



[Home](#) / [Browse Council Documents](#)

190480

Emergency Ordinance

***Authorize the Bureau of Transportation to reallocate property rights between the City and the Oregon Department of Transportation for jointly owned property along SW Naito Pkwy, immediately north of I-405, and waive the requirements of Disposition of City Real Property Policy (waive ADM-13.02)**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. In 1941, the City of Portland ("City") and the State Highway Commission, now known as the Oregon Department of Transportation ("ODOT"), jointly acquired title to multiple parcels of land for the widening of Front Avenue and the construction of the Harbor Drive Expressway in the vicinity of what is now present-day SW Naito Parkway.
2. Some of the parcels at the southwest end of the expressway were developed with a ramp carrying the southbound expressway traffic onto SW Front Avenue, later renamed to SW Naito Parkway.
3. In the 1970's, the decision was made to remove the expressway, with most of the land being converted to Waterfront Park. The parcels containing the aforementioned ramp, however, were left vacant and have remained undeveloped for more than 46 years.
4. Unlike most City-controlled streets, which would need to be vacated as laid out in ORS 271, these parcels are fee-owned right-of-way that were never dedicated to the public and thus can be declared as surplus property and sold.
5. The City owns a 6/10ths undivided interest in the property and ODOT has a 4/10ths undivided interest. Past attempts to sell the property by the City and ODOT have not proved fruitful for a variety of reasons.

Introduced by

[Commissioner Jo Ann Hardesty](#)

Bureau

[Transportation](#)

Prepared by

David McEldowney

Date Prepared

June 4, 2021

Requested Council Date

June 30, 2021

Requested Agenda Type

Regular

Time Requested

10 minutes

6. In early 2021, PBOT, in conjunction with the Homelessness Urban Camp Impact Reduction Program and various Council staff, had identified these parcels as a good location either for creating a new sanctioned camp or for relocating an existing sanctioned camp.
7. ODOT is agreeable to the sanctioned camp use, provided that the camp would be located on parcels owned 100% by the City. Given the time constraints, the only feasible option is a trade of property interests that would essentially result in the City obtaining 100% ownership in 60% of the property and ODOT obtaining 100% interest in 40% of property.
8. To accomplish this reallocation of property rights for the fee-owned right-of-way, City and ODOT need to execute and record the deeds transferring the property interests described in Exhibits 1 and 2, attached to this Ordinance, and by this reference incorporated herein.
9. ADM-13.02 – Disposition of City Real Property requires a consistent process for the identification, notification, and disposition of excess and surplus real property. While the City is not divesting its interest in the 31,110 sf of property that would become wholly owned by the City, the City would be transferring its undivided 60% in 21,300 sf of fee-owned right-of-way to ODOT.
10. While PBOT is requesting that the conditions of ADM-13.02 be waived, limited outreach was performed with key staff from PBOT, the Bureau of Environmental Services, the Water Bureau, and the Bureau of Development Services with regards to infrastructure in the area and issues surrounding land division. The outreach did not find any objections or impediments to the planned transfer.

NOW, THEREFORE, the Council directs:

- A. That the requirements of ADM-13.02 be waived and that the City's interest in the parcels described in Exhibit 1 be declared as surplus so that the City may directly transfer its undivided interest in the parcels.
- B. That it is hereby declared that it is necessary to dispose of the property interests described in Exhibit 1 and to acquire the property interests described in Exhibit 2.
- C. That the Director of the Bureau of Transportation or designee is authorized to execute the deeds identified as Exhibits 1 and 2 and to cooperate with ODOT to arrange for the recording of the deeds with Multnomah County to complete the reallocation of ownership.

Section 2. The Council declares that an emergency exists because delay in the delivery and recording of the deeds may result in a delay for use of the property as a sanction camp site; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit 1](#) (127.64 Kb)

 [Exhibit 2](#) (103.14 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
June 30, 2021

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

 [Impact Statement](#) (156.68 Kb)

Agenda Items

522 Regular Agenda in [June 30, 2021 Council Agenda](#)

Passed

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

General information

 cityinfo@portlandoregon.gov

 [503-823-4000](tel:503-823-4000)

 [711](#) Oregon Relay Service

City of Portland, Oregon



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522
Agenda No.
ORDINANCE NO. 190480
Title

*Authorize the Bureau of Transportation to reallocate property rights between the City and the Oregon Department of Transportation for jointly owned property along SW Naito Pkwy, immediately north of I-405, and waive the requirements of Disposition of City Real Property Policy (Ordinance; waive ADM-13.02)

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Jo Ann Hardesty</p>	<p>CLERK USE: DATE FILED <u>June 22, 2021</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>Keelan McClymont</i></u> Deputy</p> <p>ACTION TAKEN:</p>
<p>Mayor—Finance & Administration - Wheeler</p>	
<p>Position 1/Utilities - Rubio</p>	
<p>Position 2/Works - Ryan</p>	
<p>Position 3/Affairs - Hardesty <i>JL Hardesty</i></p>	
<p>Position 4/Safety - Mapps</p>	
<p style="text-align: center;">BUREAU APPROVAL</p>	
<p>Bureau: PBOT Bureau Head: Christopher Warner <small>Digitally signed by Christopher Warner Date: 2021.06.10 13:53:31 -0700</small></p>	
<p>Prepared by: David McEldowney Date Prepared: 6/4/2021</p>	
<p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: Ken McGair <small>Digitally signed by Ken McGair Date: 2021.06.08 15:00:46 -0700</small> required for contract, code, easement, franchise, comp plan, charter</p>	
<p>Council Meeting Date June 30, 2021</p>	

AGENDA
<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: _____ 10 minutes (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Rubio	✓	
2. Ryan	✓	
3. Hardesty	✓	
4. Mapps	✓	
Wheeler		