

ORDINANCE No. 184498

Authorize the Bureau of Environmental Services to acquire certain easements and other real property interests necessary for construction of the Mason Flats Wetland Enhancement Project No. E07155 through the exercise of the City's Eminent Domain Authority (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services has designed / will construct the Mason Flats Wetland Enhancement Project to improve water quality, watershed health, and the environment in the City of Portland by controlling invasive vegetation and restoring native plants and wetland habitat.
2. The Mason Flats Wetland Enhancement Project requires acquisition of certain easements and other real property interests to construct the project.
3. 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.
4. It is necessary to acquire possession of the easements and real property interests by June 1, 2011, so that construction can begin on schedule.
5. Funds are available in the Sewer System Operating Fund, FY 2010-2011 Budget, Bureau of Environmental Services, Project No. E07155, Account No. 563300 (permanent asset) and 549000 (temporary construction).

NOW, THEREFORE, the council directs:

- a. The Director of the Bureau of Environmental Services or his designee and/or City Attorney are authorized to acquire certain easements and other real property interests for the Mason Flats Wetland Enhancement 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 Director of the Bureau of Environmental Services or designee and/or City Attorney are further authorized to enter into obligations agreements with property owners to address construction management or maintenance concerns within available project budget funds.
- c. There is hereby authorized the creation of a fund in the amount estimated to be the just compensation for each interest in the property which, if necessary, shall be deposited with the clerk of the court where an action is commenced.

- d. The costs incurred in connection with the acquisition authorized herein shall be charged to the Mason Flats Wetland Enhancement Project No. E07155.
- e. The property affected by this ordinance is described as follows:

R/W #7194-2 (permanent easement)

A TRACT OF LAND WITHIN LOT 6 OF "BERNARD COMMERCE CENTER NO. 2" SAID TRACT IS SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19 TOWNSHIP 1 NORTH, RANGE 3 EAST, W.M. CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID LOT 6; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT, SOUTH 75°48'42" EAST A DISTANCE OF 71.20 FEET; THENCE NORTH 67°54'26" EAST A DISTANCE OF 48.37 FEET; THENCE LEAVING SAID LOT LINE, NORTH 22°05'34" WEST A DISTANCE OF 89.25 FEET; THENCE SOUTH 65°39'28" WEST A DISTANCE OF 89.92 FEET, MORE OR LESS TO THE WESTERLY LINE OF SAID LOT 6; THENCE ALONG SAID LINE, SOUTH 00°46'40" EAST A DISTANCE OF 8.18 FEET; THENCE ALONG SAID LINE, SOUTH 2°18'38" EAST A DISTANCE OF 8.22 FEET; THENCE ALONG SAID LINE, SOUTH 2°18'51" EAST A DISTANCE OF 30.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. CONTAINS 7,660 SQUARE FEET.

R/W #7194-1 & 2 (temporary construction easement)

A TRACT OF LAND THAT IS A PORTION OF PARCEL 1 OF PARTITION PLAT NO. 1998-145 AND LOT 6 OF THE PLAT OF "BERNARD COMMERCE CENTER NO. 2" SAID TRACT IS SITUATED IN THE SOUTHWEST QUARTER OF SECTION 19 TOWNSHIP 1 NORTH, RANGE 3 EAST, W.M. CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY NORTH CORNER OF PARCEL 1 OF PARTITION PLAT NUMBER 1998-145 OF MULTNOMAH COUNTY PLAT RECORDS, SAID POINT IS ON THE SOUTH RIGHT OF WAY LINE OF NE AIRPORT WAY, BEING 80 FEET WIDE;

THENCE ALONG SAID RIGHT OF WAY LINE 19.40 FEET TO THE RIGHT, A DELTA OF 01°17'33", A RADIUS OF 840.00 FEET AND A CHORD BEARING OF NORTH 75°45'40" WEST A 19.40 FEET;

THENCE LEAVING SAID RIGHT OF WAY LINE SOUTH 24°31'48" WEST A DISTANCE OF 33.33 FEET;

THENCE SOUTH 73°07'37" WEST A DISTANCE OF 235.32 FEET;

THENCE SOUTH 79°43'55" WEST A DISTANCE OF 212.17 FEET;

THENCE SOUTH 73°23'42" WEST A DISTANCE OF 144.12 FEET;

THENCE SOUTH 66°14'54" WEST A DISTANCE OF 144.16 FEET, MORE OR LESS, TO THE WESTERLY LINE OF LOT 6 OF THE PLAT OF "BERNARD COMMERCE CENTER NO.2";

THENCE, ALONG SAID LINE, SOUTH 00°46'40" EAST A DISTANCE OF 65.28 FEET;

THENCE SOUTH 02°18'38" EAST A DISTANCE OF 8.22 FEET;

THENCE SOUTH 02°18'51" EAST A DISTANCE OF 30.00 FEET, MORE OR LESS. TO THE SOUTHWEST CORNER OF SAID LOT 6;

THENCE, ALONG SAID LINE, SOUTH 75°48'42" EAST A DISTANCE OF 71.20 FEET;

THENCE NORTH 67°54'26" EAST A DISTANCE OF 216.55 FEET;

THENCE NORTH 38°38'34" EAST A DISTANCE OF 90.25 FEET;

THENCE NORTH 79°42'24" EAST A DISTANCE OF 12.70 FEET;

THENCE NORTH 87°04'13" EAST A DISTANCE OF 181.55 FEET;

THENCE NORTH 68°11'35" EAST A DISTANCE OF 61.21 FEET;

THENCE NORTH 64°57'52" EAST A DISTANCE OF 171.34 FEET; MORE OR LESS, TO THE EASTERLY LINE OF SAID PARCEL 1;

THENCE NORTH 01°25'20" EAST A DISTANCE OF 93.13 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINS 83,199 SQUARE FEET

- f. The Commissioner of Public Affairs and Auditor are hereby authorized to draw and deliver a warrant chargeable to the Sewer System Operating Fund Budget when demand is presented and approved by the proper authority.

Passed by the Council, **APR 06 2011**
Dan Saltzman
Commissioner of Public Affairs

Scott Gibson
March 8, 2011

E07155 – ord

LaVonne Griffin-Valade
Auditor of the City of Portland
By *Emily Matasan*

Deputy

-201-321

Agenda No.
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| INTRODUCED BY Commissioner/Auditor: <u>Dan Saltzman</u> | CLERK USE: DATE FILED <u>MAR 25 2011</u> |
| COMMISSIONER APPROVAL | LaVonne Griffin-Valade Auditor of the City of Portland |
| Mayor—Finance and Administration - Adams | |
| Position 1/Utilities - Fritz | |
| Position 2/Works - Fish | By: <u>[Signature]</u> |
| Position 3/Affairs - Saltzman | Deputy |
| Position 4/Safety - Leonard | |
| BUREAU APPROVAL | ACTION TAKEN: |
| Bureau: Environmental Svcs Bureau Head: <u>Dean Marriott</u> | MAR 30 2011 PASSED TO SECOND READING APR 06 2011 9:30 A.M. |
| Prepared by: Scott Gibson Date Prepared: March 8, 2011 | |
| 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 March 30, 2011 | |
| City Attorney Approval <u>As to form</u> | |

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| AGENDA |
| TIME CERTAIN <input type="checkbox"/> Start time: _____ |
| Total amount of time needed: _____ (for presentation, testimony and discussion) |
| CONSENT <input type="checkbox"/> |
| REGULAR <input checked="" type="checkbox"/> Total amount of time needed: <u>5 min.</u> (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 | ✓ | |