

ORDINANCE No. 183596

* Authorize agreement for conveyance of the Timothy Nalum property located in the Johnson Creek floodplain project area to the Bureau of Environmental Services (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The acceptance of the property by the City is consistent with federal policy regarding the management of floodplains and the long-range goal of the Bureau of Environmental Services to purchase land in the floodway and areas of inundation to allow people to move out of harms way.
2. The Bureau of Environmental Services has determined that significant water quality, wildlife habitat and passive recreation benefits will occur as a result of the City's acquisition and management of the amenity and that the acquisition is in the public interest and for the general benefit of the people of the City of Portland.
3. The established cost is \$125,000. Funds are available in the Sewer System Operating Fund, FY 2009-10 Budget, Bureau of Environmental Services, WBS Element E10068.L65
4. The property to be conveyed is:

A. Exhibit A: Tax Lot 800
Assessor's Map 1S2E13DC
Multnomah County, Oregon
0.84 acres

Timothy Nalum has accepted an offer from the Bureau of Environmental Services to purchase this property for \$125,000 with closing costs and other expenses estimated to be \$4,000 and site stabilization costs estimated to be \$15,000.

5. BES has accepted responsibility for on-going maintenance costs of the parcels under Exhibit A. The Director of BES estimates that the on-going maintenance costs will be \$970 per year. The estimated \$970 of on-going maintenance costs for the property has been included in the fiscal year 2009-10 Budget.

NOW, THEREFORE, the council directs:

- A. The Director of the Bureau of Environmental Services, or designee, is authorized to execute closing documents and all other necessary documents, once approved as to form by the City Attorney, accepting the property described in Exhibit A as soon as all the contingencies in the sales agreement have been removed;

- B. The Director of BES, or designee, requests the Bureau Accounting Office to prepare one (1) wire transfer from the City Treasury. For Exhibit A, the wire transfer shall not exceed the amount of \$129,000 for the acquisition.
- C. The Mayor and the Auditor are hereby authorized and directed to accept the deed from the party named above conveying the aforementioned property to the City of Portland, Bureau of Environmental Services, and to pay the agreed upon purchase price, property taxes and closing costs as required.
- D. Funds from Exhibit A will come from:
FY 09-10 Sewage Operating Fund budget for an amount not to exceed \$144,000 charged to WBS Element E10068.L65
- E. 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.

Section 2. The Council declares that an emergency exists because the real-estate transaction is dependant on BES's timely action to acquire the property. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, **MAR 10 2010**
Dan Saltzman
Commissioner of Public Affairs

[Eli Callison]
[February 10th, 2010]

[wbs element E10068.L65 - ord

LaVonne Griffin-Valade
Auditor of the City of Portland

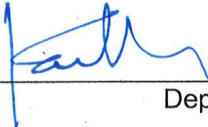
By



Deputy

Agenda No. **183596**
ORDINANCE NO.
 Title

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INTRODUCED BY Commissioner/Auditor:	CLERK USE: DATE FILED <u>MAR 05 2010</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland By:  Deputy ACTION TAKEN:
Mayor—Finance and Administration - Adams	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman <i>Dan Saltzman</i>	
Position 4/Safety - Leonard	
BUREAU APPROVAL	
Bureau: Bureau Head: <i>Demand</i>	
Prepared by: Date Prepared:	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/> <i>EM</i>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date March 10, 2010	
City Attorney Approval	

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	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	_____	
Adams	✓	