

**FINANCIAL IMPACT STATEMENT**  
**For Council Action Items**  
**(Use this form for Ordinances and Resolutions)**  
(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Scott Gibson	2. Telephone Number 503-823-7615	3. Bureau/Office/Dept. BES
4a. To be filed (date) March 30, 2011	4b. Calendar (Check One) Regular Consent 4/5ths [X]            [ ]            [ ]	5. Date Submitted to FPD Budget Analyst:

**1) Legislation Title:**

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)

**2) Purpose of the Proposed Legislation:**

To secure easements necessary to construct the Mason Flats Wetland Enhancement Project from McKinstry, Inc. BES and PBOT have worked extensively with McKinstry, and anticipate that we will reach an agreement and have signed easements by late April. This legislation is to assure that the project can be constructed this summer in the event of unforeseen problems arise in final easement negotiations.

**3) Revenue:**

**Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If new revenue is generated identify the source.**

No

**4) Expense:**

**What are the costs to the City as a result of this legislation? Include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract include the local contribution or match required.**

It is anticipated that the condemnation process will cost up to \$5,000. Since an appraisal is pending, we do not have an exact property value. Given the wetland character, environmental zoning, and sewer and drainage easement encumbrances on this property, we anticipate the appraised value to be less than \$20,000, making the total estimated cost of this legislation \$25,000.

**5) Staffing Requirements:**

**a) Will any positions be created, eliminated or re-classified in the current year as a result of this legislation? If new positions are created include whether they will be part-time, full-time, limited term or permanent positions. If the position is limited term, indicate the end of the term.**

No

b) Will positions be created or eliminated in *future years* as a result of this legislation?

No

**6) Change in Appropriations:** Budget changes for the current year must go through the BMP Process. This section may only be use with prior permission of your OMF analyst for exceptions. Reflect the dollar amount to be appropriated by this legislation. Include the appropriate center codes and accounts to be used by Central Accounting. Indicate "new" in Center Code column if new center needs to be created. Use additional space if needed.

Fund	Center Code	Account	Amount	Project Fund	Project No.

gmr  
WHR

*Dean*

Dean Marriott, Director, Bureau of Environmental Services

APPROPRIATION UNIT HEAD (Typed name and signature)



# CITY OF PORTLAND ENVIRONMENTAL SERVICES

184498



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204 ■ Dan Saltzman, Commissioner ■ Dean Marriott, Director

City Council  
Agenda Item  
Staff Supplemental Report

TO: Commissioner Dan Saltzman  
THROUGH: Matt Grumm or Amy Trieu

FROM: Scott T. Gibson

DATE: March 8, 2011

RE: 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)

Requested Council Hearing Date: March 30, 2011

## I. RECOMMENDATION

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)

## II. BACKGROUND

BES and PBOT Right of Way have worked cooperatively with McKinstry, Inc. to secure a temporary construction and a permanent channel change easement for construction of the Mason Flats Wetland Enhancement Project in summer 2011. McKinstry is supportive of the project, negotiations have been positive and easement language is nearly agreed upon. Once an appraisal is complete (in mid April), signature of the easement agreements by McKinstry is anticipated. This ordinance is to assure the project can be built on-schedule should unforeseen issues arise during our final negotiations with McKinstry.

### Project Background

The project site is a 27-acre degraded wetland near NE Airport Way and NE 181<sup>st</sup> Ave that receives untreated stormwater during large storm events. Stormwater passes through this wetland into the Columbia Slough. 3 State Critical Sensitive species have been documented on the site: willow flycatcher, redlegged frog, and western painted turtle.

## Project Goals

- Improve water quality by providing stormwater treatment, increasing cool surfacewater inputs into the Columbia Slough, and shading surface waters.
- Provide habitat for native species, including redlegged frogs, western painted turtles, and willow flycatchers.
- Increase floodplain function and floodwater storage
- Reduce invasive vegetation and promote native vegetation
- Maintain or increase wetland acreage; protect and enhance wetland habitat

## Project Elements

- Re-direction of stormwater through a network of constructed swales planted with native vegetation to provide water quality treatment and flow attenuation
- Grading of existing ponds and swales to create high quality emergent wetland habitat
- Extensive revegetation with wetland plants to provide shading of adjacent water bodies, cooling of stormwater, and enhanced habitat
- Placement of numerous large wood habitat snags, structures, and boulder piles to increase habitat complexity to benefit critical species
- Construction of turtle nesting areas
- Maintenance of cool spring water input into the slough

### III. FINANCIAL IMPACT

It is anticipated that the condemnation process will cost up to \$5,000. Since an appraisal is pending, we do not have an exact property value. Given the wetland character, environmental zoning, and sewer and drainage easement encumbrances on this property, we anticipate the appraised value to be less than \$20,000, making the total estimated cost of this legislation \$25,000.

### IV. LEGAL ISSUES

None

### V. CONTROVERSIAL ISSUES

BES and PBOT have been negotiating in good faith with McKinstry, Inc. to this point, and we believe we will have easement agreements signed prior to construction. McKinstry, Inc. is supportive of this project, and we do not anticipate the need to exercise condemnation unless unforeseen problems arise in final negotiations. Therefore, controversy is unlikely to occur.

### VI. LINK TO CURRENT CITY POLICIES

This project allows BES to treat stormwater and the surface water quality of the Columbia Slough while improving habitat for State listed species.

## VII. CITIZEN PARTICIPATION

An ongoing Public Involvement Program during design and construction will ensure businesses and residents are informed and that all special needs are accommodated (i.e. deliveries, medical access etc). BES Public Involvement staff will be available as a point of public contact. BES plans to coordinate McKinstry employee participation and stewardship events for the project.

## VIII. OTHER GOVERNMENT PARTICIPATION

This project is a collaboration between BES, PP&R, and the Multnomah County Drainage District (MCDD).

## IX. FINANCIAL IMPACT ON LOCAL ECONOMY

IF APPLICABLE, PROVIDE INFORMATION ON ESTIMATED NUMBER OF JOBS CREATED BY THIS ACTION

IF THIS ACTION IS CONTRACT-RELATED, PROVIDE INFORMATION ON M/W/ESB PARTICIPATION (NUMBER AND PERCENTAGE)

- X. IF THIS IS A CONTRACT, DOES CONTRACTOR HAVE A CURRENT BUSINESS LICENSE? \_\_\_\_ WHAT IS THEIR BUSINESS LICENSE NUMBER? \_\_\_\_ IS THEIR ACCOUNT WITH THE CITY CURRENT? \_\_\_\_ IF NOT, HOW MUCH IS OWING? \_\_\_\_