

ORDINANCE No. 189517

*Authorize the Bureau of Environmental Services to execute an easement amendment with North Clackamas Parks and Recreation District as part of the Luther Road Habitat Restoration Project No. E10854 (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 E10854 (the "Project") to repair storm damage to a portion of the stream channel in Johnson Creek and to prevent further erosion within the Project area.
2. The Project requires an amendment (the "Easement Amendment") to that certain Channel Change and Vegetation Management Easement and Temporary Construction Easement granted to the City by North Clackamas Parks and Recreation District ("NCPRD") and recorded on December 21, 2017 in Document No. 2017-085797, Clackamas County Deed Records, to enable construction of the Project to proceed.
3. As a condition for granting the Easement Amendment, NCPRD has requested indemnification by the City for any damage caused by the City or its representatives. NCPRD has agreed to provide reciprocal indemnification of the City.
4. There is no direct cost required of the City to execute the Easement Amendment with NCPRD other than staff labor to prepare the necessary documentation and negotiate the terms of the Easement Agreement with NCPRD.
5. The Bureau's level of confidence in the cost estimates for the Easement Amendment is high.

NOW, THEREFORE, the Council directs:

- a. The Director of the Bureau of Environmental Services, or his designee, is authorized to execute the Easement Amendment substantially in the form of the attached Exhibit 1 with NCPRD, for the purpose described in Section 1.

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

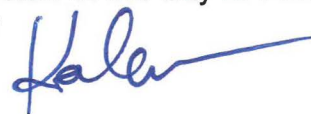
Passed by the Council: MAY 29 2019
Commissioner Nick Fish

Prepared by: Joe Dvorak, P.E.
Date prepared: 2/5/2019

E10854.C60 - ord

Mary Hull Caballero
Auditor of the City of Portland

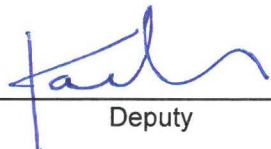
By



Deputy

Agenda No.
ORDINANCE NO. 189517
 Title

*Authorize the Bureau of Environmental Services to execute an easement amendment with North Clackamas Parks and Recreation District as part of the Luther Road Habitat Restoration BES Project No. E10854. (Ordinance)

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Fish</p> <hr/> <p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Wheeler</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Hardesty</p> <p>Position 4/Safety - Eudaly</p> <hr/> <p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Environmental Services Bureau Head: Michael Jordan</p> <p>Prepared by: Joe Dvorak, PE Date Prepared: May 13, 2019</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: required for Code Ordinances</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date May 29, 2019</p>	<p>CLERK USE: DATE FILED <u>MAY 21 2019</u></p> <p style="text-align: center;">Mary Hull Caballero 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: 10 mins (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Hardesty	3. Hardesty	✓	
4. Eudaly	4. Eudaly	✓	
Wheeler	Wheeler	_____	