

ORDINANCE No. 184865

*Authorize a settlement agreement with the Eastridge Park Homeowners Associations for the repair of a landslide and the extension and improvement of a City storm sewer. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. During the winter of 2008-2009, a landslide occurred west of residences located at 7429 and 7525 SE 141st Avenue. The landslide damaged an existing City storm sewer.
2. The Bureau of Environmental Services investigated the affected area and the condition of the storm sewer, and determined that it was in the best long-term interest of the City's stormwater management utility to replace the damaged storm sewer, and extend the storm sewer further down the affected hillside to an improved outfall structure.
3. It is in the mutual interests of the City and the Eastridge Park Homeowners Association to work together to develop a coordinated approach to the landslide repair and storm sewer improvements. The terms of such a partnership will provide for a cost-effective construction project that achieves the goals of both parties, allocates costs to both parties on a fair and equitable basis, and serves as an amicable settlement of claims that may have been brought by either party. These provisions are contained in a settlement agreement that is attached to this Ordinance.
4. The Bureau estimates that the storm sewer improvement will cost \$35,000 to \$40,000, including \$15,000 to \$25,000 for the City's share of site preparation and excavation costs and costs for the restoration of the hillside to comply with City environmental zone requirements. The Bureau is prepared to reimburse the Eastridge Homeowners Association for these capital costs based on terms and conditions set forth in the settlement agreement.

NOW, THEREFORE, the council directs:

- a. The Council authorizes the Director of the Bureau of Environmental Services to enter into a settlement agreement with the Eastridge Park Homeowners Association substantially as set forth in Exhibit A of this Ordinance.

Section 2. The Council declares that an emergency exists because existing residences are threatened by the current state of the landslide area; and the repair of the hillside needs to be completed by the end of October 2011 to avoid further property damage. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,
Dan Saltzman
Commissioner of Public Affairs

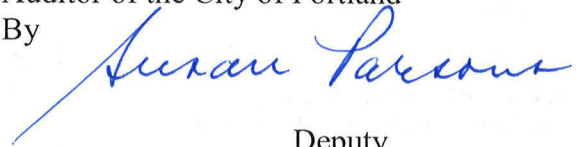
SEP 14 2011

Dan Vizzini
August 25, 2011

LaVonne Griffin-Valade

Auditor of the City of Portland

By



Deputy

Agenda No. **184865**
ORDINANCE NO.
 Title

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<p>INTRODUCED BY Commissioner/Auditor: Commissioner Dan Saltzman</p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman <i>DS</i></p> <p>Position 4/Safety - Leonard</p> <p>BUREAU APPROVAL</p> <p>Bureau: Environmental Services Bureau Head: Dean Marriott <i>DM</i></p> <p>Prepared by: Dan Vizzini Date Prepared: August 25, 2011</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>Council Meeting Date September 14, 2011</p> <p>City Attorney Approval <i>HRS</i></p>	<p>CLERK USE: DATE FILED SEP 10 2011</p> <p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> 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	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	_____	