

ORDINANCE NO.

158773

An Ordinance authorizing the continuance of negotiations for the purchase of two Storm Water Detention Easements, a Permanent Sewer Easement, and a Temporary Construction Easement required for the SW Vermont Street and SW 49th Avenue (FT 17) Stormwater Detention Project, authorizing the City Attorney to commence condemnation proceedings, authorizing the City Attorney to obtain early possession, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Sanitary Engineering (now Bureau of Environmental Services) has undertaken a study of stormwater runoff problems in the Southwest Portland area. The study pointed out the need for stormwater detention sites to alleviate the potential for flooding of downstream property.
2. Plans for the SW Vermont Street and SW 49th Avenue (FT 17) Stormwater Detention Project, which provide for the detention of stormwater during periods of intense and extensive storms, have been completed.
3. As designed, the project requires acquisition of Storm Water Detention Easements, Permanent Sewer Easements, and Temporary Construction Easements from private property owners within the detention basin site for the purpose of temporary stormwater storage.
4. The City Engineer has negotiated for the acquisition of Storm Water Detention Easements, Permanent Sewer Easements and Temporary Construction Easements from the owners of the properties affected by the project, however, the owners of two parcels of land in the detention area, Felix M. Olivares and Julia U. Olivares and Felix R. Olivares, have refused to grant the easements to the City, under the terms proposed by the City Engineer.
5. That under the circumstances, the City Attorney should be authorized to continue negotiations and to commence condemnation proceedings, if such negotiations fail, to acquire said easements.
6. Contracts are now being let to construct storm water detention facilities, the construction of which requires possession of parcel #4098-2-1. After such construction, the potential will immediately exist for detention of storm water on parcels #4098-2-2 and #4098-3-1. It is therefore necessary to acquire possession of said parcels by August 1, 1986, or as soon

thereafter as possible, so that construction may proceed on schedule and within budgetary limitations.

NOW, THEREFORE, the Council directs:

- a. The City Attorney is authorized and directed to continue negotiations on behalf of the City for the acquisition of two Storm Water Detention Easements, a Permanent Sewer Easement and a Temporary Construction Easement through and across property described as follows:

Owners: Felix M. Olivares and Julia U. Olivares

R/W #4098-2-1 (Permanent Sewer Easement & Temporary Construction Easement)

A parcel of land in the northeast quarter of Section 19, T1S, R1E, W.M., in the City of Portland, County of Multnomah, and State of Oregon, described as follows:

Commencing at the northeast corner of Section 19, T1S, R1E, W.M.; thence west (basis of bearings) along the north line of said Section 19 a distance of 778.7 feet; thence S 0°55'00" E, 25.0 feet to a point in the south line of SW Vermont Street at the intersection of the west line of that certain tract conveyed to Felix M. Olivares and Julia U. Olivares, by deed recorded February 7, 1977, in Book 1155, Page 1792, Multnomah County Deed Records and the True Point of Beginning; thence continuing S 0°55'00" E along the west line of said Olivares tract, 203.7 feet to the southwest corner thereof; thence east along the south line of said Olivares tract, 30.0 feet; thence N 3°43'29" W, 204.11 feet to the south line of said SW Vermont Street; thence west along said south line 20.0 feet to the True Point of Beginning.

Owners: Felix M. Olivares and Julia U. Olivares

R/W #4098-2-2 (Permanent Storm Water Detention Easement)

A parcel of land in the northeast quarter of Section 19, T1S, R1E, W.M., in the City of Portland, County of Multnomah, and State of Oregon, described as follows:

Commencing at the northeast corner of Section 19, T1S, R1E, W.M.; thence west (basis of bearings) along the north line of said Section 19 a distance of 778.7 feet; thence S 0°55'00" E, along the west line of that certain tract conveyed to Felix M. Olivares and Julia U. Olivares, by deed recorded February 7, 1977, in Book 1155, Page 1792, Multnomah County Deed Records, 98.27 feet to the True Point of Beginning; thence S 79°44'23" E, 101.66 feet; thence S 66°30'24" E, 33.22 feet to the west line of that tract of land conveyed to Felix R. Olivares, by deed recorded December 28, 1978, in Book 1319,

at Page 1997; thence S 0°55'00" E along said west line of the Felix R. Olivares tract, 99.08 feet to the south line of said Felix M. Olivares and Julia U. Olivares tract; thence west along last aforesaid south line, 130.0 feet to the southwest corner of said Felix M. Olivares and Julia U. Olivares tract; thence N 0°55'00" W along the west line of said Felix M. Olivares and Julia U. Olivares tract, 130.43 feet to the True Point of Beginning.

Owners: Felix R. Olivares

R/W #4098-3-1 (Permanent Storm Water Detention Easement)

A parcel of land in the northeast quarter of Section 19, T1S, R1E, W.M., in the City of Portland, County of Multnomah, and State of Oregon, described as follows:

Commencing at the northeast corner of Section 19, T1S, R1E, W.M.; thence west (basis of bearings) along the north line of said Section 19 a distance of 648.7 feet; thence S 0°55'00" E, along the west line of that certain tract conveyed to Felix R. Olivares, by deed recorded December 28, 1978, in Book 1319, at Page 1997, Multnomah County Deed Records, 129.62 feet to the True Point of Beginning; thence S 66°30'24" E, 25.70 feet; thence S 41°44'15" E, 84.58 feet to the east line of said Olivares tract; thence S 0°55'00" E, along said east line, 25.71 feet to the southeast corner thereof; thence west along the south line of said Olivares tract 78.7 feet to the southwest corner thereof; thence N 0°55'00" W along the west line of said Olivares tract, 99.08 feet to the True Point of Beginning.

- b. In the event any or all of the owners of the property refuse to grant said easements under the terms offered by the City Attorney, the City Attorney is hereby authorized and directed to commence condemnation proceedings by filing an action or actions for the appropriation of the easements against the owner or any parties claiming any interest in said properties. The City Attorney shall prosecute said condemnation proceedings with all reasonable diligence to carry them to final judgment
- c. The City Attorney is hereby authorized and directed to take all appropriate steps to acquire possession of the above described real property by August 1, 1986, or as soon thereafter as possible in accordance with all applicable laws and regulations.
- d. There is hereby authorized the creation of a fund in the amount estimated to be the just compensation for each parcel which shall, upon obtaining possession of said property, be deposited with the clerk of the court wherein the action is commenced for the use of the defendants in this action.

- e. The cost incurred by the City Attorney in connection with the acquisitions herein authorized shall be charged to the Sewer Disposal Fund, BUC 17200178, Project 4235, Exp. Code 610.

Section 2. The Council declares that an emergency exists because a delay in acquisition of possession of the parcels described herein might result in delays in construction of the project; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **JUL 10 1986**

Commissioner Dick Bogle
Jimmy Hillstrom:mwp.J3.5
June 30, 1986

Jewel Lansing
Auditor of the City of Portland
By *Doris E. Chassey*
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
BOGLE		
LINDBERG	/	
SCHWAB	/	
STRACHAN	/	
CLARK	/	

FOUR-FIFTHS CALENDAR	
BOGLE	
LINDBERG	
SCHWAB	
STRACHAN	
CLARK	

Calendar No. 1418

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Title

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JUL 2 1986

Filed _____

JEWEL LANSING
Auditor of the CITY OF PORTLAND

By Edna Crovera
Deputy

INTRODUCED BY
Commissioner Dick Bogle

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <i>Dick Bogle</i>

BUREAU APPROVAL
Bureau: Environmental Services
Prepared By: <i>PN</i> Date: Jimmy Hillstrom:mwp 6-30-86
Budget Impact Review: <input checked="" type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head: <i>John M. Lang</i> John M. Lang, Administrator

CALENDAR
Consent Regular <input checked="" type="checkbox"/>

NOTED BY
City Attorney
City Auditor
City Engineer Approved: Richard O. Schmidt, P.E.
By: <i>Richard O. Schmidt</i>