

# ORDINANCE No. 185995 As Amended

\*Authorize an agreement with The Trust for Public Land for acquisition of the Eagle Point property for park purposes (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Ordinance No. 180626, passed by City Council on November 22, 2006, authorized purchase and sale agreements and deposit of Park System Development Charge (SDC) funds in escrow accounts to secure opportunities to purchase certain real properties.
2. The Trust for Public Land (TPL) holds an option to purchase 1.01 acres of real property (Property), described as 1S1E10 CB 4500 and commonly referred to as Eagle Point, on SW Lowell Lane near SW Terwilliger Boulevard.
3. TPL has agreed to exercise its option to purchase the Property and to sell the Property to Portland Parks & Recreation (Parks) for \$950,000. The terms of the purchase are stipulated in the March 14, 2013 Agreement of Purchase and Sale between the City and TPL, attached hereto.
4. The Property features expansive views of the city and has been targeted for acquisition for over 100 years. It featured prominently in the Olmsted park plan of 1903 and was identified in the Terwilliger Parkway Corridor Plan as a significant potential asset for public acquisition. Parks recommends acquiring the Property for park purposes.
5. The Director of Parks reports that the Property meets the Parks' SDC acquisition guidelines and that there is adequate revenue from the Park SDC to fund the acquisition of the Property.
6. Prior to closing, TPL will remove a house and other structures from the Property. Parks will reimburse TPL up to \$75,000 for removal of the house. Additional stabilization costs are estimated at \$10,000. Closing costs are estimated at \$5,000. These costs will be funded from Park SDC funds.
7. It is estimated that on-going O&M costs will be approximately \$ 1,875 per year at this time. At such time as the Property is developed for public use, additional O&M funding will be requested.

NOW, THEREFORE, The Council Directs:

- a. The Director of Parks is authorized to execute all closing documents and take all

other actions necessary to close the transaction in accordance with the Agreement and any amendments thereto. All documents will be approved as to form by the City Attorney prior to execution;

- b. The Director of Parks is directed to deposit from Park SDC acquisition revenue, the purchase price, closing costs, and the house removal reimbursement funds into an escrow account established for the purpose of the acquisition of the Property;
- c. The Director of Parks is directed to add the Property to the City's Park inventory upon closing.
- d. The Director of Parks is directed to fund one time site stabilizations costs of up to \$10,000 upon closing.
- e. In accepting responsibility for the Property, the Council acknowledges the need to fund the on-going O&M costs estimated at \$1,875 per year and directs the City Budget Office to increase PP&R's ongoing current appropriation level ("CAL") by that amount beginning in FY 2013-14.

Section 2. The Council declares that an emergency exists in order to avoid further delay in the acquisition of the Property; therefore, this Ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council: APR 24 2013  
Mayor Hales  
Prepared by Riley Whitcomb  
April 3, 2013

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By

  
Deputy

355-378

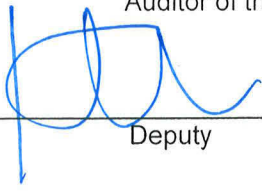
140

038081

Agenda No. **ORDINANCE NO. 185995** As Amended

Title

\*Authorize acquisition of the "Eagle Point" property for park purposes. (Ordinance)  
an agreement with The Trust for Public Land for

<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Charlie Hales</b></p>	<p>CLERK USE: DATE FILED <u>APR 12 2013</u></p>
<p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration- Hales <i>JAA</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p>	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By:  Deputy</p>
<p><b>BUREAU APPROVAL</b></p> <p>Bureau: Portland Parks &amp; Recreation Bureau Head: Mike Abbate <i>Mike Abbate</i></p> <p>Prepared by: Riley Whitcomb Date Prepared: 4/3/13</p> <p>Financial Impact &amp; Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <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 <b>April 17, 2013</b></p>	
<p><b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter</p>	<p><b>ACTION TAKEN:</b></p> <p>APR 17 2013 PASSED TO SECOND READING <b>As Amended</b> APR 24 2013 9:30 A.M.</p>

**AGENDA**

**TIME CERTAIN**   
Start time: \_\_\_\_\_

**Total amount of time needed:** \_\_\_\_\_  
(for presentation, testimony and discussion)

**CONSENT**

**REGULAR**   
**Total amount of time needed: 15 min**  
(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. Novick	4. Novick	✓	
Hales	Hales	✓	