

**ORDINANCE No. 184205**

\*Authorize the City Attorney to commence eminent domain proceedings to acquire property for the South Waterfront Central District segment of the Willamette Greenway Trail, pursuant to a Letter of Intent between the property owners, the Portland Development Commission and Portland Parks & Recreation (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland, through the Portland Development Commission (PDC), entered into a Development Agreement with Oregon Health & Science University (OHSU), River Campus Investors, LLC (RCI) and North Macadam Investors LLC (NMI) for redevelopment of the South Waterfront Central District.
2. That agreement, as it has been amended from time to time, calls for the City to acquire parcels of property from RCI and NMI and to make Final Greenway Improvements on those parcels.
3. The City's obligation to acquire the property and to make the Final Greenway Improvements is conditioned on its being satisfied with the environmental condition of the property.
4. The City, acting through PDC and Portland Parks & Recreation, has negotiated the terms and conditions under which the City may be satisfied as to the environmental condition of the property, and has executed a non-binding Letter of Intent setting out the framework under which the City may proceed to acquire the Greenway parcels through eminent domain.
5. It is in the public interest to develop the Greenway in the South Waterfront Central District in accordance with the vision developed through an extensive public process.

NOW, THEREFORE, the Council directs:

- a. The Commissioner in Charge of Parks and Recreation is authorized to negotiate and execute, on behalf of the City of Portland, an agreement formalizing the expectations expressed in the Letter of Intent with PDC, RCI and NMI;
- b. The City Attorney or her designee is authorized to commence and prosecute an eminent domain proceeding to acquire the Greenway parcels in accordance with that Agreement.

- c. In accepting responsibility for the Property, the Council acknowledges the need to fund the on-going O&M costs of interim improvements estimated at \$10,000 per year, and directs the Office of Management and Finance to transfer this ongoing funding allocation from the General Fund to the Parks and Recreation budget beginning in FY 2010-11 to be initiated by Parks' request in the FY10-11 Spring BMP.

Section 2. The Council declares that an emergency exists in order to avoid undue delay in the acquisition of the parcels and in construction of the final Greenway improvements; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

*[Faint handwritten signature]*

*[Faint handwritten signature]*

Passed by the Council: NOV 08 2010

Commissioner: Nick Fish  
 Prepared by: Harry Auerbach: ds  
 Date Prepared: October 22, 2010

**LaVonne Griffin-Valade**  
 Auditor of the City of Portland

By *[Signature]*  
 Deputy

Agenda No.  
**ORDINANCE NO. 184205**

Title

\*Authorize the City Attorney to commence eminent domain proceedings to acquire property for the South Waterfront Central District segment of the Willamette Greenway Trail, pursuant to a Letter of Intent between the property owners, the Portland Development Commission and Portland Parks & Recreation (Ordinance)

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: <b>Fish</b></p>	<p>CLERK USE: DATE FILED <u>  OCT 29 2010  </u></p>
<p style="text-align: center;"><b>COMMISSIONER APPROVAL</b></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 style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u>  <i>[Signature]</i>  </u> Deputy</p> <p><b>ACTION TAKEN:</b></p>
<p style="text-align: center;"><b>BUREAU APPROVAL</b></p> <p>Bureau: Portland Parks &amp; Recreation Bureau Head: Zari Santner <i>[Signature]</i></p>	
<p>Prepared by: Harry Auerbach Date Prepared: 10-18-10</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 <b>November 3, 2010</b></p>	
<p><b>City Attorney Approval</b></p>	

<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input checked="" type="checkbox"/></p>
<p><b>REGULAR</b> <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	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	