

ORDINANCE No. 184069

*Authorize Agreement to Donate Property with Hoyt Street Properties, LLC for The Fields Neighborhood Park (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Portland Development Commission is undertaking the River District Urban Renewal Plan (the "**Plan**"), adopted by the Portland City Council (the "**Council**") on October 21, 1998, by Ordinance No. 172808. The Plan promotes the provision of services and amenities that support housing; creating and enhancing connections between the neighborhood and the Willamette River, including the extension of the North Park Blocks through the River District; and creating open spaces that provide an attractive setting for area residents.
2. Portland Parks and Recreation ("**PP&R**") is the City of Portland's designated bureau for parks, open space, and recreation operations, services and improvements.
3. Hoyt Street Properties, LLC, an Oregon limited liability company ("**HSP**") is the owner of the real property known as Blocks 22 and 25 and Tract G, and legally described as shown on Exhibit A, attached hereto and incorporated herein by this reference. Block 22 and Block 25 and Tract G are referred to collectively as the "**Property**".
4. The Council adopted the Tanner Creek Park and Water Feature Steering Committee Report on October 21, 1998 (the "**Report**"). The Report identified the basic size, configuration, location and programming for four River District public parks, including The Fields Neighborhood Park (the "**Park**") located north of NW Overton Street between NW 10th Avenue and NW 11th Avenue. The Council directed PDC and PP&R to work with Hoyt Street Properties ("**HSP**") to implement the River District parks.
5. On September 8, 1997 the City of Portland and HSP entered into an Agreement for Development (the "**1997 Agreement**"). The 1997 Agreement was amended and restated on March 2, 1999, when the City of Portland and HSP entered into an Amended and Restated Agreement for Development (the "**1999 Agreement**"), which called for the acquisition of approximately 90,198 square feet (2.1 acres) of property (which did not include the Property) owned by HSP for the development of the Park. The 2.1 acre site was purchased by PDC and conveyed to PP&R for park use on February 1, 2005. The 1999 Agreement granted the City, by and through PDC, a no-cost option to purchase the Property, but the City did not exercise its option to purchase before the option term

expired. Neither the 1997 Agreement nor the 1999 Agreement commits HSP to donate, sell or otherwise convey the Property to the City or PDC.

6. In March 2006, HSP completed the Hoyt Street Properties Master Plan (the “**Master Plan**”). Since completion of the Master Plan, HSP has indicated a willingness to donate the Property to the City and has continued to negotiate the terms of that donation with PDC and PP&R.
7. PDC and PP&R implemented a public participation plan, including the involvement of a citizen advisory committee, for the design and development of the Park. HSP had a representative on the citizen advisory committee. Based on the public input, PP&R prepared a 2007 Concept Plan that incorporated the Property into the Park design.
8. HSP has agreed to donate the Property to the City for utilization in the development of the Park. The City intends and desires to design and construct the Park with funding from the PDC River District Urban Renewal Area, subject to approval by the PDC Board of Commissioners. The City has already completed conceptual through design development plans and intends to complete construction in fiscal year 2012/13.
9. HSP owns a number of properties in the vicinity of the Property, which it intends to develop at some time in the future. HSP is donating the Property as part of its anticipated future development of one or more of those properties, but it is making the donation now because the Property is needed now for the development of the park. It is the intent and expectation of the parties that the donation of the Property will qualify for SDC credit when HSP ultimately applies for a permit to develop one or more of its other properties in the vicinity. Notwithstanding that intent and expectation, the parties recognize that the entitlement to SDC credit can be determined only through the process mandated by Chapter 17.13 of the Code of the City of Portland, that nothing in this Ordinance or in the Donation Agreement constitutes a promise or guarantee regarding the outcome of any SDC credit application process, and, in particular, that the City makes no promise that any credit or any particular amount of credit will be approved.

NOW, THEREFORE, the Council directs:

- a. The Commissioner in Charge of Parks and Recreation is authorized to execute on behalf of the City of Portland an Agreement to Donate Property for Park Purposes Regarding the Fields Neighborhood Park, substantially in the form attached as Exhibit A to this Ordinance, and to accept, on behalf of the City of Portland, the Property donated pursuant to that Agreement.

- b. The Commissioner or his designee is authorized to execute all documents necessary to complete the transaction, once such documents have been approved as to form by the City Attorney.

Section 2. The Council declares that an emergency exists to avoid unnecessary delay in acquisition of this property and in the commencement of construction of the Park; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: **AUG 18 2010**

Commissioner: Nick Fish
Prepared by: Harry Auerbach: ds
Date Prepared: August 11, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland

By 
Deputy

1175

Agenda No.

ORDINANCE NO. 184069

Title

Agreement to

*Authorize Acceptance of Donated Property for The Fields Neighborhood Park (Ordinance). with Hoyt Street Properties, LLC

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| <p>INTRODUCED BY Commissioner/Auditor: Commissioner Fish</p> | <p>CLERK USE: DATE FILED <u>AUG 13 2010</u></p> |
| <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish <i>[Signature]</i></p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p> | <p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> |
| <p>BUREAU APPROVAL</p> <p>Bureau: Parks & Recreation <i>[Signature]</i> Bureau Head: Zari Santner</p> <p>Prepared by: Harry Auerbach Date Prepared: August 11, 2010</p> <p>Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <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 August 18, 2010</p> | |
| <p><input checked="" type="checkbox"/> City Attorney Approval <i>[Signature]</i></p> | <p>ACTION TAKEN:</p> |

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| <p>AGENDA</p> <p>TIME CERTAIN <input type="checkbox"/> Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p> <p>CONSENT X</p> <p>REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)</p> |
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| FOUR-FIFTHS AGENDA | COMMISSIONERS VOTED AS FOLLOWS: | |
|--------------------|---------------------------------|---|
| | | |
| 1. Fritz | 1. Fritz | ✓ |
| 2. Fish | 2. Fish | ✓ |
| 3. Saltzman | 3. Saltzman | ✓ |
| 4. Leonard | 4. Leonard | ✓ |
| Adams | Adams | ✓ |