

ORDINANCE No. 188291

* Declare the SW Broadway Drive property surplus real property and authorize the Bureau of Parks & Recreation to dispose of the property by sale on the open market. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Portland Parks & Recreation ("PP&R") has owned and operated this SW Broadway Drive property, Tax Lot Property Number R327748, depicted in the attached Exhibit B, since Multnomah County transferred the property to the City of Portland in 1984 via quit claim deed. The property is adjacent to 872 SW Broadway Drive. A legal description of the property is attached as Exhibit A.
2. Thick, volunteer vegetative growth chokes the site, and it sits on a grade in excess of 20%. The square-shaped site slopes sharply downward to its southern property line, which ends at a sheer cliff face almost 100' in elevation. The property does not have any cultural or heritage significance and there are no deed restrictions.
3. The property would not be convenient for park users, provides no connectivity to existing parks in the area, and would not create demand for a park use, either now or in the future. Therefore, for PP&R's purposes and needs, it is considered excess property.
4. During three different time periods – in 2013, 2014 and 2016 - Parks has notified all City Bureaus regarding the availability of this specific property and no bureau or agency has ever expressed interest in purchasing or acquiring the property.
5. Though PP&R has invested very few resources in this property, it may provide value if the property was sold on the open market. Its best use may be as a residential home site, or as a means to expand an adjacent lot.
6. The Portland Bureau of Transportation wants PP&R to disclose the following information to any purchaser: 1) As a condition of development of this site, the Portland Bureau of Transportation will require a dedication of right-of-way along the frontage of SW Broadway Drive in accordance with City Code 17.88.020. The approximate depth of the dedication along the frontage is 10 feet; and, 2) the following statement should be included in any sales agreement: "With regards to the existing retaining wall on the site, the buyer will be assuming ownership of the wall along with the property. This includes maintenance of the wall, as well as the responsibility for the lateral support for SW Broadway Drive above it." This language, or similar language, should appear in any document that transfers title to the property.
7. PP&R has moved the property through the City's surplus property process and that process has included a declaration that the property was excess real property, the notice provided to other City

Bureaus in 2016, notice provided to the public for 60 days of public comment and now the presentation of this Ordinance before Council.

8. Several citizens who live in the area, including an adjacent property owner, have become aware of the property's availability because of the public notice and they have contacted PP&R to indicate an interest in purchasing the property. No other feedback has been received from the public.
9. PP&R is now before Council, requesting that Council declare the property surplus and authorize PP&R to sell the property on the open market.

NOW, THEREFORE, The Council Directs:

- a. The SW Broadway Drive property adjacent to 872 SW Broadway Drive, Multnomah Tax Lot R327748, is declared to be surplus real property and the Bureau of Portland Parks and Recreation is authorized to take all steps necessary to sell the property on the open market. This authorization includes the ability to recruit and hire a real estate broker who will assist in the open market sale of the property.
- b. The transfer document for the property shall contain statements that disclose the following information: 1) As a condition of development of this site, the Portland Bureau of Transportation will require a dedication of right-of-way along the frontage of SW Broadway Drive in accordance with City Code 17.88.020. The approximate depth of the dedication along the frontage is 10 feet; and, 2) the following statement should be included in any sales agreement: "With regards to the existing retaining wall on the site, the buyer will be assuming ownership of the wall along with the property. This includes maintenance of the wall, as well as the responsibility for the lateral support for SW Broadway Drive above it."

Section 2. The Council declares that an emergency exists because a delay in disposing of the property would unreasonably impact the sale and development of the property, therefore, this Ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council: **MAR 22 2017**
Commissioner Fritz

Prepared by: F. Dennis James

Mary Hull Caballero
Auditor of the City of Portland

By 
Deputy

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INTRODUCED BY Commissioner/Auditor: Fritz	CLERK USE: DATE FILED <u>MAR 14 2017</u>
COMMISSIONER APPROVAL Mayor—Finance & Administration - Wheeler Position 1/Utilities - Fritz <i>Amade Fritz</i> Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By: <i>Aaron Larson</i> Deputy
BUREAU APPROVAL Bureau: Parks & Recreation Bureau Head: Mike Abbate <i>Mike Abbate</i> Prepared by: F. Dennis James Date Prepared: February 28, 2017 Impact 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"/> City Auditor Office Approval: N/A required for Code Ordinances City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter Council Meeting Date: March 22, 2017	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)
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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. Eudaly	<input checked="" type="checkbox"/>	
Wheeler	<input checked="" type="checkbox"/>	