill a requirement of City Code or a land use decision and that are located on, or will become part of, Parks' managed property. All such easements shall be approved as to form by the City Attorney prior to execution.
- b. Operation and maintenance costs, if any, associated with the easements authorized pursuant to this ordinance, will be requested through the BuMP process.
- c. The Director of Parks will add any trail easements acquired pursuant to PCC 33.272 to Parks' management portfolio.

Section 2. The Council declares that an emergency exists in order to avoid further delay in the execution of easements needed by developers to obtain building permits; therefore, this Ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council: OCT 13 2010
Commissioner Fish
Prepared by: Zalane Nunn
September 30, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland
By 
Deputy

Agenda No.
ORDINANCE NO. 184159
 Title

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INTRODUCED BY Commissioner/Auditor: Nick Fish	CLERK USE: DATE FILED OCT 08 2010
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish MFISH EH Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By:  Deputy
BUREAU APPROVAL Bureau: Portland Parks & Recreation Bureau Head: Zari Santner 	ACTION TAKEN:
Prepared by: Zalane Nunn Date Prepared: 9-30-10	
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 October 13, 2010	
City Attorney Approval	

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	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	4. Leonard	<input checked="" type="checkbox"/>	
Adams	Adams	<input checked="" type="checkbox"/>	