

ORDINANCE No. 183501

*Execute First Addendum to Lease Agreement with 5 East Side Stories LLC, Lessee, to increase square footage of lease area and receive proportionate rent. (Ordinance; Contract No. 52558)

The City of Portland ordains:

Section 1. The Council finds:

1. Ordinance No. 179585 passed City Council September 14, 2005 authorizing a Lease Agreement between the City of Portland, Lessor, and 5 East Side Stories LLC, Lessee, for parking under a portion of the east end of the Burnside Bridge between SE 2nd and 3rd Avenues (referenced as RWA File No. 6434).
2. The abutting parking area had been leased to Artiste Lofts LLC through Ordinance No. 179586 passed by City Council September 14, 2005 and was terminated September 1, 2009.
3. The general area under the east end of the Burnside Bridge has become an attractive nuisance and a source of public complaint and police action due to transient activity, camping, and littering.
4. 5 East Side Stories LLC has requested to lease the parking lot formally lease by Artiste Lofts LLC in form substantially the same as outlined in the First Addendum attached as Exhibit A hereto in order to fence both lots to alleviate some of the transient activity.

NOW, THEREFORE, the Council directs:

- a. That the Mayor-in-Charge and the Auditor are hereby authorized to execute on behalf of the City, the First Addendum, as approved by the City Attorney, substantially in accordance with the Addendum attached to the original of this Ordinance as Exhibit A, and by this reference made a part hereof
- b. The Mayor-in-Charge hereby authorizes the Portland City Engineer or designee to sign any future amendments to said Lease.
- c. The additional lease space is described as follows:

A parcel of land under the Burnside Bridge situated in the southeast one-quarter of Section 34, T1N, R1E, W.M., in the City of Portland, County of Multnomah, State of Oregon, said parcel being all that portion of E Burnside Street lying southerly of the centerline and east of the northerly extension of the west line of Lot 8, Block 66 in the duly recorded Plat of East Portland and westerly of NE 3rd Avenue as depicted on Exhibit A attached hereto. Containing 5,500 square feet, more or less.

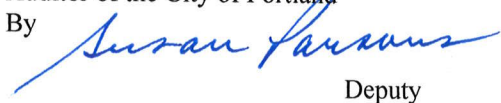
- d. The Auditor is hereby authorized to return the executed document to 5 East Side Stories, LLC for signature at 17 SE 3rd Avenue, Portland, 97214.
- e. The Portland Bureau of Transportation Section is hereby authorized to record the Addendum in the Deed of Records of Multnomah County, once it is fully executed by 5 East Side Stories LLC, the Mayor-In-Charge, and the City Auditor.

Section 2. The Council declares that an emergency exists because a delay in executing the amendment further allows the attractive nuisance and public complaint and police action to continue; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, **JAN 27 2010**

Mayor Sam Adams
Prepared by: Dee A. Walker:slg
Date Prepared: January 11, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland
By


Deputy

Agenda No. **183501**
ORDINANCE NO.

Title

with

*Execute First Addendum to Lease Agreement ~~between the City of Portland and 5 East Side Stories LLC, Lessee~~ to increase square footage of lease area and receive proportionate rent. (Ordinance; ~~Amend~~ **amend** Contract No. 52558)

<p>INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>K. Billmann on behalf on Mayor Adams'</i></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</p> <p>Position 4/Safety - Leonard</p> <p>BUREAU APPROVAL</p> <p>Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program</p> <p>Other: <i>See A. Walz</i></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 January 27, 2010</p> <p>City Attorney Approval D.H.</p>	<p>CLERK USE: DATE FILED JAN 25 2010</p> <p>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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<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 <input type="checkbox"/></p> <p>REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 5 minutes (for presentation, testimony and discussion)</p>
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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	✓	