

ORDINANCE No. 183592

* Authorize acquisition of real property from Tran Huyen Lam and Thu Thuy Thi adjacent to Gates Park for park purposes (Ordinance).

The City of Portland ordains:

Section 1. The Council finds:

1. Ordinance No. 180626, passed by Council on November 22, 2006, authorized Purchase and Sales Agreements and deposit of Park System Development Charge funds in escrow accounts to secure opportunities to purchase certain real properties.
2. Huyen and Thu Tran ("Seller") wish to sell and Portland Parks & Recreation ("Parks") wishes to purchase a 1.2 acre property located at 4500 SE 136th (R335032) adjacent to Gates Park in Portland ("Property"). The Property is particularly described in the attached "Agreement of Purchase and Sale" ("Agreement"), Exhibit A, which was executed on January 14, 2010 pursuant to Ordinance No. 180626.
3. The purchase price of the Property is \$192,500. Parks has deposited \$5,000 into an escrow account per conditions specified in the Agreement and as authorized by Ordinance No. 180626.
4. Parks recommends acquisition of the Property for use as a park. The parcel is a high priority for Parks as it is surrounded on three sides by Gates Park. This acquisition is in the public interest and for the general benefit and use of the people of the City of Portland.
5. The Director of Parks reports that the Property meets the Park Systems Development Charge ("SDC") acquisition guidelines and that there is adequate revenue from the Park SDC to fund acquisition of the Property.
6. The Director of Parks estimates a one-time site stabilization cost of up to \$6,400 to prepare the Property for public ownership. Stabilization costs will be funded from Park SDC funds.
7. The Director of Parks estimates that the on-going O&M cost will be approximately \$2,600 per year to maintain the property as part of Gates Park.

NOW, THEREFORE, The Council Directs:

- a. The Commissioner in Charge of Parks, or the Mayor, is authorized to all execute all documents necessary to close the transaction once conditions precedent to closing specified in the Agreement have been satisfied and all documents have been approved as to form by the City Attorney;
- b. The Commissioner in Charge of Parks shall direct Parks to deposit \$187,500 of Park

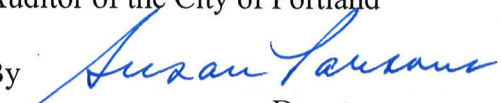
- SDC acquisition Revenue, plus closing costs, into an escrow account established for the purpose of acquisition of the Property;
- c. The Director of Parks is directed to (i) add the Property to the City's Park inventory; (ii) fund immediate one time site stabilization costs of up to \$6,400; and (iii) proceed with said stabilization actions upon closing.
 - d. In accepting responsibility for the Property, the Council acknowledges the need to fund the on-going O&M cost estimated at \$2,600 per year, and directs the Office of Management and Finance to transfer this ongoing funding allocation from the General Fund to the Parks and Recreation budget during FY 2010-11 through the budgetary process.

Section 2. The Council declares that an emergency exists because delay would prevent the completion of the land acquisition and because funds for purchase by the City are available now and the Closing date established by the Agreement is March 15, 2010; therefore, this ordinance shall be in full force and effect after its passage by Council.

Passed by the Council: MAR 10 2010
Commissioner Fish
Prepared by: Zalane Nunn
February 23, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland

By


Deputy

Agenda No. **183592**
ORDINANCE NO.
 Title

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from Tran Huyen Lam and Thu Thuy Thi

INTRODUCED BY Commissioner/Auditor: Fish	CLERK USE: DATE FILED <u>MAR 05 2010</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish <i>[Signature]</i> Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <u><i>[Signature]</i></u> Deputy ACTION TAKEN:
BUREAU APPROVAL Bureau: Parks Bureau Head: <i>Zari Santner</i> <u><i>[Signature]</i></u>	
Prepared by: Zalane Nunn Date Prepared: 2-18-10	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date 3-10-10	
✓ City Attorney Approval	

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. Saltzman	3. Saltzman ✓	
4. Leonard	4. Leonard <u> </u>	
Adams	Adams ✓	