

ORDINANCE No. 183601

*Authorize the Bureau of Environmental Services to acquire six properties as a component of the Grey to Green Initiative (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In November of 2007 the Grey to Green Initiative was launched to address principal elements of the Portland Watershed Management Plan implementation, which includes acquiring over 400 acres of key natural resource lands from 2008-2013.
2. The Bureau of Environmental Services has determined that significant water quality, wildlife habitat, and passive recreation benefits will occur as a result of the City's acquisition and management of the properties, and that the acquisitions are in the public interest and for the general benefit of the people of the City of Portland.
3. The properties to be acquired are:

Exhibit A:

Lot I
Tax Lot 1N1W01CC 16500
Multnomah County, OR
0.29 acres

Lot II
Tax Lot 1N1W12BB 3200
Multnomah County, OR
0.29 acres

Lot III, IV, V
Tax Lots 1N1W01CC 16700, 16800, and 16801
Multnomah County, OR
0.46 acres

Exhibit B:

Lot VI
Tax Lot 1S2E21DA 5500
Multnomah County, OR
3.94 acres

Exhibit C:

Lot VII
Tax Lot 1N1E02BC 1300
Multnomah County, OR
0.72 acres

Exhibit D:

Lot VIII
Tax Lot 1S2E22AA 2700
Multnomah County, OR
2.91 acres

4. The Director of Parks reports that the property in Exhibit A, Lots III, IV, and V, meet the Systems Development Charges (SDC) guidelines for acquisition of land for trails, and that there is adequate revenue from SDC to fund a portion of the acquisition. The acquisition is part of the Park SDC-CIP. In addition, the property meets guidelines established by Parks 2020 Vision Plan and the Bureau's land acquisition strategy.
5. The Director of Parks further reports that the property in Exhibit B lies within the Johnson Creek watershed, a Parks Metro Local Share target area, and meets criteria for acquisition funds available in the Portland Local Share of the Metro Natural Areas Bond (Parks Local Share).
6. Bridgeview Housing LLC has accepted an offer from the Bureau of Environmental Services to purchase Lot I in Exhibit A for \$65,000 with closing costs and other expenses estimated to be \$5,000. One-time site stabilization costs to prepare the property for public ownership are estimated to be \$10,000. On-going operation and maintenance (O&M) expenses are estimated to cost \$1,000 per year. Funds are available in the Sewer System Operating Fund FY 2009-2010 Budget, Bureau of Environmental Services, WBS element E10072.L65.
7. Nicholas K. Thorp has accepted an offer from the Bureau of Environmental Services to purchase Lot II in Exhibit A for \$99,000 with closing costs and other expenses estimated to be \$5,000. One-time site stabilization costs to prepare the property for public ownership are estimated to be \$10,000. On-going O&M expenses are estimated to cost \$1,000 per year. Funds are available in the Sewer System Operating Fund FY 2009-2010 Budget, Bureau of Environmental Services, WBS element E10071.L65.
8. PMP LLC has accepted an offer from the Bureau of Environmental Services to purchase Lots III, IV, and V in Exhibit A for \$175,000 with closing costs and other expenses estimated to be \$5,000. One-time site stabilization costs to prepare the property for public ownership are estimated to be \$7,500. Funds are available in the Sewer System Operating Fund FY 2009-2010 Budget, Bureau of Environmental Services, WBS element E10070.L65, and the Park System Development Charge Trail Fund. BES has accepted responsibility for stabilization and restoration of the site. PPR has accepted responsibility for on-going maintenance of the site post-restoration (expected completion in 2014), and estimates the O&M cost to be \$1,000/year. PPR will request O&M funds in the Fiscal Year 2014-2015 cycle.
9. Metro's Nature in Neighborhoods Capital Grants Review Committee has recommended \$151,000 in acquisition funds and \$12,500 in stabilization funds towards the City's acquisition of properties in Exhibit A, pending Metro Council approval in March, 2010.
10. Liberty Bank has accepted an offer from the Bureau of Environmental Services to purchase the property in Exhibit B for \$225,000 with closing costs and other expenses estimated to be \$10,000. One-time site stabilization costs to prepare the property for public ownership are estimated to be \$25,000. Funds are available in the Sewer System Operating Fund FY 2009-2010 Budget, Bureau of Environmental Services, WBS element E10085.L65, and Portland Local Share of the Metro

Natural Areas Bond (Parks Local Share). BES has accepted responsibility for stabilization and restoration of the site. PPR has accepted responsibility for on-going maintenance of the site post-restoration (expected completion in 2014), and estimates the O&M cost to be \$7,000/year in FY 09-10 dollars. PPR will request O&M funds in the Fiscal Year 2014-2015 cycle.

11. Debra E. Richards has accepted an offer from the Bureau of Environmental Services to purchase the property in Exhibit C for \$40,000 with closing costs and other expenses estimated to be \$5,000. One-time site stabilization costs to prepare the property for public ownership are estimated to be \$10,000. On-going O&M expenses are estimated to cost \$2,000 per year. Funds are available in the Sewer System Operating Fund FY 2009-2010 Budget, Bureau of Environmental Services, WBS element E10086.L65.
12. David and Ernestine Francisco have agreed to donate a portion of their property in Exhibit D, after a lot line adjustment, to the Bureau of Environmental Services. Closing costs and other expenses are estimated at \$7,000. One time site stabilization costs for the preparation of the property for public ownership is estimated to be \$5,000. On-going O&M expenses are estimated to cost \$3,500 per year. Funds are available in the Sewer System Operating Fund FY 2009-2010 Budget, Bureau of Environmental Services, WBS element E10053.L65.

NOW, THEREFORE, the council directs:

- a. The Director of the Bureau of Environmental Services, or designee, is authorized to execute closing documents and all other necessary documents, once approved as to form by the City Attorney, accepting the Properties described in Exhibit A, B, C, and D, as soon as all the contingencies in the sales agreements or donation agreement have been removed;
- b. The Director of BES, or designee, requests the Bureau Accounting Office to prepare five (5) wire transfers from the City Treasury;
- c. For Exhibit A, Lot I, the wire transfer requested from BES shall not exceed the amount of \$70,000 for the acquisition; funds will come from Sewer System Operating Fund FY 2009-2010 Budget, Bureau of Environmental Services, WBS element E10072.L65;
- d. For Exhibit A, Lot II, the wire transfer wire transfer requested from BES shall not exceed the amount of \$104,000 for the acquisition; funds will come from Sewer System Operating Fund FY 2009-2010 Budget, Bureau of Environmental Services, WBS element E10071.L65;
- e. For Exhibit A, Lots III, IV, and V, the wire transfer wire transfer requested from BES shall not exceed the amount of \$90,000 (for half of the acquisition costs); funds will come from Sewer System Operating Fund FY 2009-2010 Budget, Bureau of Environmental Services, WBS element E10070.L65;
- f. For Exhibit A, Lots III, IV, and V, the Director of Parks, or designee, shall request the Bureau Accounting Office prepare one (1) wire transfer journal from the City Treasury for not-to-exceed amount of \$90,000 (for half of the acquisition costs); funds will come from Park System Development Charge Trail Fund P10414;

- g. For Exhibit B, the wire transfer requested from BES shall not exceed the amount of \$117,500 for half of the acquisition cost; funds will come from Sewer System Operating Fund FY 2009-2010 Budget, Bureau of Environmental Services, WBS element E10085.L65;
- h. For Exhibit B, the Director of Parks, or designee, shall request Metro to deposit \$117,500 (half of the acquisition cost) of Parks Local Share natural area acquisition funds into an escrow account; the funds will come from Portland Local Share of the Metro Natural Areas Bond (Parks Local Share);
- i. For Exhibit C, the wire transfer requested from BES shall not exceed the amount of \$45,000 for the acquisition; funds will come from Sewer System Operating Fund FY 2009-2010 Budget, Bureau of Environmental Services, WBS element E10086.L65;
- j. The Mayor and the Auditor are hereby authorized and directed to accept deeds from the parties named above conveying the properties to the City of Portland, and to pay the agreed upon purchase prices, property taxes and closing costs as required;
- k. For the property in Exhibit A, Lots III, IV, and V, PPR will be assigned a 50% undivided interest in the property and BES will be assigned a 50% undivided interest in the property, based on the proportional share of financial contribution.
- l. For the property in Exhibit B, PPR will be assigned a 50% undivided interest in the property and BES will be assigned a 50% undivided interest in the property, based on the proportional share of financial contribution.

Section 2. The Council declares that an emergency exists because delay may prevent the completion of the high priority land acquisitions, which are currently scheduled to close on or before March 31, 2010; therefore, this ordinance shall be in full force and effect after its passage by Council.

Passed by the Council,
Dan Saltzman
Commissioner of Public Affairs

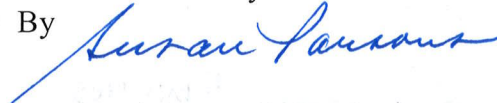
MAR 10 2010

[Shannah Anderson]
[February 17, 2010]

[WBS elements E10053.L65, E10070.L65, E10071.L65,
E10072.L65, E10085.L65, E10086.L65, P10414] - ord

LaVonne Griffin-Valade
Auditor of the City of Portland

By



Deputy

Agenda No. **183601**
ORDINANCE NO.
 Title

*Authorize the Bureau of Environmental Services to acquire six properties as a component of the Grey to Green Initiative. (Ordinance)

INTRODUCED BY Commissioner/Auditor:	CLERK USE: DATE FILED <u>MAR 05 2010</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman <i>Don Saltzman</i> Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy
BUREAU APPROVAL Bureau: Environmental Services Bureau Head: Dean Marriott <i>[Signature]</i>	ACTION TAKEN:
Prepared by: Shannah Anderson Date Prepared: 2/17/10	
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: March 10, 2010	
City Attorney Approval	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: <u>5 minutes</u> (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 ✓	
Adams	Adams ✓	