

ORDINANCE No. 185249

Authorize Continuing Control Agreement with the TriMet to operate and maintain the I-205 Light Rail Project in City right-of-way (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Tri-County Metropolitan District of Oregon (TriMet) has entered into Full Funding Grant with the Federal Transit Administration (FTA) for acquisition, construction, operation and maintenance of the I-205 Light Rail Project.
2. The City has adopted Resolution No. 36130 (March 19, 2003) confirming its support of the project.
3. TriMet and its contractors have been issued permits to construct certain portions of the I-205 Light Rail Project in or above City streets in accordance with the Design and Construction Management Services Agreement (City Contract # 53100 , Ordinance # 181955) passed by Council on June 25, 2008.
4. As part of the project, rail tracks and certain other structures have been constructed, operated, and maintained in the public right-of-way within the City's jurisdiction, adjacent to the I-205 freeway, from E. Burnside Street south to the City limits.
5. Construction of the project is complete, and TriMet began revenue service on September 12, 2009.
6. The City owns the public right-of-way that is crossed by a portion of the Project alignment, and the City will be retaining the title interest in that property, but is willing to allow TriMet the permanent right to use such real property for construction, operation, and maintenance of the Project.
7. The FTA requires execution of an agreement between TriMet and the City to satisfy the continuing control requirements for the Project. Execution of this Continuing Control Agreement is a routine element of Project documentation.

185281
NOW, THEREFORE, the Council directs:

- a. That the Commissioner-in-Charge and the Auditor are hereby authorized to enter into a Continuing Control Agreement with the Tri-County Metropolitan Transportation District of Oregon in a form substantially in accordance with the Agreement attached to the original of this ordinance and, by reference, made a part hereof.

Passed by the Council, APR 11 2012

Mayor Sam Adams

Prepared by: Teresa Boyle:LW:slg

Date Prepared: March 13, 2012

LAVONNE GRIFFIN-VALADE

Auditor of the City of Portland

By

Susan Parsons

Deputy

Agenda No. 185249
ORDINANCE NO.
Title

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INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>on behalf of Mayor Adams</i> COMMISSIONER APPROVAL	CLERK USE: DATE FILED <u>MAR 30 2012</u> 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	
BUREAU APPROVAL Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: <i>Greg Jones</i>	ACTION TAKEN: APR 04 2012 PASSED TO SECOND READING APR 11 2012 9:30 A.M.
Prepared by: Teresa Boyle:LW:slg Date Prepared: March 12, 2012	
Financial Impact & Public Involvement 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 APRIL 4, 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	<input checked="" type="checkbox"/>	
2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	<input checked="" type="checkbox"/>	
Adams	<input checked="" type="checkbox"/>	