

Agenda No. 289

ORDINANCE NO. 190378

*Declare the Gateway Green Park “Sliver Parcel” property surplus real property and authorize the Bureau of Parks and Recreation to dispose of the property by transferring it to TriMet for its Redline Max Line project (Ordinance)

The City of Portland ordains:

Introduced by
Commissioner Rubio

Section 1. The Council finds:

Bureau
Parks & Recreation

Prepared by
F. Dennis James

Date Prepared
March 24, 2021

Requested Council Date
April 28, 2021

Requested Agenda Type
Regular

Date Filed with Clerk
April 20, 2021

1. The Bureau of Parks and Recreation (“PP&R”) has owned the Gateway Green Park property since 2014. The Gateway Green Park property was purchased from the Oregon Department of Transportation (ODOT) in 2014 for \$19,300.00, pursuant to authority granted by Ordinance #186779. It has not been recognized as a separate tax lot, but had been previously listed as right-of-way. The “Sliver Parcel” is a tiny portion of the Gateway Green Park property, in its far southern section. A legal description of the property is attached as Exhibit A, and a site map depiction of the property is attached as Exhibit B.
2. Portland Parks and Recreation (PP&R) is constructing Gateway Green Park, at the intersection of I-205 and I-84. TriMet is planning a spur of its Redline Max Line, routing elevated trains through an area at the border of Gateway Green Park.
3. No current, previous or future use of the “Sliver Parcel” property by PP&R has been identified. The “Sliver Parcel” property does

not have any cultural or heritage significance. Therefore, for PP&R's purposes and needs, it is considered excess property.

4. The "Sliver Parcel" property is essential to the completion of the TriMet Redline project. The property will be acquired by Trimet, a public agency, for a capital improvement project that will not be owned by the City of Portland, consistent with an Intergovernmental Agreement ("Intergovernmental Agreement for the Construction of Red Line Improvements at Gateway Green", contract #3007325) executed under the authorization of Council's Ordinance #190052. In relevant part, the Intergovernmental Agreement states in Section 3.2.1:

"Subsequent to a City Council Ordinance declaring the Transferred Property to be surplus and available for disposition, and satisfaction of the Conditions Precedent to Closing described in Section 3.2.2, the City shall convey by Deed to TriMet fee simple title to about 0.7 acres of real property within the API (the "Transferred Property")... In consideration of the public interest furthered by TriMet's construction of the Red Line MUP to provide pedestrian, bicycle, emergency, and Park Ranger access between the Gateway neighborhood and Gateway Green, and subject to the requirements of the Uniform Act, PP&R shall convey the Transferred Property at no cost to TriMet..."

5. In January of 2021, PP&R notified all City Bureaus about the availability of the "Sliver Parcel" property, and no bureau or agency has expressed interest in purchasing or acquiring the "Sliver Parcel" property.
6. On or about January 15, 2021, PP&R has the notice provided to other City Bureaus with the assistance of the City Real Property Coordinator. No City Bureaus have expressed an interest for inter-bureau transfer of the "Sliver Parcel" property.
7. In accordance with ADM 13.02, Disposition of City Real Property, PP&R determined that the "Sliver Parcel" property is a Category 1 real property subject to surplus property declaration and disposition. Parks Commissioner Rubio concurs with the conclusion that the "Sliver Parcel" property is excess to PP&R.
8. Upon declaration of the property as surplus, and consistent with Ordinance #190052 and the Intergovernmental Agreement for the Construction of Red Line Improvements at Gateway Green the "Sliver Parcel" property should be

transferred to TriMet for the completion of the capital improvement project by that public entity.

NOW, THEREFORE, The Council directs:

- A. The Gateway Green Park "Sliver Parcel" property, is declared to be surplus real property, and the Bureau of Parks and Recreation is authorized to take all steps necessary to transfer the "Sliver Parcel" to TriMet, consistent with Ordinance #190052 and the Intergovernmental Agreement for the Construction of Red Line Improvements at Gateway Green for its use in TriMet's Redline Max Line capital improvement project and in consideration of the benefits from TriMet.
- B. PP&R, through its Director or designee, is authorized to execute on behalf of the City any and all documents required for disposition and conveyance of title to the "Sliver Parcel" property. All documents shall be subject to approval as to form by the City Attorney.

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

Passed by Council: April 28, 2021

MARY HULL CABALLERO

Auditor of the City of Portland

Action Taken:

By *Christina Thomas*

Deputy

Commissioners voted as follows (Yea or Nay)

Rubio - Yea

Ryan - Yea

Hardesty - Yea

Mapps - Yea

Wheeler - Yea