

# ORDINANCE No. 184787

\*Authorize acquisition of real property located at 9101 SE Foster Rd (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The purchase of 9101 SE Foster Road is necessitated by the need to align the intersection of SE 91<sup>st</sup> Avenue into SE Foster Road, which is currently off-set to the north and south of SE Foster Road. This alignment will also include the widening of sidewalks on both the SE Foster Road and SE 91<sup>st</sup> Avenue, together with improvements for drainage facilities.
2. Franz Rothinger (“Seller”) wishes to sell, and Portland Bureau of Transportation (“PBOT”) wishes to purchase, approximately 8,409sf of improved real property (“Property”) located at 9101 SE Foster Road (R127589). The Property is more particularly described in the attached “Agreement of Purchase and Sale” (“Agreement”), labeled as Exhibit A.
3. The purchase price of the Property is \$260,000. PBOT will need to deposit \$26,000 into an escrow account per conditions specified in the Agreement.
4. PBOT recommends acquisition of the Property for use in the Lents TC: Foster Streetscape Project. This acquisition is in the public interest and for the general benefit and use of the people of the City of Portland. The existing site improvements will be razed and replaced with transportation facilities and associated improvements.

NOW, THEREFORE, The Council Directs:

- a. The Director of the Bureau of Transportation or designee is authorized to execute all documents necessary to close the transaction once conditions precedent to closing specified in the Agreement have been satisfied and all documents have been approved as to form by the City Attorney.
- b. The Director of the Bureau of Transportation or designee is authorized to deposit the purchase price and closing costs from the Transportation Fund Budget into an escrow account established for the purpose of the acquisition of the Property.
- c. The costs incurred in connection with the acquisition authorized herein shall be charged to the Lents TC: SE Foster Streetscape Project.
- d. The Mayor and Auditor are hereby authorized to draw and deliver warrants chargeable to the Transportation Fund Budget when demand is presented and approved by the proper authority.

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Section 2. The Council declares that an emergency exists because delay would prevent the completion of the land acquisition and because funds for purchase by the City are available now and the Closing date established by the Agreement is August 10, 2011; therefore, this ordinance shall be in full force and effect after its passage by Council.

Passed by the Council: **AUG 10 2011**

Mayor Sam Adams  
Prepared by: Marty Maloney:slg  
Date Prepared: July 27, 2011

**LaVonne Griffin-Valade**

Auditor of the City of Portland  
By *Gayla Jennings*  
Deputy

Agenda No. **ORDINANCE NO. 184787**  
Title

\*Authorize acquisition of real property located at 9101 SE Foster Rd, Portland, OR 97266 (Ordinance)

<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>MAYOR SAM ADAMS</b> <i>K. Williamson on behalf Mayor Adams</i> <b>COMMISSIONER APPROVAL</b></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><b>BUREAU APPROVAL</b></p> <p>Bureau: Bureau of Transportation Group Manager: Greg Jones Development &amp; Capital Program</p> <p>Other: <i>City Council</i></p> <p>Prepared by: Marty Maloney:slg Date Prepared: 7/25/2011</p> <p>Financial Impact &amp; Public Involvement 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 <b>August 10, 2011</b></p> <p><b>City Attorney Approval</b> <i>MM</i></p>	<p>CLERK USE: DATE FILED <u>AUG 05 2011</u></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><b>ACTION TAKEN:</b></p>
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<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p><b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input checked="" type="checkbox"/></p>
<p><b>REGULAR</b> <input type="checkbox"/></p> <p><b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	✓	