

ORDINANCE No. 183701

* Authorize non-exclusive utility tunnel facility easement with Portland State University (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

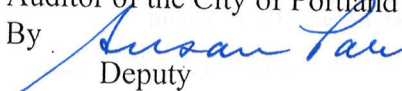
1. Ordinances 132640 and 13328 resulted in the vacation of certain portions of SW Park Avenue, SW 9th Avenue and SW Hall Street, and the City's acceptance of bargain and sale deeds from the State Board of Higher Education. This area of the South Park Blocks is now the planned site of a new utility tunnel to be constructed and maintained by Portland State University.
2. The installation of the utility tunnel facilities and the adoption of the easement will not have any affect on the public's use of the park as the tunnel will be approximately 12' wide and 10' high and will be buried approximately 12' under the existing sidewalk area between SW Park Avenue North and SW Park Avenue South.
3. Portland Parks & Recreation (PP&R) intends to issue an easement for the construction, operation and maintenance of the utility tunnel facility, with said easement substantially similar to the attached hereto as Exhibit A.
4. Policies and procedures governing non-park uses and this Easement are consistent with PP&R's adopted policies and procedures.

NOW, THEREFORE, the Council directs:

- a. The Commissioner in Charge of Portland Parks & Recreation is hereby directed to execute an easement with Portland State University substantially similar to the attached Exhibit A.
- b. The Auditor is hereby directed to file a copy of the executed right of way easement with Multnomah County for recording in the appropriate County records.

Section 2. The Council declares that an emergency exists because construction of the permitted improvements need to be completed without delay; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: APR 21 2010
Commissioner Fish
Prepared by: Todd Lofgren
April 1, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland
By 
Deputy

Agenda No. **183701**
ORDINANCE NO.
 Title

*Authorize non-exclusive utility tunnel facility easement with Portland State University (Ordinance)

| | |
|--|--|
| INTRODUCED BY Commissioner/Auditor: Fish | CLERK USE: DATE FILED <u>APR 16 2010</u> |
| COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish <i>Nick Smith</i> Position 3/Affairs - Saltzman Position 4/Safety - Leonard | LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy ACTION TAKEN: |
| BUREAU APPROVAL Bureau: Parks & Recreation Bureau Head: Zari Santhner <i>[Signature]</i> Prepared by: Todd Lofgren Date Prepared: April 1, 2010 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 April 21, 2010 | |
| 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 | ✓ | |
| 2. Fish | ✓ | |
| 3. Saltzman | ✓ | |
| 4. Leonard | ✓ | |
| Adams | ✓ | |