

ORDINANCE No. 183614

*Authorize an Intergovernmental Agreement with Metro, City of Lake Oswego, Clackamas County, Tri-County Metropolitan Transportation District and the Oregon Department of Transportation regarding the donation of a portion of the Willamette Shoreline Right-of-Way to TriMet for the Portland-Milwaukie Light Rail project (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In 1994, the City of Portland, Metro, the City of Lake Oswego, Clackamas County, the Tri-county Metropolitan Transportation District (TriMet) and the State of Oregon Department of Transportation (ODOT), established a Consortium for the purpose of managing the Willamette Shore Line Right-of-Way (WSL ROW).
2. Certain members of the Consortium had purchased the WSL ROW several years earlier from Southern Pacific Transportation Company in order to preserve it for public rail mass transit use.
3. TriMet owns and operates the public mass transit system serving the Portland, Oregon metropolitan region, which includes an existing light rail system.
4. The Regional Transportation Plan for the Portland metropolitan region and the Transportation Element of Portland's Comprehensive Plan each anticipate the development of an additional light rail line commonly known as the Portland-Milwaukie LRT line.
5. In July 2008, Metro adopted the Locally Preferred Alternative ("LPA") and the Land Use Final Order for the Project after local jurisdictions including the cities of Portland, Milwaukie and Oregon City along with Clackamas and Multnomah Counties and TriMet and ODOT recommended the adoption of the LPA .
6. In March 2009, FTA authorized the Project's entry into the Preliminary Engineering ("PE") stage of project development. PE is expected to conclude in early 2010. TriMet expects the Final Environmental Impact Statement to be published in spring 2010, followed by a Record of Decision in summer 2010 and the Project's entry into Final Design in fall 2010.
7. TriMet will be the entity responsible for entering into a Full Funding Grant Agreement ("FFGA") with FTA as the instrument through which the Project will receive the federal funding component of the Project. TriMet expects to enter into the FFGA in spring 2012. As the grant recipient, TriMet will, among other things, be the entity responsible for acquiring all real property necessary for construction and operation of the Project.
8. The Portland Milwaukie Light Rail Project design anticipates use of that certain portion of the WSL ROW consisting of existing Tax Lot R327852 (the Property), as more particularly shown and described in Exhibit A.

9. The Consortium desires to donate the Property to TriMet for all purposes, including incorporation into the Project, consistent with the Consortium's mission of preserving the WSL ROW for public rail mass transit use.
10. The Consortium acknowledges that TriMet intends to use the value of the Property as in-kind contribution toward TriMet's local match obligation to FTA for the Project.
11. TriMet, in accordance with ORS 267.200, may accept donations of real property for the purpose of carrying out its functions and duties. Acceptance of the donation of the Property will further TriMet's ability to meet its responsibilities, will provide a significant public benefit and will not influence or reasonably appear to influence TriMet in the performance of its duties.
12. The City of Portland maintains certain portions of the WSL ROW and all streetcar-related improvements pursuant to an IGA with the Consortium.
13. In order to accommodate the alignment of the Portland Milwaukie Light Rail Project, Portland's North Macadam Transportation Development Strategy calls for the realignment of the Portland Streetcar to a new SW Moody Avenue.
14. On February 17, 2010, Portland was awarded a Transportation Investment Generating Economic Recovery (TIGER) Grant in the amount of \$23,203,988 to reconstruct SW Moody Avenue in the South Waterfront area. The TIGER-funded project along with local and state funds will rebuild the street to include three traffic lanes, dual streetcar tracks, pedestrian and bike facilities and elevate the roadway by 14 feet allowing for the redevelopment of property without disturbing capped contaminated soils.

NOW, THEREFORE, the Council directs:

- a. The Commissioner-in-Charge and the City Auditor are hereby authorized to enter into the Intergovernmental Agreement with Metro, the City of Lake Oswego, Clackamas County, the Tri-county Metropolitan Transportation District and the Oregon Department of Transportation, regarding the donation of a portion of the Willamette Shoreline Right-Of-way to TriMet for the Portland-Milwaukie Light Rail project, substantially in accordance with the Intergovernmental Agreement attached to the original of the Ordinance, and by reference made a part hereof.

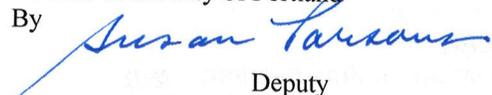
Section 2. The Council declares that an emergency exists because any further delay in this agreement could be detrimental to the project schedule of the Portland Milwaukie Light Rail Project; therefore, this Ordinance shall be in full force and effect from and after its passage by Council.

Passed by the Council, MAR 17 2010

Mayor Sam Adams
Prepared by: Shoshanah Oppenheim:slg
Date Prepared: March 1, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland

By



Deputy

Agenda No. **183614**
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 Title

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INTRODUCED BY
 Commissioner/Auditor:
MAYOR SAM ADAMS

COMMISSIONER APPROVAL

Mayor—Finance and Administration - Adams

Position 1/Utilities - Fritz

Position 2/Works - Fish

Position 3/Affairs - Saltzman

Position 4/Safety - Leonard

BUREAU APPROVAL

Bureau: Bureau of Transportation
 Group Manager: Greg Jones
 Development & Capital Program
 Other: *Greg Jones*

Financial Impact Statement
 Completed Amends Budget
 Not Required

Portland Policy Document
 If "Yes" requires City Policy paragraph stated in document.
 Yes No

Council Meeting Date
March 17, 2010

City Attorney Approval

CLERK USE: DATE FILED MAR 12 2010

LaVonne Griffin-Valade on behalf of Mayor Adams
 LaVonne Griffin-Valade
 Auditor of the City of Portland

By: *[Signature]*
 Deputy

ACTION TAKEN:

AGENDA

TIME CERTAIN
 Start time: _____

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

CONSENT

REGULAR
Total amount of time needed: 7 Min
 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz ✓	
2. Fish	2. Fish ✓	
3. Saltzman	3. Saltzman ✓	
4. Leonard	4. Leonard _____	
Adams	Adams ✓	