

ORDINANCE No. 185032

*Amend Ground Lease Agreement with Portland Development Commission for SW Moody Ave Project and modify to allow TriMet access to construction staging area for Portland-Milwaukie Light Rail Project. (Ordinance; amend Contract No. 30001865)

The City of Portland ordains:

Section 1. The Council finds

1. In September 2009, the City and TriMet submitted an application for federal funds under the Transportation Investment Generating Economic Recovery (TIGER) program, part of the American Recovery and Reinvestment Act (ARRA). The Federal Transit Administration (FTA) awarded \$23,203,988 in TIGER funding for the SW Moody Avenue portion of the application.
2. The resulting SW Moody Avenue Improvement Project (SW Moody Avenue: SW River Parkway – SW Gibbs Street), (Moody Project) includes the final design and construction of approximately 3,200 feet of roadway elevated on 14 feet of fill in the heart of the South Waterfront District to facilitate intense urban redevelopment of the area as planned by the City and nearby property owners. SW Moody will include three traffic lanes, dual streetcar tracks, and pedestrian and bike facilities. Fiber optic, sewer, storm water and water infrastructure will support future development.
3. Currently, TriMet is in the construction phase of the Portland to Milwaukie Light Rail Project (PMLR Project), which will extend high capacity transit service from downtown Portland to unincorporated Clackamas County, ending just south of the City of Milwaukie. The PMLR Project will include the construction of a new bridge across the Willamette River in the South Waterfront District. The bridge will provide for a shared transitway that will serve light rail, buses, bicycles, pedestrians and, eventually, streetcars. This shared transitway will continue west after crossing the bridge in a transit only street called SW Porter Street. The shared transitway in SW Porter Street will cross SW Moody Street at the Moody/Porter intersection.
4. In August 2010, the parties entered into an Intergovernmental Agreement to Disburse Federal Grant Funds for the SW Moody Street and Streetcar Reconstruction Project (Sub recipient Agreement) (TriMet Contract No. GH110219TL). Pursuant to the Subrecipient Agreement, the City became the subrecipient of federal TIGER grant funding in the amount of \$23,203,988. The parties are also partners in TriMet's PMLR Project.
5. On December 10, 2010, Council passed Ordinance # 184259, authorizing a Ground Lease Agreement with the Portland Development Commission (PDC) for use of PDC-owned property as a construction staging area for the Moody Project. The original lease stipulated a monthly rent payment to PDC of \$6,861, and expired November 14, 2011.

6. Construction of the Moody Project is nearing completion, and is expected to be complete by January 31, 2012. The area required for construction staging will be substantially reduced during the remainder of the construction period.
7. Construction of the PMLR project is in the early stages. Construction staging requirements for the PMLR project will increase as that project progresses.
8. The City, TriMet and PDC have agreed to terms of an amendment to the Ground Lease Agreement for the remainder of the Moody Project construction period. During that time, the City and TriMet will jointly use the property for construction staging. The City and TriMet will each pay 50% of the monthly rent due to PDC (\$3,430 each) during this period, beginning November 1, 2011.
9. Adequate funds are budgeted in project T00185.C42 in FY 11-12.

NOW THEREFORE, The Council directs:

- a. The Mayor is hereby authorized to execute an amendment to the Ground Lease Agreement in substantially the form of the attached exhibit for this purpose.

Section 2. The Council declares that an emergency exists because a delay would unnecessarily delay the City's ability to perform the activities authorized by the Ground Lease Agreement; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,

DEC 07 2011

Mayor Sam Adams
Prepared by: Grant Morehead:slg
Date Prepared: November 18, 2011

LaVonne Griffin-Valade

Auditor of the City of Portland

By



Deputy

Agenda No. 185032
ORDINANCE NO.
 Title

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>K. Williamson on behalf of Mayor Adams</i></p> <p style="text-align: center;">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>Greg Jones</i></p> <p>Prepared by: Grant Morehead:slg Date Prepared: November 18, 2011</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 December 7, 2011</p> <p><input checked="" type="checkbox"/> City Attorney Approval</p>	<p>CLERK USE: DATE FILED <u>DEC 02 2011</u></p> <p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>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"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

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	✓	