

ORDINANCE No. 186562

*Authorize the Bureau of Environmental Services to execute a Temporary Construction Easement with Bruce Ankarberg as part of the Luther Road Habitat Restoration Project No. E06947 for \$50,000. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services has designed the Luther Road Habitat Restoration Project to protect the Lents Trunk Sewer, treat stormwater discharges, restore a portion of Johnson Creek and its floodplain, improve stream habitat and water quality, protect natural areas and create a needed community resource.
2. The Luther Road Habitat Restoration Project requires the acquisition of a Temporary Access Easement (the "Easement") from Bruce Ankarberg in order to complete the project.
3. In exchange for the granting of the Easement, Bruce Ankarberg has requested indemnification by the City for any damage caused by the City or its representatives.
4. The estimated cost is \$50,000. Funds are available in the Sewer System Operating Fund, FY 2013-2014 Budget, Bureau of Environmental Services Project E06947, Account No. 549000 (temporary non-asset).

NOW, THEREFORE, the Council directs:

- a. The Director of the Bureau of Environmental Services, or his designee, is authorized to execute the Easement substantially in the form of the attached Exhibit 1 with Bruce Ankarberg, for the purpose described in Section 1.
- b. The Commissioner of Public Works 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.

Section 2. The Council declares that an emergency exists because delay in execution of the required easements at this location may result in a delay of construction and impact the overall project completion. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

186562

Passed by the Council,
Nick Fish
Commissioner of Public Works

MAY 14 2014

Scott T. Gibson
April 16, 2014
WBS E06947 - ord

LaVonne Griffin-Valade
Auditor of the City of Portland
By



Deputy

430

Agenda No. 186562

ORDINANCE NO.

Title

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| <p>INTRODUCED BY Commissioner/Auditor: <u>FISH</u></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: Scott T. Gibson Date Prepared: April 16, 2014</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>City Auditor Office Approval:</p> <p>City Attorney Approval:</p> <p>Council Meeting Date May 14, 2014</p> | <p style="text-align: right;">MAY 09 2014</p> <p>CLERK USE: DATE FILED _____</p> <p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u>[Signature]</u> 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 | ✓ | |