

CRESTWOOD
Neighborhood Association

November 13, 2013

Commissioner Nick Fish
Portland City Hall
1221 SW 4th Ave.
Portland, OR 97204

RE: Public records request regarding the Freeman Tank property as part of executing Ordinance No. 183952
– Declare surplus property at eight Water Bureau locations

Dear Commissioner Fish:

On Monday, November 4, we received a set of records from the City in response to our 10/14/2013 public records request pertaining to the Water Bureau's disposal of the Freeman Tank property per City Council Ordinance No. 183952. The records provided partially address four of the 15 questions submitted and fail to address 11 questions. Further, the records have raised additional concerns pertaining to the sale of the property. We respectfully request the additional records be provided as soon as possible per city schedule and state law. Any delay on the City's part in releasing a complete and transparent record on the manner of the disposal of the Freeman Tank property hinders our ability to assure that public and ratepayer interests are being upheld through sale of said property for the best price, terms, and conditions available.

Therefore, on behalf of the Multnomah, Crestwood, and Ashcreek Neighborhood Associations, the Woods Park Advocates Subcommittee of the Multnomah Neighborhood Association, Friends of Woods Park, community groups, customers of the Portland Water Bureau, and other concerned Portland residents, we respectfully request that the City Council rescind the real estate sales agreement of the Freeman Tank property, which is currently scheduled to close on or before January 31, 2014. After rescinding the sales agreement, we further request that the City consult us to determine the appropriate uses of this strategically-situated public property for purposes consistent with its high value, including but not limited to habitat, open space, neighborhood connectivity, and public safety.

Thank you for your prompt attention to this urgent matter.

Sincerely,

Moses Ross, Chair
Multnomah Neighborhood Association

John Prouty, President
Crestwood Neighborhood Association

Jesse Johnston, Chair
Friends of Woods Park

Jeremy Solomon
Woods Park Advocates Subcommittee, MNA

Dean Smith, Chair
Ashcreek Neighborhood Association

Attachments: 10/14/2013 Public Records Request & Public Records Request Appendix

cc: Mayor Charlie Hales
Commissioner Amanda Fritz
Commissioner Steve Novick
Commissioner Dan Saltzman
City Attorney James Van Dyke
City Auditor LaVonne Griffin-Valade
City Ombudsman Margie Sollinger



**CITY OF PORTLAND
UNIFORM PUBLIC RECORDS REQUEST FORM**

Date of Request: 10-14-13

REQUESTOR INFORMATION

Name: Michele Zwartjes, on behalf of Woods Park Advocates

Mailing Address: 9011 SW 42nd Avenue

City, State, Zip: Portland, OR 97219 Daytime Phone: 503-245-1871

E-mail Address: pmmzwartjes@yahoo.com Fax: _____

Preferred method of contact: ☐ Mail ☐ Phone ☐ E-mail ☐ Fax

REQUEST DETAILS

1. Is this request related to a lawsuit involving the City of Portland? No

If "yes," enter the case name, court docket number, or other identifying information:

2. Is this request related to a tort claims notice involving the City of Portland? No

If "yes," enter the claimant's name and, if known, the incident date:

3. If you answered "yes" to question 1 or question 2, are you making this request on behalf of a party in the lawsuit or tort claim? _____

NOTE: If "yes," enter "City Attorney's Office" for question 4 in addition to any other applicable bureaus. This is required by state law (ORS 192.420(2)(a)).

4. Bureau or office, if known (a copy of this form must be submitted to each):
Water Bureau

5. A fee reduction or waiver may be possible if the custodian determines that this request is primarily in the public interest. Does this request primarily benefit the general public? Please explain.

Yes. Members of the public are concerned that the City has made plans to transfer ownership of this public property to private interests and did not in fact ensure that the property was "sold on the open market for the best price, terms and conditions in accordance with City codes," as set out in Ordinance 183952 (substitute, dated June 23, 2010). This ordinance further stipulated that "the public interest would be best served by selling each property at the fair market value." Our request will benefit the general public by providing transparency regarding this sale and ensuring that it benefits the public interest.

6. Does this request pertain to personnel records? No

NOTE: If "yes," please attach a signed release from the employee.

7. How would you prefer to have this request fulfilled?

☐ I would like to inspect the records.

☐ I would like photocopies made and sent to me.

☐ I would like electronic copies made and sent to me.

☐ I would like photocopies made and held for me to pick up.

DESCRIPTION OF RECORDS REQUESTED

Please include the following when describing the materials requested, to the extent known and with as much detail as possible:

- Type of document
- Date
- Author
- Title
- Address of any real property at issue
- Subject matter

NOTE: Additional sheets may be added if necessary.

Description:

We request all documents related to the appraisal, marketing, and sale of Water Bureau Property described as "Freeman Tank (8711 N/SW 42nd Avenue), consisting of Tax ID #: R329811" as identified in Council Ordinance 183952 (substitute, dated June 23, 2010), referring to the declaration of surplus property at eight Water Bureau locations. A specific list of requested requested documents is appended to this form.

Please note that although we have requested photocopies of the documents, if such documents are already available in electronic form, provision of the documents in pdf or other format is also acceptable. Thank you!

-
- The City will respond to your request as soon as practicable and without unreasonable delay.
 - If the estimated costs involved in fulfilling your request exceed \$25, the City will advise you of those costs and require your approval before beginning work.
 - If the fee estimate exceeds \$100, a 50% deposit may be required to begin work.
 - Full payment of the total amount of costs incurred is required before the public records may be inspected or copies released.
 - NOTE: Police reports cannot be obtained through the use of this form. For these records, please contact the Police Bureau.

I HAVE READ AND AGREE TO COMPLY WITH THE ABOVE CONDITIONS, and further agree to pay the cost of fulfilling this Public Records Request according to the conditions set forth above. These costs may include the cost of searching for records, reviewing records to redact exempt material, supervising the inspection of records, copying records, certifying records, and mailing records. I agree to pay a maximum of \$25 without further approval.

10-14-13

Signature of Requestor

Date

City of Portland Uniform Public Records Request Form

APPENDIX: Public Records Request regarding all documents related to the appraisal, marketing, and sale of Water Bureau Property described as "Freeman Tank (8711 N/SW 42nd Avenue), consisting of Tax ID #: R329811" as identified in Council Ordinance 183952 (substitute, dated June 23, 2010

We specifically request copies of the following information relevant to the above subject matter, to include any and all relevant personal notes, meeting notes or minutes, voice mails, phone records, emails, written correspondence, or any other documentation or records related to the following:

1. Any information related to evaluation of the ecological or habitat value of the subject property
2. Any and all records documenting the offering of the subject property to other City bureaus and potentially other local government entities (e.g., Metro), and responses received
3. All appraisals procured for the subject property, if any in addition to that prepared by PGP Valuation Inc. dated July 31, 2008 (which we already have; no need to resend)
4. Details regarding any and all comparable sold properties that were used to develop the estimated fair market value of the subject property, including date sold, sale price, address coordinates, size of lot, zoning, potential for subdivision of property, topography, utilities, etc., if any in addition to those presented in the appraisal by PGP Valuation Inc. July 31, 2008
5. All documents related to the marketing and sale of the subject property, including but not limited to copies of and dates of publication or availability of:
 - a. Any marketing strategy or plan developed by the Water Bureau
 - b. Listing of the subject property with a realtor or multiple listing service (MLS)
 - c. Any advertisement posting the subject property as for sale, if any in addition to the Craigslist advertisement (which we already have)
 - d. Any newspaper notice that the subject property was to be made available for sale, and/or affidavit of publication of such notice
6. Any and all purchase offers or inquiries received for the subject property, including any and all communications with any representative of Renaissance Custom Homes, LLC
7. Any and all documents related to the sales contract for the subject property with Renaissance Custom Homes, LLC (this does not include the sales contract itself, which we already have)
8. Any information related to the process of selecting the buyer of the subject property
9. Any information related to the potential management of stormwater runoff and associated liabilities for the subject property
10. Financial Impact Statement related to Council Ordinance 183952 (substitute, dated June 23, 2010)
11. Information regarding the development of the estimated cost for water tank removal at the site
12. Any documents related to Land Use Review Permit/Case Number 2013-165324-000-00-LU, IVR Number 3325216, Land Use Review Type 2x Procedure, LDP – Land Division Review (Partition), minor land division for three lots within potential landslide hazard
13. Any documents related to Public Works Inquiry Permit/Case Number 2013-160743-000-00-WI, IVR Number 3320591, Public Works Inquiry basic guidance meeting. Old water tower site, proposed lot confirmation with construction of 3 new SFRs. Questions on demolition of existing water tank, as well as sewer/stormwater management, improvement requirements, and dedications
14. Clarification regarding the present and accurate zoning of the subject property (is R7 correct?)
15. Any estimate the City may have developed with regard to the potential cost of voiding the sales contract with Renaissance Custom Homes, LLC, dated October 2012

3

AUDITOR 09/24/13 4:10:43 PM

PORTLAND CITY COUNCIL
COMMUNICATION REQUEST
Wednesday Council Meeting 9:30 AM

Council Meeting Date: November 13, 2013

Today's Date September 24, 2013

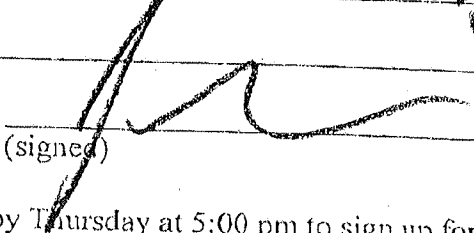
Name Jeremy Solomon

Address 8644 SW 42nd Ave.

Telephone 971-285-1227 Email jeremy@firstbooks.com

Reason for the request:

I would like to address the City Council on the subject of the Water Bureau's pending sale of the Treemant facility and the process by which the sale is being made.

(signed) 

- Give your request to the Council Clerk's office by Thursday at 5:00 pm to sign up for the following Wednesday Meeting. Holiday deadline schedule is Wednesday at 5:00 pm. (See contact information below.)
- You will be placed on the Wednesday Agenda as a "Communication." Communications are the first item on the Agenda and are taken promptly at 9:30 a.m. A total of five Communications may be scheduled. Individuals must schedule their own Communication.
- You will have 3 minutes to speak and may also submit written testimony before or at the meeting.

Thank you for being an active participant in your City government.

Contact Information:

Karla Moore-Love, City Council Clerk
1221 SW 4th Ave, Room 140
Portland, OR 97204-1900

(503) 823-4086 Fax (503) 823-4571

email: Karla.Moore-Love@portlandoregon.gov

Sue Parsons, Council Clerk Assistant
1221 SW 4th Ave., Room 140
Portland, OR 97204-1900

(503) 823-4085 Fax (503) 823-4571

email: Susan.Parsons@portlandoregon.gov

1055

Request of Jeremy Solomon to address Council regarding Water Bureau's sale of
the Freeman Facility (Communication)

NOV 13 2013

PLACED ON FILE

Filed NOV 08 2013

LaVonne Griffin-Valade
Auditor of the City of Portland

By 

COMMISSIONERS VOTED
AS FOLLOWS:

	YEAS	NAYS
1. Fritz		
2. Fish		
3. Saltzman		
4. Novick		
Hales		