

## ORDINANCE No. 188242

\*Authorize the Bureau of Transportation to execute a trail easement with Sullivan's Gulch Group LLC (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland, by and through its Bureau of Transportation, entered into a Public Walkway Easement Agreement ("Agreement") with Lloyd Center Hotel Associates Limited Partnership dated February 8, 1994 and recorded February 25, 1994 as Document No. 94-031081, Multnomah County Deed Records. To date, no pedestrian facilities have been constructed within the public walkway easement area.
2. Section 3 of the Agreement provides for the termination and/or relocation of the easement in conjunction with the future development of the property.
3. Sullivan's Gulch Group LLC, the current owner of the property ("SGG"), intends to redevelop the property and has requested termination of the Agreement. In exchange for termination, SGG has agreed to enter into a new agreement ("Trail Easement"). The Trail Easement grants the City the right to construct a future trail on SGG's property in a more desirable location and with terms that are more beneficial to the City than were provided for in the Agreement.
4. In exchange for granting the Trail Easement, SGG has requested indemnification by the City for any damage caused by the City or its representatives.
5. The Office of the City Attorney has reviewed this matter and has approved the language in the Trail Easement to include indemnification.
6. There is no direct cost required to acquire the easement from SGG, other than City staff labor to negotiate and prepare the easement documentation. SGG has agreed to reimburse the City for these costs.

NOW, THEREFORE, the Council directs:

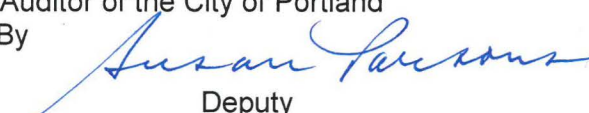
- a. That the Director of the Bureau of Transportation or designee is hereby authorized to execute the Trail Easement with SGG in substantially the same form of the attached Exhibit 1.

Section 2. The Council declares that an emergency exists because a delay in the execution of the Trail Easement may result in a delay of SGG's development plans; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, FEB 22 2017  
Commissioner Dan Saltzman

Prepared by: John Deyo: tlck  
Date Prepared: January 24, 2017

Mary Hull Caballero  
Auditor of the City of Portland  
By

  
Deputy

177

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Agenda No.  
**ORDINANCE NO. 188242**  
Title

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<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>COMMISSIONER DAN SALTZMAN</b></p> <p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Wheeler</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman <i>Don Saltzman</i></p> <p>Position 4/Safety – Eudaly</p> <p><b>BUREAU APPROVAL</b></p> <p>Bureau: <b>Transportation</b></p> <p>Development Permitting &amp; Transit Group Manager: <b>Christine Leon</b> Director: <b>Leah Treat</b></p> <p>Prepared by: John Deyo <i>John B. Deyo</i> Date Prepared: January 24, 2017 Supervisor: David McEldowney <i>DM</i></p> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <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><b>City Auditor Office Approval:</b> required for Code Ordinances</p> <p><b>City Attorney Approval:</b> <i>McIntire</i> required for contract, code, easement, franchise, comp plan, charter</p> <p><b>Council Meeting Date:</b> <b>February 22, 2017</b></p>	<p>CLERK USE: DATE FILED <u><b>FEB 14 2017</b></u></p> <p style="text-align: right;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p><b>ACTION TAKEN:</b></p>
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<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 <input checked="" type="checkbox"/>	
2. Fish	2. Fish <input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman <input checked="" type="checkbox"/>	
4. Eudaly	4. Eudaly <input checked="" type="checkbox"/>	
Wheeler	Wheeler <input checked="" type="checkbox"/>	