

ORDINANCE No. 183678

*Authorize Consent Agreement with Portland General Electric Company for construction of the portion of the Portland Streetcar Loop OMSI Viaduct, which is within an easement between the Oregon Museum of Science and Industry and Portland General Electric Company (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland (City) currently is constructing the Portland Streetcar Loop Project (Project), which will extend Streetcar service across the Broadway Bridge and south to the Oregon Museum of Science and Industry (OMSI).
2. A new streetcar-only viaduct will be constructed from approximately SE Martin Luther King Jr. Boulevard and Harrison Street over the Union Pacific Rail Lines to a terminus serving OMSI on SE Water Avenue just north of SE Caruthers Street (OMSI Viaduct).
3. The OMSI Viaduct requires the City to purchase property from OMSI (the Property), with said offer presented to OMSI on February 17, 2010. On March 2, 2010, OMSI granted a Permit of Entry to the City to allow early access onto the Property to begin construction of the OMSI Viaduct in accordance with the Project Plans and Specifications.
4. OMSI and Portland General Electric Company (PGE) entered into an Electric Transmission Line Easement, dated January 16, 1987 (Easement), which requires that OMSI not build or erect any structure or improvement upon, over or under the Easement without the prior written consent of PGE. A portion of the OMSI Viaduct is contained within the Easement area.
5. The Easement further provides that it inures to the benefit of and finds the parties hereto, their heirs, devisees, administrators, executors, successors and assigns.
6. PGE and the City desire to take the necessary actions to allow the City to construct the OMSI viaduct in conformance with the Easement.

NOW, THEREFORE, the Council directs

- a. That the Mayor and the City Auditor to enter into the Consent Agreement with the Portland General Electric Company, substantially in accordance with the agreement attached to the original of this Ordinance.
- b. The City's Project Manager is hereby authorized to negotiate, agree to and execute, on behalf of the City, any amendment to the Consent Agreement, which does not involve compensation.

Section 2. The Council declares an emergency exists in order to meet the schedule for construction of the OMSI Viaduct; therefore, this Ordinance shall be in full force and effect from and after its passage by Council.

Passed by the Council, APR 14 2010

Mayor Sam Adams
Prepared by: Vicky Diede:slg
Date Prepared: March 30, 2010

LaVonne Griffin-Valade

Auditor of the City of Portland

By

A handwritten signature in blue ink, appearing to read "Susan Parsons", is written over the word "By".

Deputy

140

499
Agenda No.
ORDINANCE NO. 183678
Title

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>K. Miller on behalf of Mayor Adams</i> COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p> <p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: <i>WLD</i> <i>g Jones</i></p> <p>Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <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>Council Meeting Date APRIL 14, 2010</p> <p>City Attorney Approval</p>	<p style="text-align: right;">APR 09 2010</p> <p>CLERK USE: DATE FILED _____</p> <p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>Susan Parsons</i> Deputy</p> <p>ACTION TAKEN:</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/> Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p> <p>CONSENT <input checked="" type="checkbox"/></p> <p>REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz <input checked="" type="checkbox"/>	
2. Fish	2. Fish <input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman <input checked="" type="checkbox"/>	
4. Leonard	4. Leonard <input checked="" type="checkbox"/>	
Adams	Adams <input checked="" type="checkbox"/>	