

ORDINANCE No. 186431

Authorize the Bureau of Transportation to issue a quitclaim deed, bill of sale, and two assignments to TriMet for two portions of the Willamette Shore Line railroad right of way and related assets (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In June 1988, an intergovernmental Consortium ("Consortium") was formed to acquire the Jefferson Street Branch rail line, also known as the Willamette Shore Line ("WSL") right-of-way, in order to preserve the rail line for possible future public transit use. The WSL runs along the west side of the Willamette River from Portland to Lake Oswego.
2. The Consortium currently consists of the City of Portland ("City"), Metro ("Metro"), the City of Lake Oswego ("Lake Oswego"), Clackamas County ("Clackamas"), Tri-County Metropolitan Transportation District ("TriMet"), and the Oregon Department of Transportation ("ODOT").
3. In 1988, the City was designated to lead the Consortium and acquired substantially all of the WSL right-of-way, related personal property and appurtenant rights from Southern Pacific (Ordinance 161341; October 26, 1988). In 1989, the City acquired easement rights for an additional portion of the WSL right-of-way (Ordinance 162515; November 15, 1989).
4. Subsequently, in 2003, the Consortium designated TriMet as right-of-way agent for the Consortium and intended that TriMet replace the City as holder of title for the WSL right-of-way.
5. In 2005, the City intended to transfer all of the WSL right-of-way to TriMet (Ordinance 178289; April 7, 2004), and the City recorded a quitclaim deed transferring most of the WSL right-of-way to TriMet.
6. Research by the Bureau of Transportation indicates that two portions of the WSL right-of-way remain in the name of the City. One portion is in Multnomah County, as described on Exhibit 1 and depicted on Exhibit 2. The other portion is in Clackamas County, as described on Exhibit 3 and depicted on Exhibit 4.
7. Research also indicates that related assets located in the WSL right-of-way, which were transferred from Southern Pacific to the City, also remain in the name of the City. These assets include property such as trestles, signals, switches, fences, utility crossings and lease interests.

8. It is in the public's best interest that said rights-of-way and related assets be transferred to TriMet to consolidate management of the entire WSL right-of-way with TriMet which will help the Consortium function more efficiently.
9. It is in the public interest that the City now issue to TriMet a) a bill of sale, in substantially the same form attached as Exhibit 5; b) an assignment, in substantially the same form attached as Exhibit 6; c) a quitclaim deed, in substantially the same form attached as Exhibit 7 (deed exhibits are identical to Exhibits 1, 2, 5 and 6 of this ordinance); and d) an assignment of easement, in substantially the same form attached as Exhibit 8 (assignment exhibits are identical to Exhibits 3, 4, 5 and 6 of this ordinance).

NOW, THEREFORE, the Council directs:

- a. The Bureau of Transportation to execute a quitclaim deed and an assignment of easement in the form shown in Exhibits 7 and 8 to transfer to TriMet (Grantee) the City's easement rights for the portions of the Willamette Shore Line railroad right-of-way described on Exhibits 1 and 3 and depicted on Exhibits 2 and 4, respectively.
- b. The Bureau of Transportation to execute a bill of sale and an assignment to transfer to Grantee the City's personal property and appurtenant rights for the Willamette Shore Line railroad right-of-way, as described on Exhibits 5 and 6, respectively.
- c. That the consideration for said quitclaim deed, assignments and bill of sale shall be the value received for Grantee's services as right-of-way agent for the Consortium.

Section 2. The Right-of-Way Section will record, at City's expense, the executed quitclaim deed with Multnomah County Deed Records and the executed assignment of easement with Clackamas County Deed Records, and return the original recorded documents to the Grantee and retain a copy in Right-of-Way File No. 7626. The Right-of-Way Section will return the original executed bill of sale and assignment to the Grantee and retain a copy in Right-of-Way File No. 7626.

Passed by the Council, JAN 22 2014

Commissioner Steve Novick
 Prepared by: Karl Arruda: slg
 Date Prepared: December 6, 2013
 R/W #7626

LaVonne Griffin-Valade

Auditor of the City of Portland

By


 Deputy

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Agenda No.
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Title

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INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK	CLERK USE: DATE FILED <u>JAN 03 2014</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick <i>CW</i>	LaVonne Griffin-Valade Auditor of the City of Portland By: <u><i>Susan Parsons</i></u> Deputy
BUREAU APPROVAL Bureau: Bureau of Transportation Interim Group Manager: Christine Leon, Development & Capital Program Prepared by: Karl Arruda:slg <i>KNA</i> Date Prepared: December 6, 2013 <i>AB</i> Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <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 January 8, 2014 City Auditor Office Approval: required for Code Ordinances City Attorney Approval: <i>KSB for MEM</i> required for contract, code, easement, franchise, comp plan, charter	ACTION TAKEN: JAN 08 2014 PASSED TO SECOND READING JAN 15 2014 9:30 A.M. JAN 15 2014 RESCHEDULED TO JAN 22 2014 9:30 A.M. <i>GRV for DMC</i>

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: (for presentation, testimony and discussion) CONSENT <input type="checkbox"/> REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 5 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	✓	