

ORDINANCE No. 185200

Authorize the Bureau of Environmental Services to acquire certain easements and other real property interests necessary for construction of the SE 62nd & Morrison Sewer Rehabilitation Project No. E09049 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 SE 62nd & Morrison Sewer Rehabilitation Project to repair and rehabilitate failed sewer pipes within the project area.
2. The SE 62nd & Morrison Sewer Rehabilitation Project requires acquisition of certain permanent and temporary easements 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 August 1, 2012 so that construction can begin on schedule.
5. Funds are available in the Sewer System Operating Fund, FYs 12 & 13 Budgets, Bureau of Environmental Services, Project No. E09049.L65, 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 SE 62nd & Morrison Sewer Rehabilitation 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 SE 62nd & Morrison Sewer Rehabilitation Project No. E09049.L65.
- e. The property affected by this ordinance is described as follows:

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As described on Exhibit A and Exhibit B attached hereto and by this reference made a part hereof.

- f. The Mayor and Auditor are hereby authorized to draw and deliver warrants 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

MAR 14 2012

[Scott T. Gibson]
[February 8, 2012]
Cost object – E09049.L65

LaVonne Griffin-Valade

Auditor of the City of Portland

By



Deputy

008281

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Agenda No.
ORDINANCE NO. 185200
 Title

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INTRODUCED BY Commissioner/Auditor: <i>Saltzman</i>	CLERK USE: DATE FILED <u>MAR 02 2012</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy
BUREAU APPROVAL Bureau: BES Bureau Head: <i>[Signature]</i> Prepared by: Scott T. Gibson Date Prepared: February 8, 2012 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 checked="" type="checkbox"/> No <input type="checkbox"/> Council Meeting Date March 7, 2012	ACTION TAKEN: MAR 07 2012 PASSED TO SECOND READING MAR 14 2012 9:30 A.M.
City Attorney Approval <i>GF</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	<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"/>	