

ORDINANCE No. 186981

Authorize the Bureau of Environmental Services to acquire certain easements and other real property interests necessary for construction and long term operation/maintenance of the Bybee/Glenwood Culvert Replacement Project No. E10480 through the exercise of the City's Eminent Domain Authority (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

The Council finds:

1. The culverts at SE Bybee Boulevard and SE Glenwood Street along Crystal Springs Creek are a barrier to passage of juvenile fish.
2. The Bureau of Environmental Services has designed the Bybee/Glenwood Culvert Replacement Project to improve watershed health through the replacement of these culverts.
3. The Bybee/Glenwood Culvert Replacement Project requires acquisition of certain permanent and temporary easements to construct the project.
4. 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.
5. It is necessary to acquire possession of the easement by March 1, 2015, so that construction can begin on schedule.
6. Funds are available in the Sewer System Operating Fund, FY 2014-2015 Budget, Bureau of Environmental Services, BES Project No. E10480, Account No. 563300 (permanent asset) and Account No. 549000 (temporary 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 certain easements and other real property interests for the Bybee/Glenwood Culvert Replacement 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 Bybee/Glenwood Culvert Replacement Project No. E10480.
- e. The property affected by this ordinance is described as follows:

As described on Exhibits A, C, E, G and I and depicted on Exhibits B, D, F, H and J attached hereto and by this reference made a part hereof.
- f. 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.

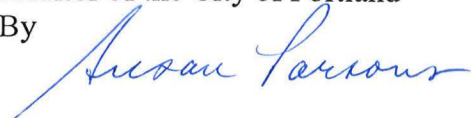
Passed by the Council, **JAN 21 2015**
Commissioner Nick Fish

Scott T. Gibson
December 4, 2014

E10480 - ord

Mary Hull Caballero
Auditor of the City of Portland

By



Deputy

- 65-86 - 1140
 Agenda No.
ORDINANCE NO. 186981
 Title

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INTRODUCED BY Commissioner/Auditor: <u>FISH</u>	CLERK USE: DATE FILED <u>JAN 08 2015</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish <u>[Signature]</u> Position 3/Affairs - Saltzman Position 4/Safety - Novick	By: <u>Mary Hull Caballero</u> Auditor of the City of Portland <u>[Signature]</u> Deputy
BUREAU APPROVAL Bureau: Environmental Services Bureau Head: <u>James Hagerman</u> Prepared by: Scott Gibson Date Prepared: December 4, 2014	ACTION TAKEN: JAN 14 2015 PASSED TO SECOND READING JAN 21 2015 9:30 A.M.
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> <u>EM</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>[Signature]</u>	
Council Meeting Date <u>December 31, 2014</u> <u>1/14/15</u>	

AGENDA

TIME CERTAIN
 Start time: _____

Total amount of time needed: _____
 (for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: _____
 (for presentation, testimony and discussion)

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 type="checkbox"/>	