

ORDINANCE No. 185337

*Authorize execution of a Lease Agreement with Urban Office & Parking Facilities for Air Rights over a portion of SW First Ave for use of two sky bridges (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Urban Office Parking & Facilities (Lessee) is currently leasing Air Rights from the City in Contract No. 12766, passed by City Council March 19, 1970 in Ordinance No. 130596 and amended in Ordinance No. 130907, passed by City Council on May 20, 1970.
2. Lessee and the City have tentatively reached a new agreement in order to redefine and expand the terms of the lease and conditions and also to extend the duration of the current term which expires January 1, 2031.
3. The continued use of the Air Rights will not unreasonably interfere with the public or utility uses of the street; will not be needed for other public purposes during the term of the lease; and will give the best return to the City for use of the lease area.
4. Pursuant to ORS 271.430, the City is authorized to lease space above or below a public street.

NOW, THEREFORE, the Council directs:

- a. That the Mayor and the Auditor are hereby authorized to enter into a new Lease Agreement (referenced as R/W # 3890-1) with Urban Office & Parking Facilities for the continued lease of Air Rights substantially the same as Exhibit 1 attached hereto and by this reference made a part hereof.
- b. That the Auditor shall return one executed original Lease Agreement to:
Urban Office & Parking Facilities
c/o Melvin Mark Companies
111 SW Columbia St, Ste 1380
Portland, OR 97201

And return two executed originals to the Right-of-Way Acquisition Section, Bureau of Transportation.
- c. That the Bureau of Transportation, Right-of-Way Acquisition Section is hereby authorized to record a Memorandum of Lease with Multnomah County, Deed Records, once it is fully executed by all parties.
- d. That this lease supersedes any prior lease or any previously agreed to terms and conditions whether verbal or written.

Section 2. The Council declares that an emergency exists because a delay could cause confusion in the rights and responsibilities of the Lessee; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, **MAY 23 2012**

Mayor Sam Adams
Prepared by: Dee A. Walker: slg
Date Prepared: April 26, 2012
R/W # 3890-1

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland
By *Gayla Jennings*
Deputy

188281

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Agenda No.
ORDINANCE NO.

185337

Title

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<p>INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS</p> <p>COMMISSIONER APPROVAL <i>Approved for Mayor Adams</i> 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>BUREAU APPROVAL Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: <i>Greg Jones</i></p> <p>Prepared by: Dee A. Walker: slg Date Prepared: April 26, 2012 <i>Dee A. Walker</i></p> <p>Financial Impact & 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 May 23, 2012</p> <p>City Attorney Approval</p>	<p>CLERK USE: DATE FILED <u>MAY 18 2012</u></p> <p>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	✓	