

ORDINANCE No. 185923

Authorize an Easement and Equitable Servitudes agreement with the Department of Environmental Quality for City-owned property at Johnson Lake (Ordinance).

The City of Portland ordains:

Section 1. The Council finds:


1. The City of Portland (City) owns certain real property located at NE Glass Plant Road, Portland in Multnomah County, Oregon in Multnomah County Tax Map 1N, 2E, 16, Tax Lots 2400, 600, and 400. These parcels are adjacent to Johnson Lake and assigned to the Bureau of Environmental Services and the Bureau of Parks and Recreation.
2. Johnson Lake has been contaminated by the operations of the Owens-Brockway glass manufacturing operation on property adjacent to Johnson Lake and the site is listed as ECSI #1311 in the Department of Environmental Quality's (DEQ) Environmental Cleanup Program.
3. Owens-Brockway has entered into a consent judgment with DEQ that requires the following remedial actions: install and maintain a thin-layer cap over the lake sediments to reduce surface contamination level; restrict activities that may breach the cap; and post warning signs to prevent exposure, via fish ingestion, to contaminants remaining in Johnson Lake.
4. To allow Owens-Brockway to fulfill its cleanup and monitoring obligations and to protect the cap, DEQ has asked the City to enter into an Easement and Equitable Servitudes agreement that would prevent the City from taking actions that could impact the cap without DEQ approval and that would allow DEQ onto the City property for the purposes of monitoring the remedial work done by Owens-Brockway. The City will enter into a separate agreement to allow Owens-Brockway personnel foot-only access to the City property.
5. While this agreement could limit the City's ability to develop the property, neither BES nor Parks wish to develop the site and it is expected that the property will remain open space.

NOW, THEREFORE, The Council Directs:

- a. The Director of Parks & Recreation and the Director of Environmental Services are authorized to enter into the Easement and Equitable Servitudes in a form substantially similar to the attached and as approved as to form by the City Attorney.

Passed by the Council:
Mayor Charlie Hales
Prepared by: Zalane Nunn
February 20, 2013

MAR 13 2013

LaVonne Griffin-Valade
Auditor of the City of Portland
By 
Deputy

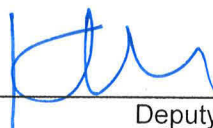
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Agenda No. **185923**
ORDINANCE NO. 185923
Title

Authorize an Easement and Equitable Servitudes agreement with the Department of Environmental Quality for city-owned property at Johnson Lake (Ordinance)

<p>INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales</p>	<p>CLERK USE: DATE FILED <u>MAR 01 2013</u></p>
<p>COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales</p>	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By:  Deputy</p> <p>ACTION TAKEN: MAR 06 2013 PASSED TO SECOND READING MAR 13 2013 9:30 A.M.</p>
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Novick	
<p>BUREAU APPROVAL Bureau: Portland Parks & Recreation Bureau Head: Mike Abbate</p>	
<p>Prepared by: Zalane Nunn Date Prepared: 2-20-13</p>	
<p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Council Meeting Date March 6, 2013</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p>	

AGENDA

TIME CERTAIN
Start time: _____

Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT

REGULAR
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. Novick	4. Novick ✓	
Hales	Hales ✓	