

## ORDINANCE No. 185579

\*Authorize SE Water Avenue Property Transaction Coordination Agreements for relocation of SE Water Avenue with TriMet, Oregon Museum of Science and Industry, Portland Opera, Portland General Electric and Oregon Pacific Railroad (Ordinance)

The City of Portland ordains:

### Section 1. The Council finds:

1. On or about March 28, 2011, TriMet, City of Portland Bureau of Transportation, Portland Development Commission, City of Portland Bureau of Environmental Services, OMSI, and Opera entered into a Memorandum of Understanding for the Design and Construction of Relocated SE Water Avenue (“**MOU**”).
2. In that MOU, TriMet agreed to assist the Parties in preparing certain legal descriptions and other materials necessary to effect the relocation of SE Water Avenue (aka “**New Water Avenue**”). Specifically, TriMet was tasked to assist in relocating certain PGE poles from their current location on OMSI and Opera properties to their relocated location just east of New Water Avenue. This effort resulted in TriMet also assisting in relocating OPR’s railroad tracks from their current location on OMSI and Opera properties to their relocated location just east of New Water Avenue.
3. TriMet has researched the titles of the relevant properties, has prepared the appropriate conveyance documents to the best of its knowledge, and has structured a sequence by which the documents should be executed and, where appropriate, recorded.
4. The Parties desire to enter into this Agreement to formalize their respective obligations.

NOW, THEREFORE, the Council directs:

- a. That the Commissioner-in-Charge and the Auditor are authorized to sign the Agreement Regarding Property Transactions for Relocating SE Water Avenue substantially in accordance with that attached as Exhibit A to the original of this ordinance and, by reference, made a part hereof
- b. That the Commissioner-in-Charge and the Auditor are authorized to sign the Letter Agreement regarding Water Avenue Coordination Agreement and the Relocation of PGE Poles substantially in accordance with that attached as Exhibit B to the original of this ordinance and, by reference, made a part hereof

Section 2. The Council declares that an emergency exists because property transactions need to proceed immediately to preserve project schedule; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,

AUG 29 2012

Mayor Sam Adams

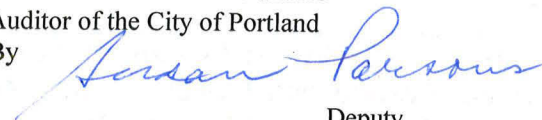
Prepared by: Art Pearce:slg

Date Prepared: August 21, 2012

**LaVonne Griffin-Valade**

Auditor of the City of Portland

By



Deputy

Agenda No.  
**ORDINANCE NO.**  
 Title

185579

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<b>INTRODUCED BY</b> Commissioner/Auditor: <b>MAYOR SAM ADAMS</b> <i>K. Dillman on behalf of Mayor Adams</i> <b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard <b>BUREAU APPROVAL</b> Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: Prepared by: Art Pearce:slg Date Prepared: August 21, 2012 Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <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 <b>August 29, 2012</b> <b>City Attorney Approval</b>	CLERK USE: DATE FILED <b>AUG 24 2012</b> LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy <b>ACTION TAKEN:</b>
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<b>AGENDA</b> <b>TIME CERTAIN</b> <input checked="" type="checkbox"/> <i>2 of 3</i> <b>Start time: 10:20</b> <b>Total amount of time needed: 30 min</b> (for presentation, testimony and discussion) <b>CONSENT</b> <input type="checkbox"/> <b>REGULAR</b> <input type="checkbox"/> <b>Total amount of time needed: _____</b> (for presentation, testimony and discussion)
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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	✓	