

**ORDINANCE No. 186923**

Amend Lease Agreement with Union Pacific Railroad Company for pedestrian and bicycle path facilities on the east bank of the Willamette River and the Steel Bridge (Ordinance; amend Contract No. 51354)

The City of Portland ordains:

Section 1. The Council finds:

1. The City and Union Pacific Railroad Company ("UPRR") entered into a Lease and Operating Agreement that passed City Council January 19, 2000 in Ordinance No. 174093 that allowed construction and use of a public walkway along with access ramps outside of the lower deck of the south side of the Steel Bridge.
2. On March 1, 2000, the City and UPRR entered into a Beautification Lease, Contract No. 51354 and UPRR Audit number 214555 ("the Lease"), for construction and maintenance of slope pavers, landscaping, and fencing, and City's long term maintenance access for pedestrian and bicycle path facilities on the east bank of the Willamette River and the Steel Bridge.
3. Pursuant to Article III of the Lease, UPRR has the option to recalculate rent after the initial 15 year term. Pursuant to Article II of the Lease, the initial term ends February 29, 2015 and UPRR has notified the City of its intent to adjust and increase the City's rent to \$2,000 annually through the Supplemental Agreement ("the Agreement") attached as Exhibit 1.
4. The City and UPRR have also elected to amend Section 12 "Release and Indemnity" in Exhibit B of the Lease in order to update the terms to be more in line with standard City language.
5. The City and UPRR have also elected to amend Section 21 "Entire Agreement", in Exhibit B of the Lease in order for the Bureau Director to authorize any future amendments.

NOW, THEREFORE, the Council directs:

- a. That the Commissioner-in-Charge and the Auditor are authorized to execute the Supplemental Agreement with UPRR in a form similar to the Agreement attached as Exhibit 1.
- b. That the Auditor shall return two executed duplicate originals of the Supplemental Agreement to the Right-of-Way Acquisition ("RWA") Section, Bureau of Transportation and RWA will deliver one original to UPRR and retain one original in RWA File No. 7521.
- c. That the Director of the Bureau of Transportation is hereby authorized to sign any future amendments to the Lease.

Passed by the Council, **DEC 10 2014**

Commissioner Steve Novick  
Prepared by: Dee A. Walker:slg  
Date Prepared: 11-12-14

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

By



Deputy

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✓1410

Agenda No. **186923**  
**ORDINANCE NO.**  
Title

Amend Lease Agreement with Union Pacific Railroad Company for pedestrian and bicycle path facilities on the east bank of the Willamette River and the Steel Bridge (Ordinance; amend Contract No. 51354)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>COMMISSIONER STEVE NOVICK</b>	CLERK USE: DATE FILED <u>NOV 21 2014</u>
<b>COMMISSIONER APPROVAL</b>	LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Hales	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Novick <i>aw</i>	
<b>BUREAU APPROVAL</b>	
Bureau: Bureau of Transportation Interim Group Mgr.: Christine Leon <i>CL</i> Development Permitting & Transit Group Other: Greg Jones	
Prepared by: Dee A. Walker:slg Date Prepared: 11-12-14 <i>Dee A. Walker</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 <b>December 3, 2014</b>	
<b>City Auditor Office Approval:</b> required for Code Ordinances	
<input checked="" type="checkbox"/> <b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter <i>6f</i>	
	By: <i>[Signature]</i> Deputy
	<b>ACTION TAKEN:</b>  NOV 26 2014 <i>RESCHEDULED TO DEC 03 2014 9:30 A.M.</i>  DEC 03 2014 <i>PASSED TO SECOND READING DEC 10 2014 9:30 A.M.</i>  DEC 10 2014 <i>RESCHEDULED TO DEC 10 2014 AT 2PM</i>

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