

ORDINANCE No. 185422

*Authorize Continuing Control Agreement with TriMet to operate and maintain the Portland Mall Revitalization 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 Portland Mall Revitalization Project (Project).
2. The City has adopted Resolution No. 36130 (March 19, 2003) confirming its support of the project.
3. As part of the project, rail tracks and certain other elements have been constructed, and are being operated, and maintained in the public right-of-way within the City's jurisdiction, on 5th and 6th Avenues between NW Irving and SW Jackson Streets.
4. Construction of the project is complete, and TriMet began revenue service on September 12, 2009.
5. The City owns the public right-of-way of 5th and 6th Avenues along 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.
6. 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.

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.

Section 2. The Council declares that an emergency exists because a delay in executing this agreement would cause the Project to exceed an FTA deadline; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, JUN 20 2012

Mayor Sam Adams
Prepared by: Feresa Boyle:slg
Date Prepared: June 2, 2012

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland

By *Gayla Jennings*
Deputy

Agenda No. **185422**
ORDINANCE NO.
 Title

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<p align="center">INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS</p>	<p align="right">CLERK USE: DATE FILED <u>JUN 15 2012</u></p>
<p>COMMISSIONER APPROVAL <i>Called for Mayor Adams</i> Mayor—Finance and Administration - Adams</p>	<p align="center">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p> <p>ACTION TAKEN:</p>
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
<p align="center">BUREAU APPROVAL</p> Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: <i>[Signature]</i>	
Prepared by: Teresa Boyle:slg Date Prepared: June 1, 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 June 20, 2012	
<p>✓ City Attorney Approval</p>	

AGENDA

TIME CERTAIN
 Start time: _____

Total amount of time needed: _____
 (for presentation, testimony and discussion)

CONSENT

REGULAR
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	✓	