

ORDINANCE No. 187089

* Amend the Ground Lease and Sublease Agreement with Portland Public Schools and the Native American Youth and Family Center for intergenerational housing and an early childhood education center to change the tract boundaries and provide for dedicated roadway (Ordinance; amend Contract No. 30003309)

The City of Portland ordains:

Section 1. The Council finds:

1. Council authorized the Commissioner of Public Affairs execute a Memorandum of Understanding with Portland Public Schools ("PPS") and the Native American Youth and Family Center ("NAYA"), and a subsequent ground lease and sublease on May 23, 2012 in Ordinance no. 185367.
2. PPS owns the property known as Foster Elementary School located at 5205 S.E. 86th Avenue in Portland, Oregon comprising approximately 3.57 acres (the "Foster School Site").
3. The City of Portland provided payment of \$500,000 to PPS to acquire a long-term 99 year lease on a portion of roughly 2 acres or greater of the former Foster Elementary School site.
4. The parties entered into a Ground Lease and Sublease Agreement dated April 24, 2013, as amended by a Lease Amendment No. 1, dated July 26, 2013 (collectively, the "Lease").
5. Pursuant to the Lease the tract of land identified therein as the "Housing Tract" was leased to the City and simultaneously subleased to NAYA. The Lease also sets forth certain agreements of the parties with respect to the "School Tract" as defined therein.
6. As contemplated by Section 1.2 of the Lease, the parties wish to change the boundaries of the Housing Tract and of the School Tract. In addition, the parties anticipate that the City will require certain land to be dedicated for roadway purposes as a condition of issuing building permits for the Project.

NOW, THEREFORE, the Council directs:

- a. The Commissioner of Public Affairs, or his designee, is authorized to negotiate on behalf of the City any clarification and/or inclusion of new terms and conditions in agreement(s) related to the Foster Elementary School site development so long as the City's funding commitment to PPS does not increase and upon approval to form by the City Attorney's Office. In addition, the Commissioner of Public Affairs is authorized to execute such agreement(s), including the second amendment to the Lease attached hereto as Exhibit A.

Section 2. The Council declares an emergency exists because delay of entering into the lease and sublease amendment could delay the development of the intergenerational community

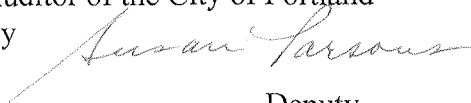
center; therefore, this Ordinance shall be in full force and effect from after its passage by Council.

Passed by the Council: APR 15 2015

Commissioner Saltzman
Prepared by: S. Callahan
Date Prepared: April 8, 2015

Mary Hull Caballero
Auditor of the City of Portland

By



Deputy

Agenda No.
ORDINANCE NO.

187089

Title

* Amend the Ground Lease and Sublease Agreement with Portland Public Schools and the Native American Youth and Family Center for intergenerational housing and an early childhood education center to change the tract boundaries and provide for dedicated roadway (Ordinance); amend Contract No. 30603309

<p>INTRODUCED BY Commissioner/Auditor: Saltzman</p>	<p>CLERK USE: DATE FILED <u>APR 10 2015</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman <i>Disc</i></p> <p>Position 4/Safety - Novick</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Bureau Head:</p>	
<p>Prepared by: S. Callahan Date Prepared: April 8, 2015</p>	
<p>Impact Statement</p> <p>Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document.</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i></p>	
<p>Council Meeting Date: April 15</p>	

<p>AGENDA</p>
<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 checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz <input checked="" type="checkbox"/>	
2. Fish	2. Fish <input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman <input checked="" type="checkbox"/>	
4. Novick	4. Novick <input checked="" type="checkbox"/>	
Hales	Hales <input checked="" type="checkbox"/>	