

ORDINANCE NO. 185345

*Authorize the Portland Water Bureau to acquire a conservation easement and an access and utility easement on property owned by Catholic Youth Organization/Camp Howard (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In 2008, the Catholic Youth Organization/Camp Howard (CYO) announced plans to harvest an 80-acre parcel of its land located directly adjacent to the Bull Run Watershed Closure Area and zoned as Timber District in Clackamas County.
2. CYO's property is steep-sloped and harvesting timber will increase the likelihood of a landslide event. A landslide event at this location would jeopardize PWB roads, conduits, and the Lower Bull Run River where PWB is investing significant resources to protect fish in compliance with the Federal Endangered Species and Clean Water Acts.
3. PWB appraised the market value of the CYO property and timber, and has negotiated an agreement of terms and conditions related to a 50-year conservation easement to prevent harvest of timber on the highest-risk portion of the CYO property (34.02 acres). The agreement also includes a perpetual easement for a segment of the primary access road in the watershed (Waterworks Road), which presently crosses CYO property.
4. The cost for the easements on CYO property is \$149,083. Funds for this acquisition are available in the Bull Run Watershed sub-program in the FY 2011-12 budget and will not result in a change in the forecast water rates.

NOW, THEREFORE, the Council directs:

- a. That the Chief Engineer of the Portland Water Bureau is authorized to execute on behalf of the City the acceptance of a conservation easement and an access and utility easement from CYO substantially in accordance with the agreements attached as Attachment A and Attachment B to this Ordinance.
- b. The Mayor and Auditor are hereby authorized to draw and deliver checks chargeable to the Water Fund when demand is presented and approved by the proper authorities.

Section 2. The Council declares that an emergency exists because the funding allocated for this project expires on June 30, 2012 and any delay in conveyance of these easements could jeopardize the acquisition. Therefore this ordinance shall be in full force and effect from and after its passage by the Council.

Handwritten notes in blue ink, possibly a signature or initials, located in the middle-right section of the page.

Passed by the Council, **MAY 23 2012**

Commissioner Leonard
Prepared by Richard Robbins
May 15, 2012

LaVonne Griffin-Valade
Auditor of the City of Portland
By *Gayla Jennings*
Deputy

Agenda No. **ORDINANCE NO. 185345**
Title

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| INTRODUCED BY Commissioner/Auditor: Commissioner Leonard | CLERK USE: DATE FILED <u>MAY 18 2012</u> |
| COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman <i>Randy Leonard</i> Position 4/Safety - Leonard | LaVonne Griffin-Valade Auditor of the City of Portland By: <u><i>[Signature]</i></u> Deputy ACTION TAKEN: |
| BUREAU APPROVAL Bureau: Water Bureau Bureau Head: <i>David Shaff</i> <i>[Signature]</i> Prepared by: Dick Robbins Date Prepared: May 15, 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 type="checkbox"/> No <input checked="" type="checkbox"/> Council Meeting Date May 23, 2012 City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i> | |

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