

ORDINANCE No. 185975

Authorize the Director of the Bureau of Environmental Services or designee and the City Attorney to enter into a settlement agreement with Terry Vinocur for \$27,800 (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. On September 12, 2012 the Washington County Hearings Officer issued a conditional approval for the construction of the SW 86th Avenue Pump Station and Appurtenances (“the Project”), Washington County file no. 12-174-SU/D/FP.
2. One condition of the approval was that the City must “determine what additional measures are feasible to implement in order to reduce . . . impacts” to “any household [with] particular sensitivities to construction”
3. Ms. Terry Vinocur lives at 7090 SW 84th Avenue, adjacent to the Project, and has represented to the City that she suffers from particular sensitivities to construction such as that required by the Project. Ms. Vinocur has concluded that relocating to another residence is her only choice in the face of the estimated two years and nine months of construction.
4. The Bureau of Environmental Services (“BES”) has concluded that it would be feasible and reasonable to reimburse Ms. Vinocur for a portion of the purchase price of a new residential property of Ms. Vinocur’s choosing.
5. BES proposes to pay Ms. Vinocur a total of \$27,800 upon the provision to BES of a copy of the executed deed for the purchased property.
6. Ms. Vinocur will agree that this payment will fully discharge the City’s obligations to her under the hearings officer’s decision and that she will forever waive any claims against the City in relation to the Project.
7. The established cost is \$27,800. Funds are available in the Sewer System Operating Fund, FY 2013 Budget, Bureau of Environmental Services, Project Number E09051.

NOW, THEREFORE, the Council directs:

- a. The Director of the Bureau of Environmental Services or designee and the City Attorney are authorized to enter into a settlement agreement with Terry Vinocur in substantial conformance with the agreement attached as Exhibit A, subject to approval as to form by the City Attorney.
- b. The Mayor and Auditor are hereby authorized to draw and deliver warrants chargeable to the Sewer System Operating Fund, FY 2013 Budget, Bureau of Environmental Services, Project Number E09051. when demand is presented and approved by the proper authority.

185975

Passed by the Council,
Charlie Hales
Office of the Mayor

APR 17 2013

LaVonne Griffin-Valade
Auditor of the City of Portland
By




Deputy

Debbie Caselton
March 22, 2013
E09051 - ord

Agenda No. **185975**
ORDINANCE NO.
Title

Authorize the Director of the Bureau of Environmental Services or ~~their~~ designee and the City Attorney to enter into a settlement agreement with Terry Vinocur, (Ordinance) ~~(agreement amount \$27,800)~~ for \$27,800

<p>INTRODUCED BY Commissioner/Auditor: Mayor Hales</p>	<p>CLERK USE: DATE FILED <u>APR 05 2013</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales <i>X</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p>	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By:  Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Environmental Services Bureau Head: Dean Marriott <i>for DM</i></p> <p>Prepared by: Debbie Caselton Date Prepared: March 22, 2013</p> <p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> <i>ELL</i></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 4/10/13</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p>	<p>ACTION TAKEN: APR 10 2013 PASSED TO SECOND READING APR 17 2013 9:30 A.M.</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	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Novick	✓	
Hales	✓	