

ORDINANCE No. 184777

*Authorize execution of a Lease Agreement with Oregon Rail Heritage Foundation for use, maintenance, restoration and storage of rail locomotives, to include a future Cultural Interpretive Center (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Through a series of donations in 1958, the City of Portland received ownership of three historic steam locomotives, currently controlled by Portland Parks and Recreation (PP&R).
2. The locomotives are currently managed and maintained for the benefit of the public by several non-profit organizations established for that purpose, each represented in the Oregon Rail Heritage Foundation (ORHF), a non-profit corporation serving as an umbrella organization, dedicated to the preservation of the locomotives, in cooperation with PP&R and other individuals.
3. The locomotives and other equipment are currently stored on property owned by Union Pacific Railroad Company (UPRR) in accordance with a 1988 lease between PP&R and UPRR.
4. UPRR has effectively provided notice to PP&R through ORHF that the locomotives must be moved from the current site.
5. Tri-County Metropolitan Transportation District of Oregon (TriMet) will be dedicating right-of-way to the City and the Oregon Department of Transportation (ODOT) will be transferring fee title of real property to the City. The fee owned property will be designated as right-of-way and assembled with existing dedicated City rights-of-way in order provide a replacement site for ORHF as depicted on Exhibit 1 (Lease Area) which includes area under the Martin Luther King Jr. Viaduct and the Portland Streetcar Viaduct.
6. Once assembled, the proposed Lease Area will not be permitted for any other primary purposes for the term of the lease; will not interfere with any public utility use of the street area; and will give the best return to the City for use of the area.
7. ORHF will complete the design and construction of a new yard and engine house, relocate the locomotives, preserve elements of the Brooklyn Roundhouse and establish a Rail and Interpretive Center. Given that the Portland Bureau of Transportation does not specialize in permitting and reviewing building plans, this responsibility should be transferred to Portland's Bureau of Development Services.
8. The City is authorized by ORS 271.310 and ORS 271.430 to lease this space.

NOW, THEREFORE, the Council directs:

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- a. That the Mayor and the Auditor are authorized to enter into the Lease Agreement with ORHF, referenced as RWA File No. 7212-1, in substantially the same form as Exhibit 2 attached hereto.
 - b. That the Director of the Portland Bureau of Transportation, or designee, is hereby authorized to accept properties within the Lease Area as depicted on Exhibit 1 attached hereto, and to designate those properties as public rights-of-way.
 - c. That the Lease Area will represent the ORHF leasehold property boundary for all reviews performed by City bureaus.
 - d. That the Portland Bureau of Development Services is authorized to permit, inspect, and collect associated fees for the Lease Area as further defined in the Memorandum of Understanding attached hereto as Exhibit 3.
 - e. That the Portland Water Bureau and the Portland Bureau of Environmental Services are hereby authorized to consider the Lease Area as private property for all utility connection design, review and permitting, and on-going maintenance responsibilities for public facilities.
 - f. That the Auditor shall return one executed original of each Lease Agreement to:
Oregon Rail Heritage Foundation
c/o Kim Knox
Shiels Oblatz Johnsen
1140 SW 11th Avenue, Suite 500
Portland Oregon 97205
And return one executed copy to the Right-of-Way Acquisition Section, Bureau of Transportation.
 - g. That the Right-of-Way Acquisition Section is authorized to record a Memorandum of Lease in the Deed of Records, Multnomah County, once it is fully executed by ORHF, the Mayor, and the City Auditor.

Section 2. The Council declares that an emergency exists because the immediate approval of the Leases and the associated Permitting Memorandum of Understanding are essential to ensure the timely review and approval of the ORHF development. This development must proceed on schedule to accommodate the Portland to Milwaukie LRT construction schedule; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

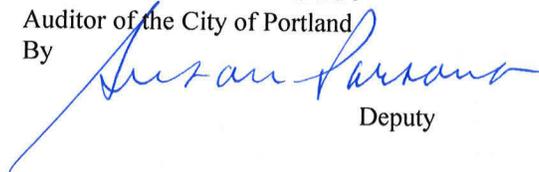
Passed by the Council, JUL 27 2011

Mayor Sam Adams
Prepared by: Dee A. Walker slg
Date Prepared: June 28, 2011
RW# 7212-1

LaVonne Griffin-Valade

Auditor of the City of Portland

By



Deputy

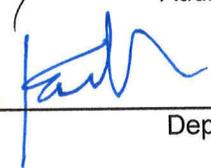
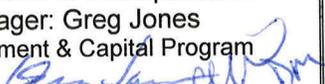
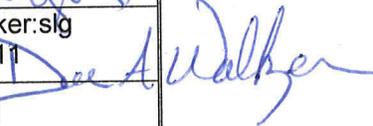
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Agenda No. 184777
ORDINANCE NO.
Title

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INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS	CLERK USE: DATE FILED <u>JUL 22 2011</u>
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	By:  Deputy
Position 4/Safety - Leonard	
BUREAU APPROVAL	ACTION TAKEN:
Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: 	
Prepared by: Dee A. Walker:slg Date Prepared: July 5, 2011	
Financial Impact & Public Improvement 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 July 27, 2011	
City Attorney Approval	

AGENDA

TIME CERTAIN
Start time: 2:00pm

Total amount of time needed: 1 hour
 (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	<input checked="" type="checkbox"/>	
2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	<input checked="" type="checkbox"/>	
Adams	<input type="checkbox"/>	<input type="checkbox"/>