

ORDINANCE No. 185220

Authorize a Developer Agreement with TriMet, Oregon Health Sciences University and ZRZ Realty Company for the South Waterfront Transition Trails connecting the Light Rail Bridge and Future Greenway (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Tri-County Metropolitan District of Oregon (TriMet) is planning to construct the Portland-Milwaukie Light Rail Project ("Project"). The Project will include a new light rail station in South Waterfront ("South Waterfront Station"), and a transit bridge ("Bridge") over the Willamette River ("River"), with the west Bridge abutment beginning at the South Waterfront Station.
2. ZRZ Realty Company (ZRZ) and Oregon Health Sciences University (OHSU) are each owners of certain real property in South Waterfront ("ZRZ Property" and "OHSU Property", respectively), adjacent to the Bridge.
3. The ZRZ Property, the OHSU Property, and the west Bridge abutment are within the Greenway Overlay Zones, set forth in Portland City Code Chapter 33.440 ("Greenway Code"). Under Chapter 33.510.253 ("Greenway Overlay Zone in South Waterfront District"), upon development or re-development of property within the Greenway Overlay Zones, the property owner is required to design and construct certain improvements to the South Waterfront District Greenway.
4. The ZRZ Property, the OHSU Property, and west Bridge abutment are also within the Design Overlay Zone, set forth in Chapter 33.825. This means that the Project requires, as will future development of the ZRZ and OHSU Properties, a Greenway Design Review and approval that will be based on the South Waterfront Design Guidelines. The Guidelines further the City's vision for the South Waterfront District, which among others, emphasizes bike and pedestrian access. On December 16, 2010, the City's design review commission approved the design for the appropriate connections to the Greenway Trail and improvements from the South Waterfront Station and west Bridge abutment ("Transition Trails").
5. As for constructing the improvements, under Chapter 33.851 ("South Waterfront Greenway Review"), an applicant can meet the Greenway approval criteria by entering into a developer agreement with the City that fixes the applicant's financial contribution to the Greenway improvements, but delays construction of the improvements to a later date. PDC, on behalf of the City, has led the effort to develop an implementation strategy to construct, operate, and maintain the Greenway. This implementation strategy includes entering into development

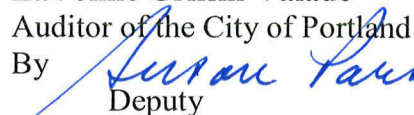
agreements to achieve full build-out of the Greenway and successful long term operations and maintenance of the Greenway.

6. The Parties each agree that the Greenway trail and improvements serve an important community purpose. The Parties also agree that it does not make sense to construct Transition Trails simultaneously with TriMet's construction of the South Waterfront Station and Bridge while the ZRZ Property and OHSU Property remain vacant land. It makes more sense to construct the Transition Trails at some later date when ZRZ and OHSU develop on their respective properties and the improvements can be integrated into the overall vision for the South Waterfront District.
7. On December 16, 2010, the City's Design Commission approved TriMet's design, including its design of the Transition Trails, with certain conditions.
8. On or about January 28, 2011, the Parties entered into a Memorandum of Understanding ("MOU") regarding the design, cost, and construction of the Transition Trails. That MOU provides the foundation for this Development Agreement.

NOW, THEREFORE, The Council Directs:

- a. The Commissioner in Charge of Portland Parks and Recreation to execute a Development Agreement with Tri Met, OHSU, ZRZ Realty that is substantially similar to the attached form of agreement and has been approved as to form by the City Attorney.
- b. The Commissioner in Charge of Portland Parks and Recreation (PP&R) is authorized to execute any future amendments to the Developer Agreement.
- c. The Director of PP&R is authorized to execute, on behalf of the City, any easements with TriMet, OHSU, or ZRZ Realty that are needed to implement the intentions of the Developer Agreement, as it may be amended.

Passed by the Council: **MAR 21 2012**
 Commissioner Fish
 Prepared by: Brett Horner
 February 29, 2012

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

Agenda No. **185220**
ORDINANCE NO.
Title

Authorize a Developer Agreement with Portland Parks & Recreation, Tri-County Metropolitan District of Oregon, Oregon Health Sciences University, and ZRZ Realty Company for the South Waterfront Transition Trails connecting the Light Rail Bridge and Future Greenway. (Ordinance)

INTRODUCED BY Commissioner/Auditor: Fish	CLERK USE: DATE FILED <u>MAR 09 2012</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	By: <u>[Signature]</u> Deputy
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL	ACTION TAKEN:
Bureau: Parks Bureau Head: Mike Abbate	MAR 14 2012 PASSED TO SECOND READING MAR 21 2012 9:30 A.M.
Prepared by: Brett Horner Date Prepared: February 29, 2012	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <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 March 14, 2012	
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	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	