

ORDINANCE No. 187997

*Authorize purchase of currently leased radio site property at 2595 NW Skyline Blvd from Robert A. and Bente G. McClanathan for \$790,000 plus closing costs (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The McClanathan Living Trust (the Seller) owns a 100% interest in the property at 2595 NW Skyline Boulevard, Portland [R236788]. The private property is a 2.01 acre parcel with a 90' radio tower and associated telecommunications equipment which is commonly known and referred to as the Forest Heights Radio Site.
2. Ordinance No. 169286 was passed by Council on September 14, 1995 to authorize the Bureau of Internal Business Services (BIBS) to enter into a site lease for tower space and communications equipment to serve the 800MHz system.
3. BIBS, on behalf of the Bureau of Technology Services (BTS), has negotiated a Purchase and Sale Agreement for acquisition of the property at 2595 NW Skyline Boulevard, Portland, Oregon at a sale price of \$790,000 plus closing costs. This purchase price represents an amount within the range of professional real estate appraisal obtained by BIBS.
4. Pursuant to negotiation the City will make three installment payments to Seller which allows the City to undertake this property acquisition without the need for bond issuance or other municipal financing.
5. The communications facility known as Forest Heights Radio Site is a critical public safety radio site that provides coverage to the Forest Heights and Forest Park areas. BTS has determined that the feasibility and cost to provide a replacement public safety communications facility would not only be cost prohibitive but also not possible given the changes in zoning and land use regulations along with public opposition to such facilities.
6. Replacement of this single location would involve building two separate facilities to maintain acceptable public safety communications at a cost in excess of two million dollars.
7. It is imperative to maintain public safety communications sites in a clear radio frequency environment with similar low power Land Mobile Radio systems to minimize inference. Sale of the site to another party puts the City at risk of repurposing the site to either a non-compatible high power broadcast tower facility or development of the land for another purpose. Purchase of this facility ensures this probability does not occur.

8. Pursuant to negotiation the City will make three installment payments to Seller which allows the City to undertake this property acquisition without the need for bond issuance or other municipal financing
9. Appropriations for the purchase of this property were included in the FY 2015-16 budget. Funds will be carried over to the FY 2016-17 budget through the Fall budget monitoring process and an additional \$30,000 will be added to the project budget to cover all expenses associated with this site acquisition. BTS will realize approximately \$12,000 in annual lease cost savings as a result of this action.
10. The sale agreement and closing documents will be approved as to form by the City Attorney.

NOW, THEREFORE, the Council directs:

- a. The Chief Administrative Officer, or designee, is authorized to execute a purchase and sale agreement and all other necessary documents, once approved as to form by the City Attorney, for acquiring title and interest in the property.
- b. The Chief Administrative Officer, or designee, is authorized to release all funds necessary to perform due diligence, close and accept title to the property. The Chief Administrative Officer, or designee, requests the Bureau Accounting Office to prepare, as needed, wire transfers from the City Treasury for the purchase price including closing costs. The purchase price and closing costs shall be chargeable to the "Capital Improvements Project / SAP #C00067 - Forest Heights Site Purchase".
- c. The Chief Administrative Officer, or designee is hereby authorized and directed to sign and accept deeds for the acquisition of the property at 2595 NW Skyline Boulevard, Portland, Oregon.

Section 2. The Council declares an emergency exists since a delay in acceptance of the sale agreements and execution of the deeds in a timely manner may cause additional costs to both the Bureau of Internal Business Services and Multnomah County; therefore, this ordinance shall be in full force and effect from and after its passage by Council.

Passed by the Council: **SEP 21 2016**

Mayor Charlie Hales
Prepared by: P. Goble
Date Prepared: April 1, 2016

Mary Hull Caballero
Auditor of the City of Portland

By 
Deputy

Agenda No. **187997**
Ordinance NO. **187997**
 Title **nd**

purchase currently leased radio site
 *Authorize acquisition of property at 2595 NW Skyline Boulevard from Robert A. and Bente G. McClanathan, Trustees of the McClanathan Living Trust, by the City of Portland (Ordinance).

for \$790,000 plus closing costs

SEP 13 2016

INTRODUCED BY
 Commissioner/Auditor:
Mayor Charlie Hales

CLERK USE: DATE FILED _____

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

ACTION TAKEN:

BUREAU APPROVAL

Bureau: Fred Miller, CAO
 Bureau Head: Bryant Enge, Director

Prepared by: Pauline Goble
 Date Prepared: September 9, 2016

Impact Statement

Completed ☒ Amends Budget ☐

Portland Policy Document
 If "Yes" requires City Policy paragraph stated
 in document.
 Yes ☐ No ☐

City Auditor Office Approval:
 required for Code Ordinances

City Attorney Approval:
 required for contract, code, easement,
 franchise, comp plan, charter

Council Meeting Date **September 21, 2016**

AGENDA

TIME CERTAIN ☐

Start time: _____

Total amount of time needed: _____
 (for presentation, testimony and discussion)

CONSENT ☒ *Pull*

REGULAR ☐

Total amount of time needed: _____
 (for presentation, testimony and discussion)

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"/>	