

ORDINANCE No. 186055

*Authorize the Bureau of Transportation to execute real property deeds in the amount of \$1,202,453 in Transportation System Development Charge Overlay Credits required for construction of the New Water Avenue Project; indemnify Oregon Museum of Science and Industry and the Oregon Department of Energy; authorize the naming and renaming of segments of SE Water Avenue; and authorize transfer of real property to TriMet (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. City Council authorized the relocation of SE Water Avenue as betterment to the Portland to Milwaukie Light Rail Project in Ordinance No. 185578, passed on August 29, 2012.
2. Ordinance No. 185579, also passed by City Council on August 29, 2012 authorized the City to enter into an "Agreement Regarding Property Transactions for Relocation of SE Water Avenue" ("The Agreement"), specifically Provision No. 7, the "City's Responsibilities" allows the City to accept permanent and temporary easements from Oregon Museum of Science and Industry (OMSI) and Portland Opera Association (Opera).
3. As part of The Agreement, attached as Exhibit 1, the City will acquire from OMSI, fee title to certain parcels of land in order to relocate existing easements and facilities from the new segment of SE Water Avenue to newly acquired fee parcels for the benefit of the project, the Oregon Pacific Railroad, and Portland General Electric. Provision 7d of The Agreement requires the transfer of the fee parcels to Tri-County Metropolitan Transportation District of Oregon (TriMet) for asset management.
4. Per The Agreement, compensation for the newly acquired property rights will be in the form of Transportation System Development Charge Overlay Credits (SDC). Credits totaling \$1,202,453 will be issued to OMSI and Opera upon completion of the construction of the new segment of SE Water Avenue.
5. The SDC credits will be issued and monitored by the SDC Program Manager.
6. OMSI and the State of Oregon, acting by and through its Department of Energy, as an interest holder in portions of the OMSI property, require that the City indemnify them for use of the temporary construction easement area as described in Exhibit 6 attached hereto.
7. The new street segment will be named SE Water Avenue and pursuant to City Code 17.93.050, a portion of existing SE Water Avenue will be renamed SE 2nd Place in order to eliminate confusion.

8. Costs for staff time associated in the acquisition of the easements and processing this ordinance are being charged to the Portland to Milwaukie Light Rail Project FY 2012/13 Budget, SAP No. T00138.C46.

NOW, THEREFORE, the Council directs:

- a. That the Bureau of Transportation Director or designee is hereby authorized to execute the easements and the Bargain and Sale Deed in substantially the same form as the attached Exhibits 2 through 6 for the purposes described in Section 1 of this Ordinance.
- b. That the Bureau of Transportation is hereby authorized to issue SDC certificates totaling \$1,202,453 for the acquisition of OMSI and Opera property rights.
- c. That the new segment of street described and depicted on Exhibits 2 and 5 is hereby named SE Water Avenue.
- d. That the existing segment of SE Water Avenue described as follows, is hereby renamed SE 2nd Place:

That portion of SE Water Avenue lying between the north right-of-way line of SE Caruthers Street and the north line Block 34, in the duly recorded Plat of "Map of Stephens' Addition to East Portland" EXCEPTING THEREFROM that portion of right-of-way described in Document No. 2011-034501 lying north of the south line of said Block 34 as depicted on Exhibit 7 attached hereto and by this reference made a part hereof.

- e. That the Bureau of Transportation is hereby authorized to quitclaim the fee parcels to TriMet as described on Exhibit 4 per The Agreement, via separate deed.
- f. That the Auditor shall return a certified copy of this Ordinance to the Right-of-Way Acquisition Section (RWA), Bureau of Transportation, for recording in the Multnomah County Deed Records; RWA shall return the original recorded Ordinance to the Auditor and retain a copy in the R/W File No. 7358.

Section 2. The Council declares that an emergency exists because of the risk of potential intervening encumbrances to the title for the affected properties and to preserve the project's current schedule; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, MAY 29 2013

Mayor Charlie Hales
Prepared by: Dee A. Walker:slg
Date Prepared: May 2, 2013v2
RW # 7358

LaVonne Griffin-Valade
Auditor of the City of Portland

By

Susan Persons

Deputy

506 -
Agenda No. -
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Title

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INTRODUCED BY Commissioner/Auditor: MAYOR CHARLIE HALES	CLERK USE: DATE FILED <u>MAY 24 2013</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	LaVonne Griffin-Valade Auditor of the City of Portland By: <u>[Signature]</u> Deputy
BUREAU APPROVAL Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: Prepared by: Dee A. Walker: sig Date Prepared: May 2, 2013 Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Council Meeting Date May 29, 2013 City Attorney Approval: <u>MRM</u> required for contract, code, easement, franchise, comp plan, charter	ACTION TAKEN:

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion) CONSENT <input type="checkbox"/> REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 15 minutes (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	<input checked="" type="checkbox"/>	
4. Novick	<input checked="" type="checkbox"/>	
Hales	<input checked="" type="checkbox"/>	