

ORDINANCE No. 186731

Authorize the Bureau of Environmental Services to convey certain permanent easements at NE 2nd Ave and Flanders St to Union Pacific Railroad in exchange for a permanent easement, license and agreement to install improvements on City owned and controlled property (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Union Pacific Railroad's ("UPRR") East Portland Connection Project will create a connection between its Brooklyn and Graham Lines, allowing northbound trains to head east (and westbound trains to head south) without travelling through Albina Yard and over the Kenton Line through north Portland.
2. This project will reduce running time and delay time for trains between Milwaukie and Troutdale, in both directions, improving service for high-priority trains carrying containers and trailers in and out of UPRR's Brooklyn Intermodal Yard.
3. UPRR's Kenton Line is approaching capacity and its Graham Line has surplus capacity.
4. Re-routing several trains each day from the Kenton Line to the Graham Line will reduce train congestion in Albina Yard and along UPRR's Kenton Line, and away from the bottleneck where UPRR, BNSF, and Amtrak trains converge in north Portland.
5. Reducing congestion at Albina Yard and on the Kenton Line will improve timeliness and reliability of trains in and out of the Port of Portland.
6. Moving trains from the Kenton Line, where there are eleven public grade crossings, to the Graham Line, where there is only one public grade crossing, will reduce locomotive horn blowing and the time vehicles wait for trains at crossings.
7. The proposed track connection was identified as a necessary improvement to the regional rail network in the 2003 ODOT/WSDOT I-5 Rail Capacity Study, and as a priority project in the City of Portland's 2006 Freight Master Plan, Metro's 2035 Regional Freight Plan, and in each of the Port of Portland's annual rail transportation plans since 2007.
8. UPRR has ODOT's consent to install its proposed connecting track under and across highway ramps between I-5 and I-84.

9. UPRR has a deed from Metro, allowing it to shift its existing Graham Line northward to accommodate the alignment of the connecting track.
10. The City of Portland owns land in fee title that is assigned to the Bureau of Environmental Services ("BES") and is currently improved with the Sullivan's Gulch Pump Station.
11. UPRR needs to cross both the City of Portland property and undeveloped public right-of-way to complete the track connection.
12. UPRR has been working with City staff since 2011 on an alignment and terms for making the track connection that would accommodate the project while protecting City infrastructure in the area.
13. UPRR has reached agreement with City bureaus on the terms of the easements, license, agreement and permits that are required to complete the property rights portion of this project.
14. BES has negotiated the acquisition of permanent easements from UPRR that will increase the overall size of the pump station compound, reposition the main entrance to a location more suitable for traffic flow and provide for additional fencing and site work to accommodate the increased footprint of the pump station.
15. A roadway license has been negotiated between the City and UPRR to allow various City bureaus to access the existing UPRR service roads located east and west of the pump station property which will create a documented property right providing access to City facilities.
16. UPRR and BES have agreed to independently fund their own staff time associated with the easement and license exchange, while UPRR will fund all required permits and the installation of improvements associated with the project.

NOW, THEREFORE, the Council directs:

- a. The Director of the Bureau of Environmental Services or his designee is authorized to execute the Easement For Railroad Purposes and the Sewer Line Easement generally in the form of the attached Exhibits A and B.
- b. The Director of the Bureau of Environmental Services or his designee is authorized to accept the Easement Deed and Roadway License generally in the form of the attached Exhibits C and D, as well as entering into the Agreement on Installation of Improvements generally in the form of the attached Exhibit E.

186731

Passed by the Council, JUL 23 2014
Commissioner Nick Fish

Scott Turpen
June 18, 2014

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LaVonne Griffin-Valade
Auditor of the City of Portland

By



Deputy

764-786
 Agenda No. **186731**
ORDINANCE NO.
 Title

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*NE 2nd Ave and Flanders St

<p>INTRODUCED BY Commissioner/Auditor: <u>FISH</u></p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish <u>Mia R</u></p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p> <p>BUREAU APPROVAL</p> <p>Bureau: Environmental Services Bureau Head: Dean Marriott <u>Dean</u></p> <p>Prepared by: Scott Turpen Date Prepared: June 18, 2014</p> <p>Financial Impact & 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>City Auditor Office Approval: required for Code Ordinances NA</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <u>[Signature]</u></p> <p>Council Meeting Date July 2, 2014 <u>16</u></p>	<p>CLERK USE: DATE FILED <u>JUL 11 2014</u></p> <p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u>[Signature]</u> Deputy</p> <p>ACTION TAKEN:</p> <p>JUL 16 2014 PASSED TO SECOND READING JUL 23 2014 9:30 A.M.</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 type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: <u>15 min</u> (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. Novick	4. Novick	✓	
Hales	Hales	✓	