

ORDINANCE No. 189594

* Authorize the Portland Bureau of Transportation to waive Administrative Rule 13.02 - Disposition of City Real Property, and transfer four City-owned parcels of land to TriMet in connection with the Portland to Milwaukie Light Rail Project (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. An Intergovernmental Agreement ("IGA") between the City of Portland ("City") and the Tri-County Metropolitan Transportation District of Oregon ("TriMet") was executed on March 30, 2009 for design and construction management for the Portland to Milwaukie Light Rail Project (the "Project") and authorized by City Council on June 23, 2010 in Ordinance No. 183924.
2. The IGA was amended in Ordinance No. 184452 passed by City Council on March 9, 2011 ("1st Amendment"); in Ordinance No. 185819 passed by City Council December 19, 2012, ("2nd Amendment"); in Ordinance No. 186652 passed by City Council on June 18, 2014, (3rd Amendment); and in Ordinance No. 187839 passed by City Council on June 22, 2016 (4th Amendment).
3. The language added in Provision No. 5 of the 2nd Amendment amends Article IV D.1 (h) of the 1st Amendment to add language that allows for the transfer of identified City-owned properties to TriMet, of which there are four (the "Parcels"), as in-kind property donations to TriMet as part of the City's contribution to the Project.
4. Resolution No. 37143, Disposition of City Real Property, was adopted by City Council on July 8, 2015 implementing a standard and consistent process for the identification, notification and subsequent sale of City excess property.
5. Under the terms of the IGA, TriMet has had physical possession of the Parcels for the construction and operation of the Project.
6. Administrative Rule 13.02 (the "Rule") did not account for prior commitments such as the IGA; therefore, City Council is being asked to waive the Rule and authorize the Portland Bureau of Transportation ("PBOT") to proceed with the transfer of the Parcels to TriMet.

NOW, THEREFORE, the Council directs:

- a. That the Rule is hereby waived and that PBOT may proceed directly with the transfer of the Parcels described below, without further delay:
In substantially the same form as the Parcels described on **Exhibit A** and depicted on **Exhibit B** attached and incorporated by reference.
Altogether containing 122,493 square feet, more or less.
- b. The Auditor's Office shall return a certified copy of this Ordinance to the Right-of-Way Acquisition Section ("RWA") within PBOT for recording in the Multnomah County Deed Records; RWA shall return a copy to the Auditor's Office and keep the original recorded Ordinance in RWA File No. 7400-8.

Section 2. The Council declares that an emergency exists because TriMet has been in possession of the Parcels as required for the Project and a delay in transferring the Parcels could increase the City's liability; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, JUL 10 2019

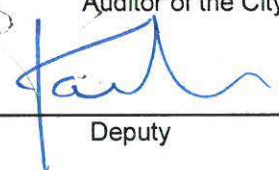
Commissioner Chloe Eudaly
Prepared by: Dee A. Walker:IR
Date Prepared: June 4, 2019

Mary Hull Caballero
Auditor of the City of Portland
By



Deputy

*Authorize the Portland Bureau of Transportation to waive Administrative Rule 13.02 -Disposition of City Real Property, and transfer four City-owned parcels of land to the Tri-County Metropolitan Transportation District of Oregon in connection with the Portland to Milwaukie Light Rail Project (Ordinance)

INTRODUCED BY Commissioner/Auditor: Chloe Eudaly	CLERK USE: DATE FILED JUL 01 2019
COMMISSIONER APPROVAL Mayor—Finance & Administration – Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Hardesty Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By:  Deputy
BUREAU APPROVAL Bureau: PBOT Group: Development Permitting & Transit Group Manager: Christine Leon Director: Chris Warner Prepared by: Dee A. Walker; SP Supervisor: Dave McEldowney Date Prepared: June 4, 2019	ACTION TAKEN:
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: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan	
Council Meeting Date July 3, 2019	

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

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz	
2. Fish	2. Fish	
3. Hardesty	3. Hardesty	
4. Eudaly	4. Eudaly	
Wheeler	Wheeler	