

ORDINANCE No. 188626

* Authorize Bureau of Parks and Recreation to execute a disclaimer and relinquish all of its right, title and interest in the Katherine B. Gordon Residence Trust, including its remainder interest and all other interests in the real property at 8533 S.W. 35th Ave (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In June 1993, Portland resident Katherine B. Gordon established a private revocable trust for estate planning purposes, which was amended in February 2000. The Katherine B. Gordon Residence Trust (the "Gordon Trust") provided that PP&R would be a beneficiary, receive a residential property located at 8533 SW 35th Avenue ("Property") and that the Property upon which the house is situated must be used as a park for 20 years. PP&R was not consulted in the establishment of the Gordon Trust, nor was PP&R or the City consulted as to whether it desired to accept this trust asset.
2. Katherine B. Gordon died on October 2, 2004. In February of 2017, KeyTrust Company National Association, as the Trustee of the Gordon Trust, contacted PP&R to inform PP&R of the Trustee's intention to distribute the Property to the City in accordance with the terms of the Gordon Trust.
3. PP&R has no interest in owning the Property because the Property has limited value for use as a park and would have informed the Gordon Trust settler of this position if PP&R had been consulted on this issue. If PP&R were to bring this Property into its assets inventory, PP&R would determine that the Property was excess to bureau needs, and should be declared as surplus real property. Considering the condition that would restrict the Property for specified use, the Property would be difficult to dispose of or transfer and would result in the City incurring an unanticipated property ownership, administrative costs and maintenance expenses.
4. PP&R has informed the Trustee of the Gordon Trust that the City wishes to decline the offer of this trust asset. An executed disclaimer will formally decline the offer of this trust asset and will be necessary for the proper administration of the trust. The executed disclaimer would result in the relinquishment of any right, title and interest in the Katherine B. Gordon Residence Trust.
5. The City's real property disposition policy should be waived, as it might apply to any property interest in this situation because the Property has never been part of the City's real property assets. The City has the right to determine whether an unsolicited offer of gift of real property should be accepted or declined. In this

case, the City wishes to decline acceptance of the Property from the Gordon Trust.


NOW, THEREFORE, The Council Directs:

- a. That the Commissioner-in-Charge or designee is authorized to execute a disclaimer that is substantially similar to the Exhibit A, attached to this Ordinance, upon approval as to form by the City Attorney.
- b. Any potential property interest in the Property of the Gordon Trust is declined, and as necessary, determined as surplus to the City. The requirements of ADM 13.02, Disposition of City Real Property, are deemed inapplicable to the property interests that the City may have in the Gordon Trust.

Section 2. The Council declares that an emergency exists because the agreement needs to be executed immediately in order for the Gordon Trust to move forward with its duties, therefore, this Ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council: OCT 04 2017

Commissioner Fritz
Prepared by: F. Dennis James
Date Prepared: September 7, 2017

Mary Hull Caballero
Auditor of the City of Portland
By 
Deputy

1092

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Agenda No.
ORDINANCE NO.

188626

Title

* Authorize the City of Portland's Bureau of Parks and Recreation (PP&R) to execute a disclaimer and relinquish all of its right, title and interest in the Katherine B. Gordon Residence Trust, including its remainder interest and all other interests in the real property commonly known as 8533 S.W. 35th Avenue in Portland Oregon (Ordinance)

INTRODUCED BY Commissioner/Auditor: Fritz	CLERK USE: DATE FILED SEP 26 2017
COMMISSIONER APPROVAL Mayor—Finance & Administration - Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By: <u><i>Susan Parsons</i></u> Deputy
BUREAU APPROVAL Bureau: Parks & Recreation Bureau Head: Mike Abbate <i>Trang Lam</i>	ACTION TAKEN:
Prepared by: F. Dennis James Date Prepared: September 7, 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: Oct 4, 2017	

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: 15 minutes (for presentation, testimony and discussion)	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
CONSENT <input checked="" type="checkbox"/> <i>Pulled</i> REGULAR <input type="checkbox"/> Total amount of time needed: 15 Minutes (for presentation, testimony and discussion)		YEAS	NAYS
	1. Fritz	✓	
	2. Fish	✓	
	3. Saltzman	✓	
	4. Eudaly	✓	
	Wheeler	✓	