

ORDINANCE No. 183759

Designate a Trail Easement over City property currently assigned to the Bureau of Transportation and assign to the Bureau of Parks and Recreation to be part of the Columbia Slough Trail. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Parks and Recreation (Parks) is responsible for building, operating and maintaining recreational trails for the benefit of the public.
2. The City owns property at 9325 and 9699 NE Sunderland Ave. (Property) that has been assigned to the Bureau of Transportation (PBOT) and is primarily used as a recycling and composting facility.
3. The Property is located along the Colombia Slough, and Parks wishes to build and manage a 12' wide pedestrian and bicycle trail (Trail) within a 30' wide easement (Easement Area) along the top of the Peninsula Canal levee on the Columbia Slough, as depicted in Exhibit A. Due to the needs of the Multnomah Drainage District to reinforce the levee, the location of the easement may need to be moved by several feet from what is depicted in Exhibit A.
4. The City's Comprehensive Plan designates a trail along this portion of the Columbia Slough.
5. The proposed trail will not affect PBOT operations on the Property, and PBOT has agreed to assign a trail easement to Parks.
6. Parks will have no costs associated with this transfer of property. Parks expects to spend approximately \$1200/year to maintain the property until the trail is built. After the trail is built additional O&M costs will be incurred and Parks will request those funds at that time.
7. It should be a matter of public record that a trail easement has been designated in a portion of City-owned property assigned to PBOT and that the easement has been assigned to Parks.

NOW, THEREFORE, The Council Directs:

- a. That certain property described and depicted on Exhibit A (Easement Area) is hereby designated as a non-exclusive trail easement and assigned to Parks for trail construction, management, and maintenance. The exact location of the Easement Area may be amended by the written mutual consent of the Directors of Parks and PBOT.
- b. That the easement is designated with the following provisions:
 - i. Parks shall be responsible for the construction, operation, maintenance, and management of the Trail and the Easement Area.
 - ii. Parks shall be responsible for constructing a Trail, either a low impact soft surface trail or an all-weather paved trail or a combination thereof, and any other related improvements, including but not limited to foot bridges, benches, trail markers, lights, signs, and fences.
 - iii. PBOT shall give Parks and its contractors reasonable access, at locations

- mutually agreed to, across the Property for the purposes of construction and maintenance of the trail. Except in emergency situations, Parks shall notify PBOT prior to accessing the Easement Area from the Property.
- iv. To the extent space is available without materially affecting PBOT operations, PBOT will allow Parks to temporarily use a portion of the Property for staging construction of the Trail, if requested by Parks.
 - v. Parks shall be responsible for all construction and maintenance costs related to the Trail, except PBOT shall reimburse Parks for all sums expended by Parks to repair any damage to the Trail caused by the negligence or abnormal use of PBOT.
 - vi. The Easement Area will be open to the public for recreational and transportation purposes, including without limitation, walking, running, cycling, skating, and horseback riding, and in accordance with Portland City Code Title 20 and Chapter 33.272. No vehicles are permitted in the Easement Area without the written consent of Parks.
 - vii. PBOT shall be permitted to place signs in the Easement Area, but not on the Trail, that inform the public about its operations on the Property.
 - viii. PBOT retains the right to access and use the Easement Area for purposes consistent with the rights granted to Parks herein. PBOT may not engage in, or allow others to engage in, any activity on or use of the Trail that interferes with the use of the Trail by Parks and the public, or that impairs Parks ability to construct or maintain the Trail. No structures, vehicles, or materials may be placed in the Easement Area without the written consent of Parks.
 - ix. In the event that Council determines that the Easement Area is no longer needed for Parks purposes, the easement will terminate and all interests in the property will revert to PBOT.
 - x. This easement is intended to run with the land and bind the successors and assigns of PBOT. In the event that the Property is ever sold, the City will reserve a trail easement with terms and conditions substantially similar to those stated in this ordinance, unless otherwise agreed.

c. That the Auditor shall return a certified copy of this Ordinance to the Property Management section of Portland Parks & Recreation for recording in the Multnomah County Deed Records. Property Management shall return the recorded Ordinance to the Auditor and send copies of the recorded Ordinance to PBOT.

Passed by the Council: MAY 12 2010
 Commissioner Fish
 Prepared by: Zalane Nunn
 April 19, 2010

LaVonne Griffin-Valade
 Auditor of the City of Portland

By

Lauran Parsons
 Deputy

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Agenda No.
ORDINANCE NO.

183759

Title

✓ Designate a Trail Easement over City property currently assigned to the Bureau of Transportation and assign to the Bureau of Parks and Recreation to be part of the Columbia Slough Trail.
(Ordinance)

INTRODUCED BY
Commissioner/Auditor:
Nick Fish

CLERK USE: DATE FILED APR 29 2010

COMMISSIONER APPROVAL

LaVonne Griffin-Valade
Auditor of the City of Portland

Mayor—Finance and Administration - Adams

Position 1/Utilities - Fritz

Position 2/Works - Fish

Position 3/Affairs - Saltzman

Position 4/Safety - Leonard

By: Susan Larsons

Deputy

BUREAU APPROVAL

ACTION TAKEN:

Bureau: Parks & Recreation
Bureau Head: Zari Santhner

MAY 05 2010 PASSED TO SECOND READING MAY 12 2010 9:30 A.M.

Prepared by: Zalane Nunn
Date Prepared: April 16, 2010

Financial Impact Statement

Completed ☒ Amends Budget ☐
Not Required ☐

Portland Policy Document

If "Yes" requires City Policy paragraph stated
in document.
Yes ☐ No ☒

Council Meeting Date
May 5, 2010

City Attorney Approval D.H.

AGENDA

TIME CERTAIN ☐

Start time: _____

Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT ☒

REGULAR ☐

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	_____	_____
Adams	Adams	✓	