

ORDINANCE No. 185017

Authorize the Bureau of Environmental Services to acquire certain easements and other real property interests necessary for construction of the Eastside Combined Sewer Overflow Communication and Control – Outfall 46 Project No. E10223 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 the Eastside Combined Sewer Overflow Communication and Control – Outfall 46 Project to monitor the sewer overflow level at Outfall 46.
2. The Eastside Combined Sewer Overflow Communication and Control – Outfall 46 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 so that construction can begin on schedule.
5. Funds are available in the Sewer System Operating Fund, FY 2011-2012 Budget, Bureau of Environmental Services, Project No. E10223, Account No. 563300 (permanent asset) and Account No. 549000 (temporary asset).

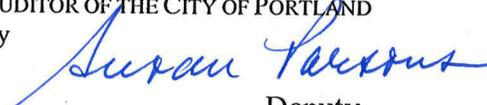
NOW, THEREFORE, the Council directs:

- 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 Eastside Combined Sewer Overflow Communication and Control – Outfall 46 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 Eastside Combined Sewer Overflow Communication and Control – Outfall 46 Project No. E10223.
- e. The property affected by this ordinance is described as follows:
- Permanent Underground Power Easement
63 square feet, as described on Exhibit A and depicted on Exhibit C attached hereto.
- Permanent Pad Easement
25 square feet, as described on Exhibit B and depicted on Exhibit C attached hereto.
- Temporary Construction Easements
96 square feet and 53 square feet, as depicted on Exhibit C attached hereto.
- 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, **NOV 30 2011**
Dan Saltzman
Commissioner of Public Affairs

LaVonne Griffin-Valade
AUDITOR OF THE CITY OF PORTLAND
By


Deputy

Scott Gibson
September 26, 2011
E10223 - ord

J140

~~1226~~ = 1265

Agenda No.
ORDINANCE NO. 185017
Title

Authorize the Bureau of Environmental Services to acquire certain easements and other real property interests necessary for construction of the Eastside Combined Sewer Overflow Communication and Control - Outfall 46 Project No. E10223 through the exercise of the City's Eminent Domain Authority (Ordinance)

INTRODUCED BY Commissioner/Auditor:	CLERK USE: DATE FILED <u>NOV 10 2011</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Adams	By: Deputy
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL	ACTION TAKEN:
Bureau: Environmental Services Bureau Head: Dean Marriott	NOV 16 2011 PASSED TO SECOND READING NOV 30 2011 9:30 A.M.
Prepared by: Scott Gibson Date Prepared: October 17, 2011	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <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 November 16, 2011	
City Attorney Approval <i>6/ for LM</i>	

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	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	