

ORDINANCE No. 186340

Authorize the Bureau of Environmental Services to amend legal descriptions for temporary easements and to acquire said easements for the construction of the Luther Road Habitat Restoration Project No. E06947 through the exercise of the City's Eminent Domain Authority. (Ordinance; amend Ordinance No. 185082 and Ordinance No. 185241)

The City of Portland ordains:

Section 1. The Council finds:

1. Ordinance No. 185082 passed City Council on December 21, 2011 authorized the Bureau of Environmental Services to acquire certain permanent easements for construction of the Luther Road Habitat Restoration Project No. E06947 through use of the City's Eminent Domain Authority.
2. Ordinance No. 185241 passed City Council on April 4, 2012 authorized the Bureau of Environmental Services to acquire certain permanent easements for construction of the Luther Road Habitat Restoration Project No. E06947 through use of the City's Eminent Domain Authority.
3. The Bureau of Environmental Services has determined that a Temporary Construction Easement is required over a portion of the property located at 8107 SE Luther Road, Portland, Oregon (also referenced as 12E29AA03300).
4. The Bureau of Environmental Services has determined that a Temporary Construction Easement is required over a portion of the property located at 7800 SE Luther Road, Portland, Oregon (also referenced as 12E29AB03500).
5. Funds are available in the Sewer System Operating Fund, FY 2013-2014 Budget, Bureau of Environmental Services, Project No. E06947, Account No. 549000 (temporary non-asset).

NOW, THEREFORE, the council directs:

- a. The Director of the Bureau of Environmental Services or designee and/or City Attorney are authorized to acquire the necessary temporary easements for the Luther Road Habitat Restoration Project No. E06947 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 property owners to address construction management concerns within available project budget funds.

- c. The property affected by this ordinance is described on Exhibits A-1 and A-2 and depicted on Exhibits B-1 and B-2 attached hereto and by this reference made a part hereof.
- d. The cost incurred in connection with the acquisition herein authorized shall be charged to the Luther Road Habitat Restoration Project No. E06947.
- e. All remaining portions of Ordinance No. 185082 and Ordinance No. 185241 shall remain unchanged and all conditions thereof shall remain in full force and effect.
- f. The Mayor and Auditor are hereby authorized to draw and deliver warrants chargeable to the Sewer System Operating Fund Budget when demand is presented and approved by the proper authority.

Passed by the Council,
Commissioner Nick Fish

NOV 20 2013

Scott Gibson
October 17, 2013

E06947 - ord

LaVonne Griffin-Valade
Auditor of the City of Portland

By



Deputy

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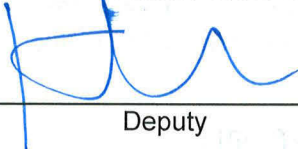
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Agenda No. **ORDINANCE NO. 186340**

Title

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INTRODUCED BY Commissioner/Auditor: FISH	CLERK USE: DATE FILED <u>NOV 08 2013</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	LaVonne Griffin-Valade Auditor of the City of Portland By:  Deputy
BUREAU APPROVAL Bureau: Environmental Services Bureau Head: <u>Don Marriott</u> Prepared by: Scott Gibson Date Prepared: October 17, 2013	ACTION TAKEN: NOV 13 2013 PASSED TO SECOND READING NOV 20 2013 9:30 A.M.
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> <i>EM</i>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval:	
City Attorney Approval: <i>GF</i>	
Council Meeting Date November 13 2013	

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	<input checked="" type="checkbox"/>	
2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	<input checked="" type="checkbox"/>	
4. Novick	<input checked="" type="checkbox"/>	
Hales	<input checked="" type="checkbox"/>	