

ORDINANCE No. 185082

Authorize the Bureau of Environmental Services to acquire certain easements and other real property interests necessary for construction of the Luther Road Habitat Restoration Project No. E06947 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 and will construct the Luther Road Habitat Restoration Project to protect the Lents Trunk Sewer, treat stormwater discharges, restore a portion of Johnson Creek and its floodplain, improve stream habitat and water quality, protect natural areas and create a needed community resource.
2. The Luther Road Habitat Restoration Project alignment 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 July 1, 2012, 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. E06947, Account No. 563300.

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 Luther Road Habitat Restoration 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 Luther Road Habitat Restoration Project No. E06947.

- e. The properties affected by this ordinance are described on Exhibit A attached hereto, affecting the following files:

R/W #6902-4 (sewer and channel change easement)

R/W #6902-5 (channel change easement)

R/W #6902-6 (channel change easement)

R/W #6902-7 (channel change easement)

R/W #6902-8 (channel change easement)

R/W #6902-9 (channel change easement)

R/W #6902-10 (channel change easement)

R/W #6902-14 (channel change easement)

- 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,
Dan Saltzman
Commissioner of Public Affairs

DEC 21 2011

LaVonne Griffin-Valade
Auditor of the City of Portland
By

Scott Gibson
12-07-2011

E06947


Deputy

~~1367~~ 1390

Agenda No.
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Title

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INTRODUCED BY Commissioner/Auditor: <u>Saltzman</u>	CLERK USE: DATE FILED <u>DEC 09 2011</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Adams	By: <u>[Signature]</u> Deputy
Position 1/Utilities - Fritz	ACTION TAKEN:
Position 2/Works - Fish	DEC 14 2011 PASSED TO SECOND READING DEC 21 2011 9:30 A.M.
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL	
Bureau: Environmental Services Bureau Head: Dean Marriott	
Prepared by: Scott Gibson Date Prepared: 11/22/2011	
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 December 14, 2011	
City Attorney Approval <u>D. H.</u>	

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 checked="" type="checkbox"/> 2nd Reading Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	<u>[Signature]</u>	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	<u>[Signature]</u>	