

ORDINANCE No. 186031

*Authorize the Director of the Bureau of Environmental Services or designee and the City Attorney to enter into a settlement agreement with Heather Keithly. (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. Heather Keithly lives at 8535 SW Bohmann Parkway, adjacent to the Project, and has represented to the City that she or a member of her family suffers from particular sensitivities to construction such as that required by the Project. Ms. Keithly has concluded that retrofitting her home 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 pay Ms. Keithly’s retrofitting costs.
5. BES proposes to pay Ms. Keithly up to \$42,000 upon the provision to BES of the invoices for these services.
6. Ms. Keithly will agree that this payment will fully discharge the City’s obligations to her under the above-quoted condition of approval and that she will forever waive any claims against the City in relation to the potential noise impacts of Project.
7. The established not-to-exceed cost is \$42,000. 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 Heather Keithly 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.

Section 2. The Council declares that an emergency exists because retrofitting of Ms. Keithly's home needs to happen prior to construction. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,
Charlie Hales
Office of the Mayor

MAY 22 2013

Debbie Caselton
May 3, 2013

Cost object - ord

LaVonne Griffin-Valade
Auditor of the City of Portland

By



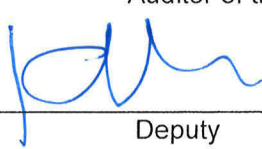
Deputy

Agenda No.
ORDINANCE NO.

186031

Title

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<p>INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales</p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</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: Dean Marriott</p> <p>Prepared by: Debbie Caselton Date Prepared: May 3, 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 May 22, 2013</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p>	<p>CLERK USE: DATE FILED <u>MAY 17 2013</u></p> <p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By:  Deputy</p> <p>ACTION TAKEN:</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: _____ (for presentation, testimony and discussion)</p>

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	✓	