

## ORDINANCE No. 184657

Authorize the Bureau of Environmental Services to execute a Sublease Agreement and Permit of Entry with TriMet for property leased from the Oregon Museum of Science and Industry, including an indemnification from the City to TriMet. (Ordinance)

The City of Portland ordains:

### Section 1. The Council finds:

1. In 1991, the City engaged in a program to control combined sewer overflows to the Columbia Slough and Willamette River. As part of this program, it commenced construction work on the East Side CSO Tunnel Project (ESCSO Project) in March 2006.
2. The ESCSO Project identified undeveloped land south of the Oregon Museum of Science and Industry (OMSI) as a critical location for construction of the main mining shaft, and as an overall project staging area (the "Property"). The City and OMSI entered into a Ground Lease Agreement dated October 19, 2005, and the First Amendment to Ground Lease dated March 2, 2010 (collectively, the "Lease"). The Lease term expires on September 30, 2012. The City intends to occupy the Property until December 31, 2011.
3. TriMet is planning to construct the Portland-Milwaukie Light Rail Project (TriMet Project), a 7.3-mile alignment that will connect Portland State University in downtown Portland, inner Southeast Portland, Milwaukie, and north Clackamas County, which includes a new transit bridge (Bridge) over the Willamette River across part of the Property. TriMet plans to begin construction staging of the east Bridge span and abutment in May 2011.
4. TriMet needs to use a portion of the Property for the TriMet Project during the term of the Lease (Subleased Property), which is shown on the attached Exhibit A, and incorporated by this reference herein. The City has agreed, and OMSI has consented, to allow TriMet to use the Subleased Property for the TriMet Project for the period of June 1, 2011- December 31, 2011. The City and TriMet hereby desire to enter into this Sublease to allow TriMet to occupy the Subleased Property until December 31, 2011, or until the termination of the Lease, whichever occurs later.
5. The attached Sublease Agreement (Exhibit B) from TriMet to the City includes indemnification provisions, which must be approved by the Council; the attached Permit of Entry (Exhibit C) authorizes TriMet to enter upon the Subleased Property before finalization of the Sublease.
6. The Office of the City Attorney has reviewed this matter and recommends that the City approve the Sublease Agreement and the Permit of Entry.

NOW, THEREFORE, the council directs:

- a. The Commissioner of Public Affairs is authorized to execute a sublease agreement and Permit of Entry in substantially the form of the attached documents, and subsequent amendments, with TriMet for the purpose described in Section 1, including an indemnification from the City to TriMet, for a payment to the City of \$113,179.

Passed by the Council,  
Dan Saltzman  
Commissioner of Public Affairs

**JUN 08 2011**

Paul Gribbon  
May 16, 2011

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



Deputy

720481

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Agenda No.  
**ORDINANCE NO. 184657**  
 Title

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<b>INTRODUCED BY</b> Commissioner/Auditor: <u>Saltzman</u>	CLERK USE: DATE FILED <u>MAY 26 2011</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - <u>Saltzman</u> Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland  By: <u>Susan Parsons</u> Deputy
<b>BUREAU APPROVAL</b> Bureau: Environmental Services Bureau Head: <u>Dean Marriott</u> Prepared by: Paul Gribbon Date Prepared: May 16, 2011 Financial Impact Statement Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input checked="" 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 <u>June 1, 2011</u> City Attorney Approval <u>[Signature]</u>	<b>ACTION TAKEN:</b> JUN 01 2011 PASSED TO SECOND READING JUN 08 2011 9:30 A.M.

<b>AGENDA</b> <b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input checked="" type="checkbox"/> Total amount of time needed: <u>5 min.</u> (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. Leonard	<input checked="" type="checkbox"/>	
Adams	<input type="checkbox"/>	