

ORDINANCE No. 189467 As Amended

*Declare tenants-in-common real property interest in two tax lots in the Gateway District as surplus, authorize the Director of Portland Parks & Recreation to convey its real property interest to Prosper Portland and accept real property interest in a tax lot at Gateway Discovery Park (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In 2009, pursuant to Ordinance 182412, Portland Parks & Recreation ("PP&R") and Prosper Portland jointly purchased three tax lots, totaling 4.2 acres in the Gateway District at NE Halsey and NE 106th. These tax lots are identified as R680891, R680892 and R186057 (the "Property"). Title to the Property is held by the City of Portland with PP&R and Prosper Portland as tenants in common with each party holding a 50% interest.
2. PP&R and Prosper Portland purchased the Property with the intent that it be developed for both park and urban development purposes. As a result of a public master planning process, it was determined that approximately 3 acres (R186057) of the Property would be developed as a park ("the Park Site"), and that the remaining acre of the Property (R680891 and R680892) would be constructed as a mixed-use development ("the Development Site"). The Property was reconfigured through a property line adjustment to accommodate this development.
3. In 2018, Gateway Discovery Park was opened on the Park Site. The Park Site is still owned jointly by PP&R and Prosper Portland.
4. Prosper Portland is ready to begin development of the Development Site which will include retail, office space, and affordable housing.
5. PP&R and Prosper Portland wish to exchange their respective interests in the Park Site and Development Site so that PP&R will be the sole owner of the Park Site and Prosper Portland will be the sole owner of the Development Site.
6. Under ADM 13.02 City Disposition of Real Property Policy, PP&R's interest in the Development Site is a Category I property interest. PP&R has determined its interest in the Development Site is excess to its needs and notified other bureaus that PP&R seeks to dispose of its interest.
7. Upon authorization for surplus property disposition, PP&R's interest in the Development Site will be conveyed by an appropriate deed. Prosper Portland has obtained authority from its board to convey Prosper

Portland's interest in the Park Site to PP&R or will obtain such authority prior to conveyance of such interests. Prosper Portland and PP&R anticipate that the mutual conveyance of interests would occur simultaneously or in immediate succession.

8. As required by the Bureau of Development Services to develop the Development Site as planned, PP&R and Prosper Portland will execute a Declaration of No-Build, Emergency Egress, and Access Easement Agreement granting to Prosper Portland a 10 to 15-foot No-Build Easement, a 4 to 10-foot Emergency Egress Easement, and a 10-foot Access Easement over the Park.

NOW, THEREFORE, the Council directs:

- a. PP&R's interest in the Development site is declared surplus real property. The proposed exchange of interests wherein Prosper Portland conveys Prosper Portland's interest in the Park Site to PP&R, and PP&R conveys PPR's interest in the Development Site to Prosper Portland is determined to be consistent with the approved master plan.
- b. The Director of Portland Parks & Recreation ("Parks Director") is authorized to execute a deed and take any other necessary actions to transfer PP&R's 50% interest in the Development Site (R680891 and R680892) to Prosper Portland. All documents shall be subject to approval as to form by the City Attorney.
- c. The Parks Director is authorized to accept a deed and take any other necessary actions to receive Prosper Portland's 50% interest in the Park Site (R186057) and add it to PP&R's property inventory. All documents shall be subject to approval as to form by the City Attorney.
- d. The Parks Director is authorized to execute the Declaration of No-Build, Emergency Egress, and Access Easement Agreement in a form substantially similar to the attached Exhibit A and as approved as to form by the City Attorney.

Section 2. The Council declares that an emergency exists to prevent delay in Prosper Portland proceeding with their mixed use and affordable housing project; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council:

APR 17 2019

Commissioner Fish

Prepared by: Zalane Nunn

Date Prepared: March 20, 2019

Mary Hull Caballero

Auditor of the City of Portland

By



Deputy

*Declare tenants-in-common real property interest in tax lots R680891 and R680892 as surplus, and authorize the Director of Portland Parks & Recreation to convey its real property interest to Prosper Portland and to accept Prosper Portland's real property interest in tax lot ~~R186057~~ at Gateway Discovery Park. (Ordinance)

<p>INTRODUCED BY Commissioner/Auditor: Fish</p>	<p>CLERK USE: DATE FILED <u>APR 09 2019</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish <i>SMS for Nick Fish</i></p> <p>Position 3/Affairs - Hardesty</p> <p>Position 4/Safety - Eudaly</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Parks & Recreation Bureau Head: Adena Long <i>AP 3/28/19</i></p>	<p>ACTION TAKEN:</p>
<p>Prepared by: Zalane Nunn Date Prepared: March 20, 2019</p>	
<p>Impact Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document</p> <p>If "Yes" requires City Policy paragraph stated in document.</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: <i>AP 3/25/19</i> required for contract, code, easement, franchise, comp plan, charter</p>	
<p>Council Meeting Date April 17, 2019</p>	

<p>AGENDA</p>
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: 5 minutes (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<u> </u>	<u> </u>
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Hardesty	3. Hardesty	<input checked="" type="checkbox"/>	
4. Eudaly	4. Eudaly	<input checked="" type="checkbox"/>	
Wheeler	Wheeler	<input checked="" type="checkbox"/>	