

ORDINANCE No. 185976

Authorize the Bureau of Environmental Services to acquire a certain temporary easement necessary for construction of the Albina Pump Station Force Main Rehabilitation Project No. E10439 through the exercise of the City's Eminent Domain Authority for an estimated amount of \$2,000 (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services has designed the Albina Pump Station Force Main Rehabilitation Project and needs to rehabilitate the existing force main to comply with DEQ requirements.
2. The Albina Pump Station Force Main Rehabilitation Project requires acquisition of a certain Temporary Construction Easement (TCE) 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 easement by July 1, 2013 so that construction can begin on schedule.
5. The estimated cost of the TCE is \$2,000.00. Level of confidence in this estimate is high. Funds are available in the Sewer System Operating Fund, FY 2013 Budget, Bureau of Environmental Services, Project No. E10439.

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 a certain TCE for the Albina Pump Station Force Main 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 the property owner 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 the 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 Albina Pump Station Force Main Rehabilitation Project No. E10439.

- e. The property affected by this ordinance is described as follows:

A parcel of land situated in the southwest one-quarter of Section 27, T1N, R1E, W.M., in the City of Portland, County of Multnomah, State of Oregon, said parcel being that certain parcel of land described in Book 1087, Page 1319, recorded February 12, 1976, Multnomah County Deed Records, excepting therefrom that portion of land dedicated as public right-of-way in Document 2012-162943, Multnomah County Deed Records, as depicted on Exhibit A attached hereto and by this reference made a part hereof.

Said parcel contains 3,202 square feet, more or less.

- 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,
Charlie Hales
Office of the Mayor

APR 17 2013

Scott Gibson
March 7, 2013

E10439 - ord

LaVonne Griffin-Valade

Auditor of the City of Portland

By



Deputy

Agenda No.
ORDINANCE NO. 185976
Title

Authorize the Bureau of Environmental Services to acquire a certain temporary easement necessary for construction of the Albina Pump Station Force Main Rehabilitation Project No. E10439 through the exercise of the City's Eminent Domain Authority ~~(Ordinance)~~ ^{for an} (estimated amount ~~\$2,000.00~~ ^{of} ~~(Ordinance)~~)

<p>INTRODUCED BY Commissioner/Auditor: <u>Mayor Hales</u></p> <p>COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales <u>SAA</u></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>BUREAU APPROVAL Bureau: Environmental Services Bureau Head: <u>WR</u> <u>SAA</u> <u>for DM</u></p> <p>Prepared by: Scott Gibson Date Prepared: March 7, 2013</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 <u>10</u> April 3, 2013</p> <p>City Attorney Approval: <u>CP</u></p>	<p>CLERK USE: DATE FILED <u>APR 05 2013</u></p> <p align="center">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u>[Signature]</u> Deputy</p> <p>ACTION TAKEN: APR 10 2013 PASSED TO SECOND READING APR 17 2013 9:30 A.M.</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: <u>5</u> (for presentation, testimony and discussion)</p>

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. Novick	4. Novick	<input checked="" type="checkbox"/>	
Hales	Hales	<input checked="" type="checkbox"/>	