

ORDINANCE NO. 187636

Declare the water facilities located at 16120 N Simmons Rd as no longer needed for public water system purposes and revert the property and facilities to the Port of Portland in accordance with a deed restriction (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Pursuant to Ordinance No. 137414 the City of Portland (City) and the Port of Portland (Port) entered into the Rivergate Water Facility Agreement (Agreement) on December 11, 1973.
2. The Port agreed to fund and construct water facilities on their property located at 16120 N. Simmons Road also known as the Rivergate Tank Property (Property). The Port also agreed to provide a sufficient supply of water to its Rivergate Industrial District, to subsequently convey ownership of the water facilities and the property to the City to operate and maintain.
3. In accordance with the Agreement, the Port conveyed the Property to the City with a deed recorded on February 1, 1974 in Book 970, Page 103, of the Multnomah County Property Records. As an explicit condition of conveyance, the Port and the City agreed that when the Property was no longer needed for water facility purposes, the ownership of the Property would revert to the Port.
4. The Water Bureau operated, maintained and utilized the Property until 2012, at which time it was placed in an inactive status pending a determination of need for system storage by the Water Bureau.
5. In May 2013, the Water Bureau completed the Rivergate Pump Station and Tank Basis of Design Report (BDR). The BDR determined that the water facilities at the Property were no longer needed and recommended that the City permanently revert the Property to the Port. Further testing demonstrated that the Water Bureau is capable of providing sufficient water transmission and fire suppression capacity without the Property.
6. Based upon the BDR, transmission and fire suppression capacity testing, and consideration of the financial costs, maintenance, and liability associated with owning the Property, the Water Bureau Administrator and Chief Engineer have stated that the Property is no longer needed and have recommended that the water facilities at the Property revert to the Port per the terms and conditions outlined in the original agreement.
7. The Port has been notified that the water facilities at the Property are inactive and that the property is no longer needed by the Water Bureau. The Port is ready and willing to reclaim title to the Property.
8. The Water Bureau has notified the Oregon Department of Transportation about the status of the Property pursuant to ORS 271.310 due to the proximity of a rail line to the property.

9. This legislation will assign an existing cellular antenna lease to the Port along with the Property. PWB revenue will be reduced approximately \$12,000 annually. The total revenue from all cell lease agreements is approximately \$500,000 annually. This revenue reduction will not impact the forecasted water rates. As such, there are no significant financial or budgetary impacts related to this Ordinance. The proposed action will not affect staff levels within the Water Bureau.
10. Pursuant to Administrative Rule ADM-13.02 "Disposition of City Real Property" Section II.A.5, the Property is a Category 1 property exempt from the external notification and public comment requirements of Section III.C because the City's ownership is subject to a deed restriction.

NOW, THEREFORE, the Council directs:

- a. That the Council declares that the water facilities at the Rivergate Tank Property are no longer needed for the public water system.
- b. That the Water Bureau Administrator and the Water Bureau's Chief Engineer are hereby authorized to execute on behalf of the City a deed in a form substantially in accordance with the attached Exhibit A to revert the Rivergate Tank Property and facilities back to the Port of Portland and shall be authorized to execute any other related documents that may be negotiated between the Water Bureau and the Port and approved by the City Attorney's Office.

MAR 23 2016

Passed by the Council,

Commissioner Nick Fish
Ben Gossett
January 25, 2016


Mary Hull Caballero
Auditor of the City of Portland

By  Deputy

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Agenda No. **187636**
ORDINANCE NO.
 Title

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INTRODUCED BY Commissioner/Auditor: Commissioner Nick Fish	CLERK USE: DATE FILED <u>MAR 08 2016</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	Mary Hull Caballero Auditor of the City of Portland By:  Deputy
BUREAU APPROVAL Bureau: Water Bureau Head: Michael Stuhr, P.E. Prepared by: Ben Gossett Date Prepared: January 25, 2016 Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <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 <u>March 16, 2016</u> March 9, 2016 City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	ACTION TAKEN: MAR 16 2016 PASSED TO SECOND READING MAR 23 2016 9:30 A.M.

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