

ORDINANCE No. 186389

Authorize the Bureau of Environmental Services to amend the legal descriptions for temporary construction, sewer and permanent pump station easements and to acquire said easements necessary for construction of the Safeway Pump Station Remodel Project No. E10292 through the exercise of the City's Eminent Domain Authority (Ordinance; amend Ordinances Nos. 186095 and 186243)

The City of Portland ordains:

Section 1. The Council finds:

1. Ordinance 186095 passed City Council June 19, 2013 and authorizes the Bureau of Environmental Services to acquire certain permanent easements for the Safeway Pump Station Remodel Project.
2. Ordinance 186243, passed by City Council September 11, 2013, amended Ordinance 186095 and authorizes the Bureau of Environmental Services to acquire certain temporary construction easements for the Safeway Pump Station Remodel Project.
3. The Bureau of Environmental Services has determined that further amending certain permanent and temporary construction easements would provide improved maintenance access following construction.
4. Funds are available in the Sewer System Operating Fund, FY 2013-2014 Budget, Bureau of Environmental Services, Project No. E10292, Account No. 563300 (permanent asset) and Account No. 549000 (temporary non-asset).

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 the necessary temporary and permanent easements for the Safeway Pump Station Remodel 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 property owners 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 each 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 Safeway Pump Station Remodel Project No. E10292.
- e. The property affected by this ordinance is described as follows:
- Pump Station Easement
2,831 square feet, as described in Exhibit A and depicted in Exhibit B attached hereto.
- Sewer Easement
6,240 square feet as described in Exhibit C and depicted in Exhibit D
- Temporary Construction Easement No. 1
3,251 square feet, as described in Exhibit E and depicted in Exhibit F attached hereto.
- f. All remaining portions of Ordinance Nos. 186095 and 186243 shall remain unchanged and all conditions thereof shall remain in full force and effect.
- g. 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

DEC 18 2013

Scott Gibson, P.E.
October 31, 2013

E10292 - ord

LaVonne Griffin-Valade
Auditor of the City of Portland

By

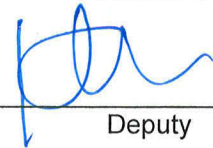


Deputy

✓ 140

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Agenda No.
ORDINANCE NO. 186389
Title

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INTRODUCED BY Commissioner/Auditor: <u>ELSH</u>	CLERK USE: DATE FILED <u>DEC 06 2013</u>
COMMISSIONER APPROVAL	<div>LaVonne Griffin-Valade Auditor of the City of Portland</div>  By: _____ Deputy
Mayor—Finance and Administration - Hales	
Position 1/Utilities - Fritz	
Position 2/Works - Fish <u>Wick</u>	
Position 3/Affairs - Saltzman	
Position 4/Safety - Novick	ACTION TAKEN: DEC 11 2013 PASSED TO SECOND READING DEC 18 2013 9:30 A.M.
BUREAU APPROVAL	
Bureau: Environmental Services Bureau Head: <u>Dean Marriott</u>	
Prepared by: Scott Gibson Date Prepared: October 31, 2013	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> <u>EUL</u>	
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: <u>BF</u>	
Council Meeting Date <u>November 27, 2013</u> <u>December 11, 2013</u>	

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	1. Fritz ✓	
2. Fish	2. Fish ✓	
3. Saltzman	3. Saltzman ✓	
4. Novick	4. Novick ✓	
Hales	Hales ✓	