

ORDINANCE No.

172122

* Authorize negotiations for the purchase of a parcel or parcels of land necessary to relocate approximately 130 parking spaces from the site for the City of Portland's Classical Chinese Garden; authorize the City Attorney to commence condemnation proceedings and authorize the City Attorney to obtain early possession if necessary. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland, through its various bureaus and agencies, has been working to develop a Classical Chinese Garden in the Old Town/Chinatown area of downtown Portland. The Classical Chinese Garden is intended to be a major public amenity for the City of Portland, will enhance its image as an international city, will bring thousands of visitors and tourists to the area and will be a valuable cultural amenity for its citizens.
2. By Option to Lease Real Property dated March 10, 1995, Northwest Natural Gas Company (now known as Northwest Natural) agreed to grant a 99-year lease to the City of Portland for the Classical Chinese Garden on property it currently owns at NW Third and Glisan Street. Said Option to Lease was adopted by the Mayor and City Council of the City of Portland on March 8, 1995 by Ordinance No. 168588.
3. Said Option to Lease Real Property establishes a condition precedent to exercising the lease and commencing construction for the Classical Chinese Garden. That condition requires the City of Portland to provide replacement parking for any of the parking spaces to be displaced by construction of the Classical Chinese Garden.
4. The City of Portland, through the Portland Development Commission and the Bureau of General Services (and with the assistance of the Classical Chinese Trust), has evaluated all reasonable and prudent options for satisfying this condition and has determined that the most appropriate and economical means to accomplish this objective is through the acquisition of the subject property. The subject property consists of 27,500 square feet more or less and will accommodate approximately 130 vehicles thereby satisfying the condition contained in the option.
5. The subject property is also located within the City of Portland's Downtown Waterfront Urban Renewal District which calls for significant public and private investment in the area. In addition to accomplishing the objectives of the Classical Chinese Garden project, acquisition of the subject property is consistent with the City's goals in the Urban Renewal Plan, it will help stimulate major new investment on surrounding properties and will also afford the City a major redevelopment opportunity in the future which will greatly benefit the neighborhood.
6. The subject property is owned by Summit Properties and staff of the Portland Development Commission, on behalf of the City of Portland, have been in discussions with the property owners regarding the conveyance to the City of Portland.

7. Because the timing of the Classical Chinese Garden project calls for construction of the project to commence in late summer or early fall of 1998, the City Attorney should be authorized to pursue negotiations and proceed with condemnation proceedings if negotiations fail to acquire said property.

NOW, THEREFORE, the Council directs:

- a. The City Attorney is authorized and directed to continue negotiations on behalf of the City for the acquisition of the following described property:

Lots 1, 2, 3, 4, 6 and the East one-half of Lot 7, Block 25, COUCH'S ADDITION TO THE CITY OF PORTLAND, in the City of Portland, County of Multnomah and State of Oregon.

- b. In the event any or all of the owners of the properties refuse to convey said property rights under the terms offered by the City Attorney, the City Attorney is hereby authorized and directed to commence condemnation proceedings by filing an action or actions for the appropriation of the property against the owner or owners or any parties claiming any interest in said properties. The City Attorney shall prosecute said condemnation proceedings with all reasonable diligence to carry them to final judgment.
- c. The City Attorney is hereby authorized and directed to take all appropriate steps to acquire possession of the above described real property by June 30, 1998, or as soon thereafter as possible in accordance with all applicable laws and regulations.
- d. The filing of any condemnations proceedings shall be expressly subject to the availability of budgeted funds sufficient to cover the estimated amount of just compensation for the property, which funding authority may be deposited with a Clerk of the Court, wherein the action is commenced for the use of the defendants in this action.
- e. The cost incurred by the City Attorney in connection with the acquisition herein authorized shall be charged to the Portland Development Commission, Classical Chinese Garden Project Budget Code #13128.

Section 2. The Council declares that an emergency exists because a delay in the acquisition and possession of the parcels described herein may result in delays in the construction of the project. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council:

APR 01 1998

Mayor Vera Katz
PDC:SBA:hds
March 19, 1998

BARBARA CLARK
Auditor of the City of Portland
By *Britta Olson*
Deputy

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Agenda No.

ORDINANCE NO. 172122

Title

* Authorize negotiations for the purchase, or condemnation proceedings, if necessary, of a parcel or parcels of land necessary to relocate approximately 130 parking spaces from the site for the City of Portland's Classical Chinese Garden. (Ordinance)

INTRODUCED BY	DATE FILED: MAR 25 1998
Mayor Vera Katz	Barbara Clark Auditor of the City of Portland
NOTED BY COMMISSIONER	
Affairs	By: <u>Cay Kershner</u> Deputy
Finance and Administration <i>VR (KW)</i>	For Meeting of: _____
Safety	ACTION TAKEN:
Utilities	
Works	
BUREAU APPROVAL	
Bureau: Portland Dev Commission	
Prepared by Date Bruce Allen 3/20/98	
Budget Impact Review:	
Completed <input checked="" type="checkbox"/> Not Required	
Bureau Head: Felicia Trader <i>FTD</i> Executive Director	

Felicia Trader

AGENDA		FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
				YEAS	NAYS
Consent	Regular <input checked="" type="checkbox"/>	Francesconi	Francesconi	✓	
NOTED BY		Hales	Hales	✓	
City Attorney		Kafoury	Kafoury	✓	
City Auditor		Sten	Sten		
City Engineer		Katz	Katz	✓	