

## ORDINANCE No. 189049

\* Amend contract with Leach Garden Friends for \$55,224 for the use of the Gardens' parking lot (Ordinance; amend Contract No. 53068)

The City of Portland ordains:

Section 1. The Council finds:

1. PBOT is constructing a new bridge near the Leach Botanical Gardens. The Gardens are owned by the City of Portland and managed by PP&R. PBOT used the Gardens' parking lot as a staging ground.
2. PP&R, through its Non-Park Use Permit process, invoiced and was paid a \$55,224 impact fee by PBOT for the use of the Parks property.
3. The Friends of the Leach Gardens' use the Garden' premises, including the parking lot, by virtue of a License Agreement with PP&R. PP&R acknowledges that the use of the parking lot resulted in lost revenue to the Gardens, and has agreed to compensate the Friends for that revenue loss by transferring the amount received for the use of the parking lot to the Friends of the Leach Garden.
4. The existing agreement has no provision that would allow this payment of consideration to take place, and so the agreement must be amended to allow such payment.

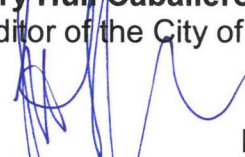
NOW, THEREFORE, The Council Directs:

- a. That the Parks Commissioner or designee is authorized to execute the Second Amendment to the Leach Garden Friends License Agreement to allow PP&R to transfer \$55,224 as consideration for the loss of revenue caused by PBOT's use of the Garden's parking lot as a staging ground. The amendment will be substantially similar to the Exhibit A attached to this Ordinance, and must be approved as to form by the City Attorney.

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


Passed by the Council: JUN 27 2018

Commissioner Fritz  
Prepared by: F. Dennis James  
Date Prepared: May 31, 2018

**Mary Hull Caballero**  
Auditor of the City of Portland  
By  Deputy

Amend contract with Leach Garden Title Friends for

\* Authorize the City of Portland's Bureau of Parks and Recreation (PP&R) to execute an amendment to the Leach Botanical Garden License Agreement to allow payment of \$55,224 in consideration for the use of the Gardens' parking lot. (Ordinance); amend Contract No. 53068)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Fritz</b>	CLERK USE: DATE FILED <u>JUN 19 2018</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance & Administration - Wheeler Position 1/Utilities - Fritz <i>Amend Fritz</i> Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland  By:  Deputy
<b>BUREAU APPROVAL</b> Bureau: Parks & Recreation Bureau Head: Kia Seeley <i>Kia Seeley</i> Prepared by: F. Dennis James Date Prepared: May 31, 2018 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: <i>JP 6/22/18</i> required for contract, code, easement, franchise, comp plan, charter Council Meeting Date: <b>June 27, 2018</b>	<b>ACTION TAKEN:</b>

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