

4-30-80

Highway Division
Key File 11281

AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 1980, by and between the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Highway Division, hereinafter referred to as "State", and the CITY OF PORTLAND, a municipal corporation of the State of Oregon, by and through its City Officials, hereinafter referred to as "City";

WITNESSETH:

THE RECITALS

1. State and City are the present joint owners of certain waterfront property along the Willamette River shown on the attached map marked Exhibit "A", which by reference is made part of this agreement.

2. State is the legal owner of an undivided 40 percent interest and City is the legal owner of an undivided 60 percent interest in the property marked with

— — — — on said Exhibit "A".

3. State no longer routes its highway traffic over Front Avenue between N.W. Couch Street and S.W. ~~Jefferson~~ ^{Market} Street and will relinquish its rights to the Front Avenue right of way lying Westerly of the solid line shown on said Exhibit "A".

4. City has developed plans for the improvement of said jointly-owned property between N.W. Couch Street and S.W. ~~Jefferson~~ ^{Market} Street into a Downtown Waterfront Park.

5. State and City desire to enter into this agreement to provide for the transfer of State's interest in said property and to provide the terms and conditions under which State's interest in said property is to be conveyed.

NOW THEREFORE, the parties hereto do mutually agree as follows:

1. State shall, upon execution of this agreement, make available to City the use and occupancy of said property between N.W. Couch Street and S.W. ~~Jefferson~~ ^{Market} Street for the development of said property for public park and recreational uses.

2. All plans for the development of said property shall be first approved by State before commencing any construction work thereon.

3. State shall relinquish to City its interest in said property for public park and recreational purposes only. The deed will contain a provision that should any of the property relinquished be used for other than public park and recreational purposes City's interest in the property relinquished by State shall automatically revert to State.

4. State shall transfer, and City shall accept, all of State's right, title and interest in that portion of Front Avenue lying between N.W. Couch Street and

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Market
S.W. Jefferson Street, for public street purposes, with all jurisdiction, maintenance and control passing to City to be performed at City's sole expense.

5. If City wishes to sell or utilize for other than public park and recreational purposes any of the land covered by this agreement, State will release on a parcel by parcel basis, the public park and recreational restrictions on said land. Such release will be given by State to City upon condition that City pay to State for its 40 percent interest, in the property relinquished pursuant to this agreement. Payment for the 40 percent interest shall be based on the market value of the land as of the date City requests the park and recreational use restrictions be released. In lieu of paying State the market value for its interest in the property, City may exchange other property of equal value to State's interest in the property being released provided such exchange is acceptable to State. The market value of the property being exchanged shall be established by one or more appraisals of the property as may be determined by State. Said appraisals shall include the value of that portion of the abutting street area considered to be a part of the property, whether or not the street is vacated. If, during a two year period after State releases its park and recreation restrictions, City resells the released property for an amount in excess of that established by said appraisals, State shall be paid by City its share of the excess amount based upon the 40 percent interest which State had in the property released.

APPROVED AS TO FORM:

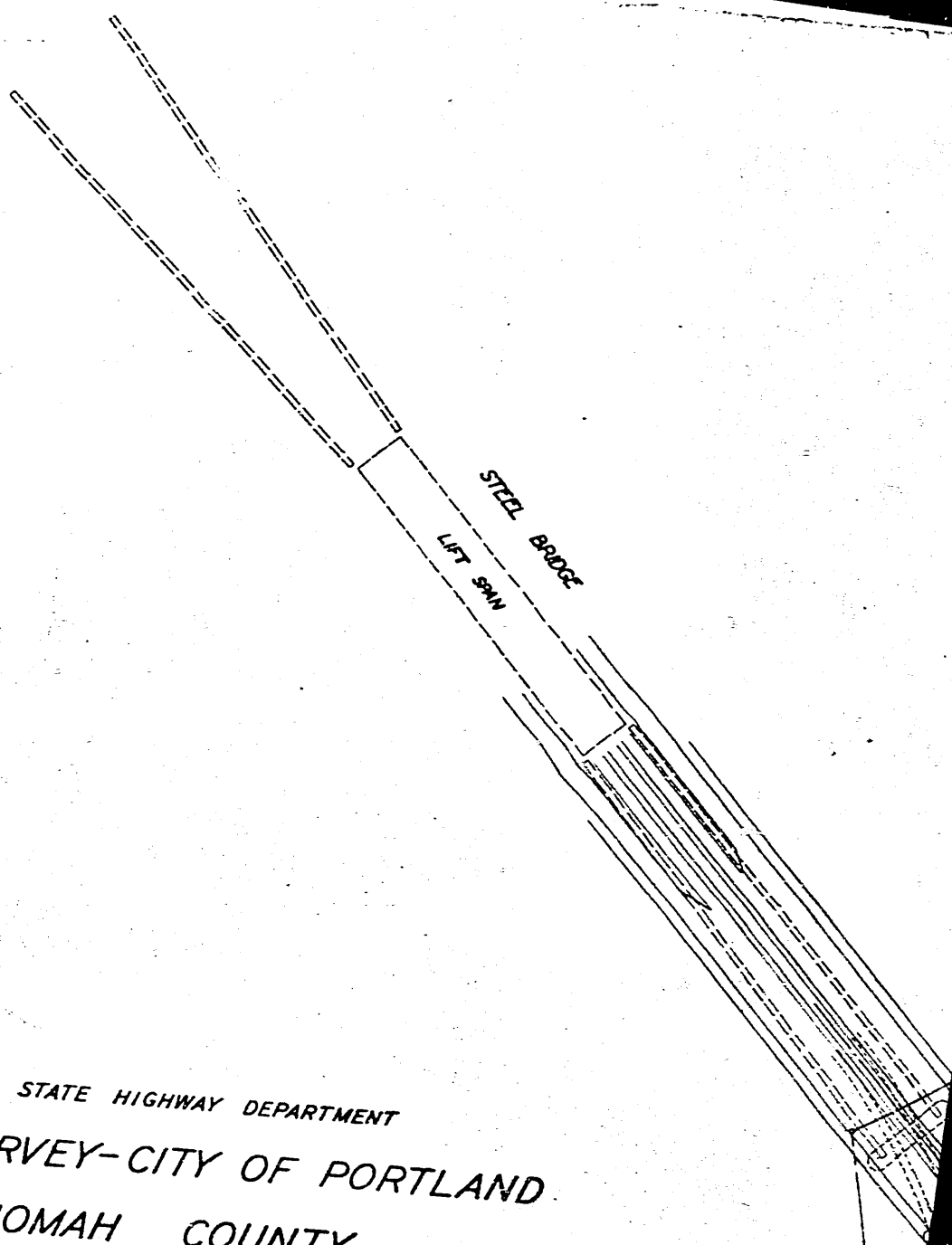
Dale F. Hornum
Asst. Attorney General ~~and Counsel~~

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION,
Highway Division

By _____
J. B. Boyd, Right of Way Manager

CITY OF PORTLAND, a municipal
corporation

By _____
Mayor
By _____
Auditor



OREGON STATE HIGHWAY DEPARTMENT
 FRONT STREET SURVEY-CITY OF PORTLAND
 MULTNOMAH COUNTY

SCALE-1 INCH 50 FEET

EMBOOTH LOC. ENGINEER

LEGEND

- | | |
|------------------|------------------------|
| ○ MANHOLE | ○ FA FIRE ALARM BOX |
| → FIRE HYDRANT | □ BASEMENT ENTRANCE |
| → POWER POLE | □ MAIL BOX |
| → TELEPHONE POLE | □ CATCH BASIN |
| ○ LP LIGHT POST | ○ MONUMENT |
| ○ BP BRACE POLE | ○ WATER METER OR VALVE |
| | ○ GAS METER OR VALVE |

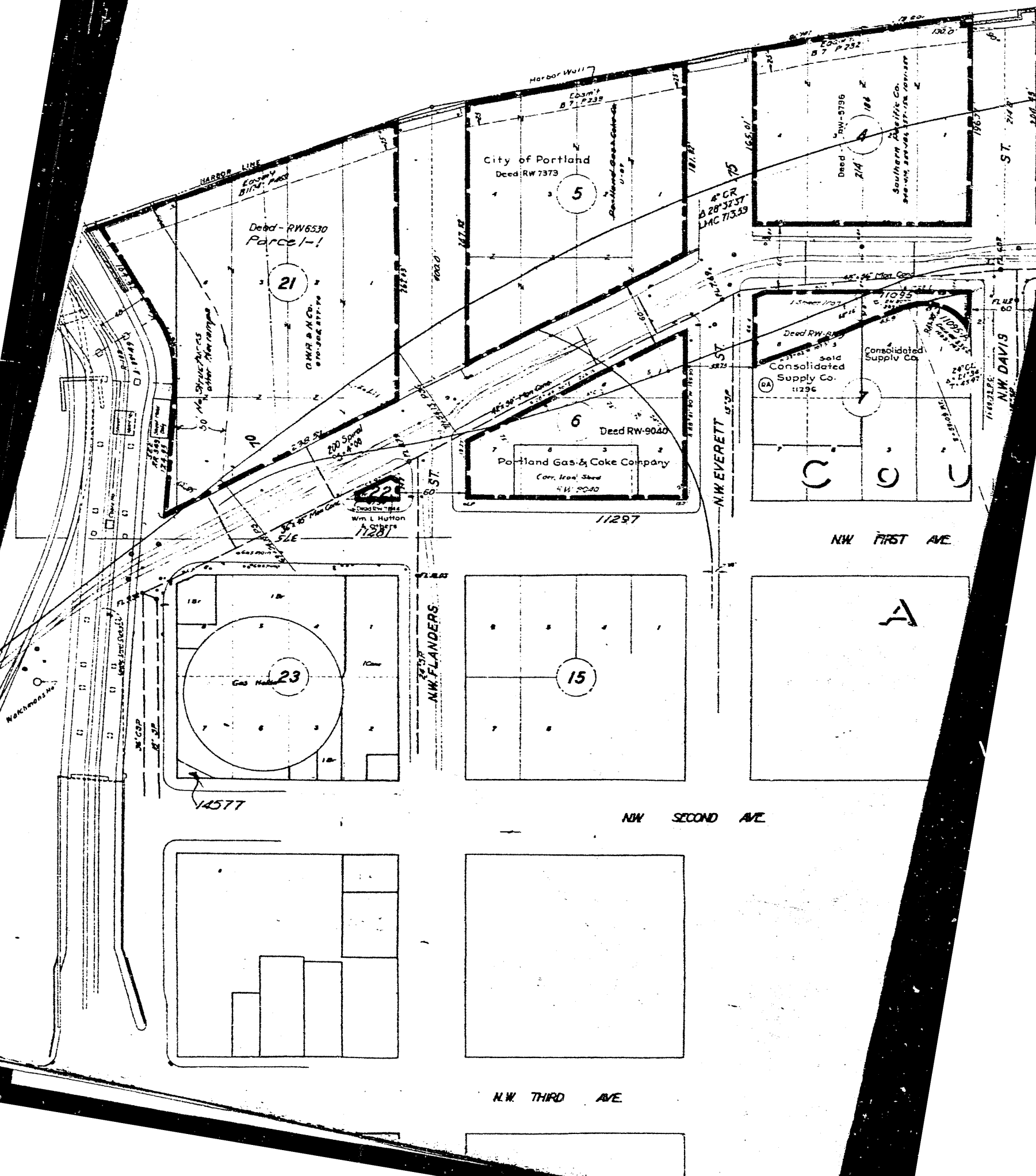
DRG. No. 1A-8-30

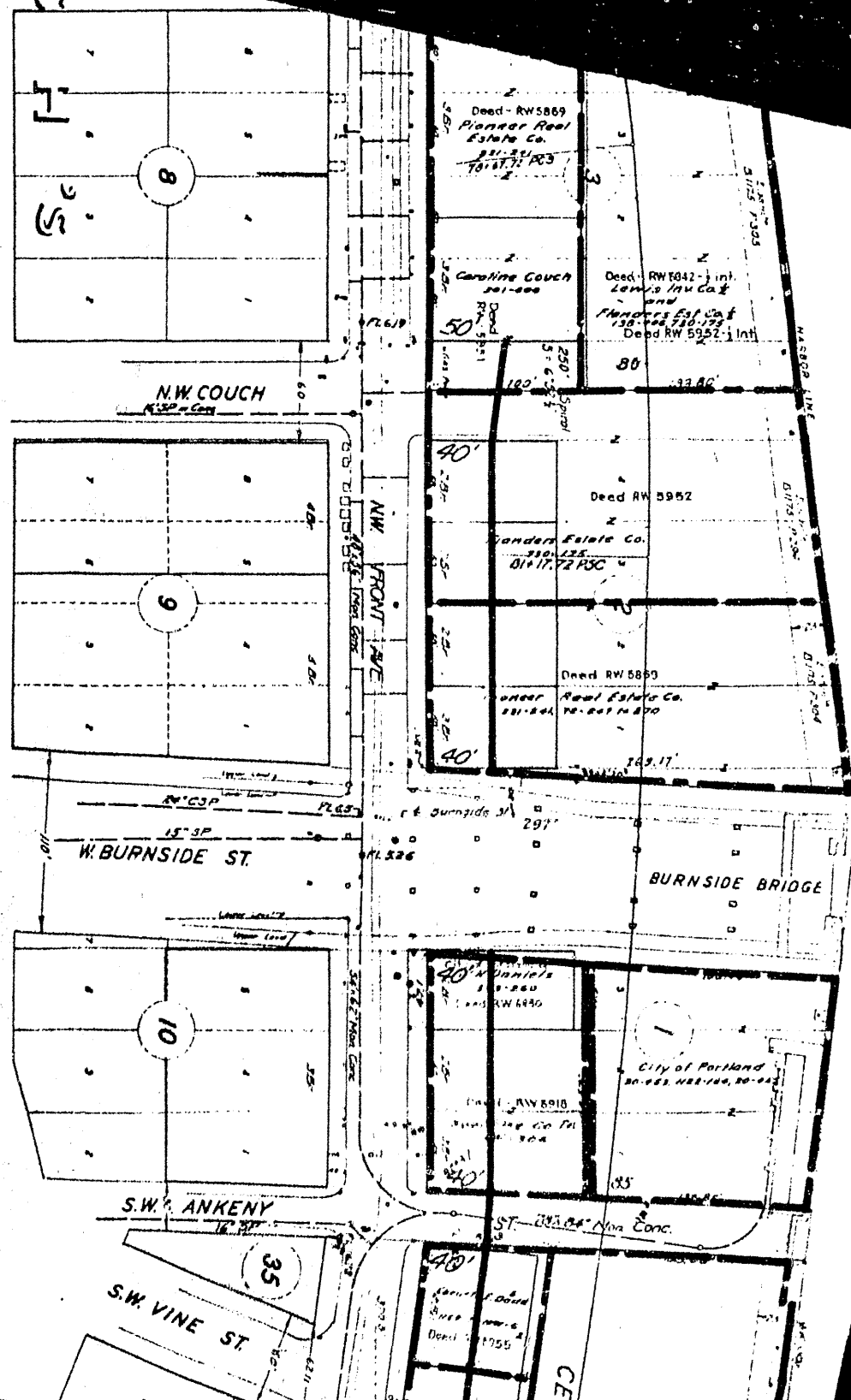
MAP REVISED FROM WASHINGTON ST.
 TO BARBUR BLVD. AS OF FEB. 1, 1941
 MAP REVISED FROM STEEL BRIDGE
 TO WASHINGTON AS OF APR. 1, 1941
 REVISED FEB. 1961

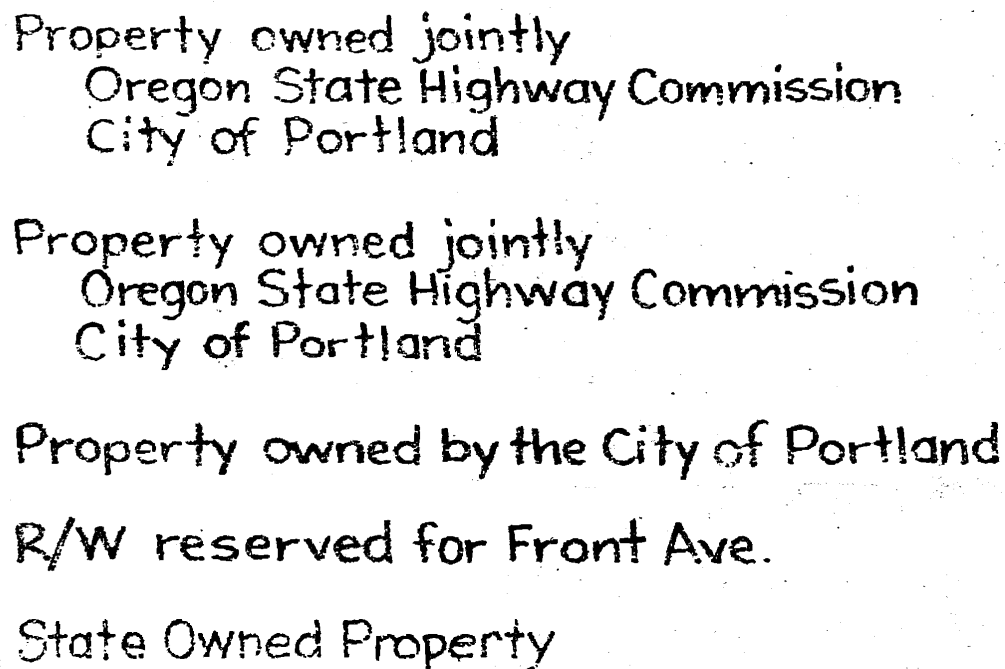
PACIFIC SYSTEM
 Weight Warehouse
 2 Steel & Brick

Loading Platform

WILLAMETTE







Verdict:

99-524 P5

150' Spans
5x1050'

100+82.41 PSC

725 5-05
75 20245

101-8658 PC3

150' span
5:10:50

103-3658 PT

20-3P
S.W. STARK
15-3P

20 K3P
S.W. WASHINGTON

S. W. ALDER

45' Hand Trust

401-552 Deed- RW 584

Harry & Evelyn
Schinner
308-218
Dene - RW 6411

Deed - RW 8434

ST.

45' Astelle Kistner
1200 Hwy Co 2
200 77N 530 - 24 530 - 01
and - RV 51168

Waller E. Gelinsky
POB-000
and - R, V 6352

Levitt, M. J. &
James H. Burdette
419-575-490, 491

Mary E. Webb Deed RW
954-889 5850

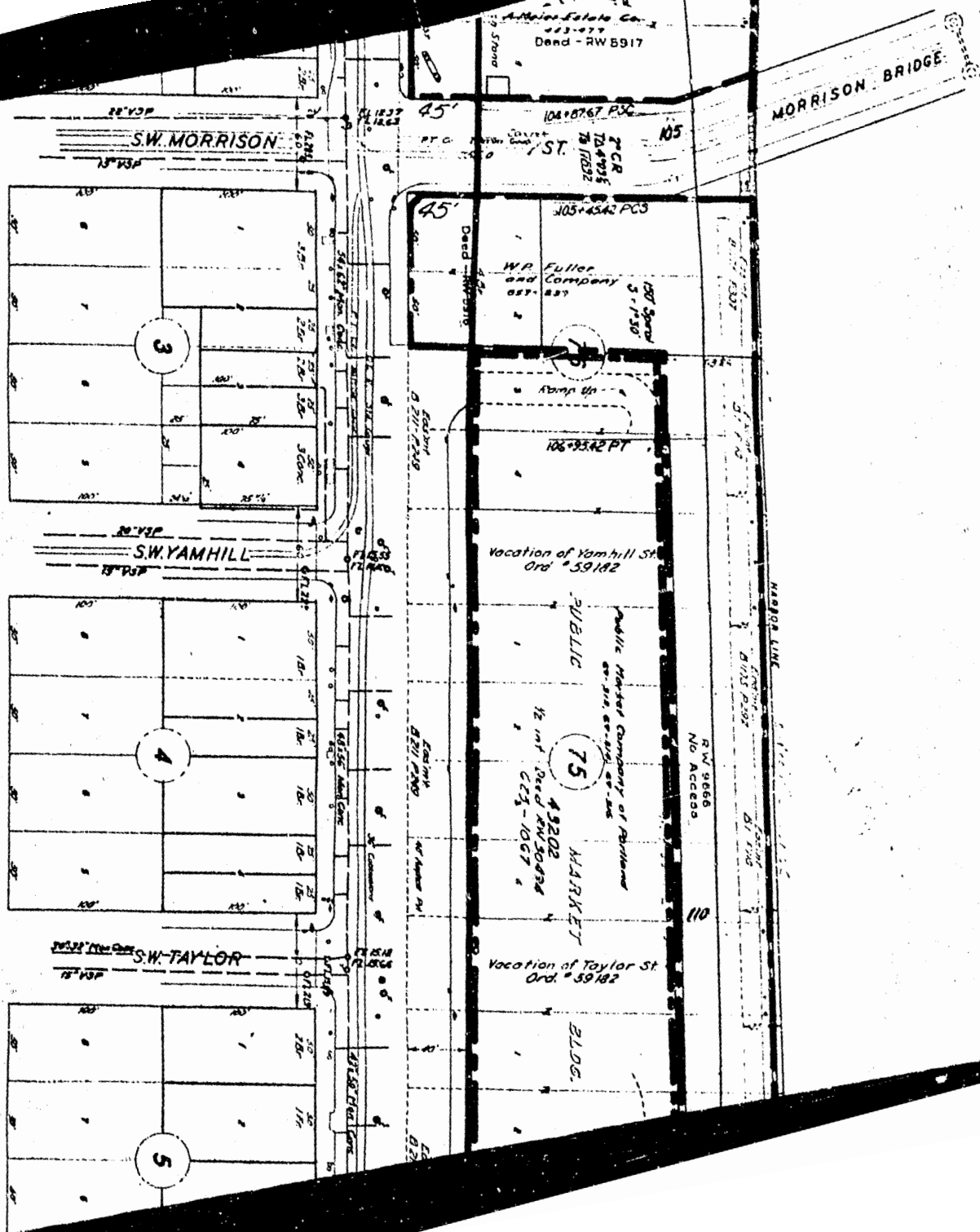
Chinook Investment Co.
75-232
Deed - W 5804

45' ST.

45'

The Maccabees
Dead RW 7397

Association
-ART 05



T.15, R.1E, N.1

ORDINANCE No. 149606

An Ordinance authorizing an agreement with the State of Oregon, by and through its Department of Transportation, Highway Division, providing for the transfer and relinquishment of the interest of the State of Oregon in certain properties in portions of the right-of-way of Front Avenue for park and recreational uses, subject to certain conditions, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

- (1) That the State of Oregon, by and through its Department of Transportation, Highway Division, are presently joint owners of certain waterfront property along the Willamette River in the southwest and northwest portions of the City, generally portions of Front Avenue and the property easterly to the Willamette River;
- (2) That the State no longer routes its highway traffic along Front Avenue between N.W. Couch Street and S.W. Market Street and will relinquish its rights to portions of the Front Avenue right-of-way and adjacent property to the City for park and recreational use;
- (3) That an agreement should be authorized to provide for transfer and relinquishment of said properties, subject to certain conditions;

NOW, THEREFORE, the Council directs:

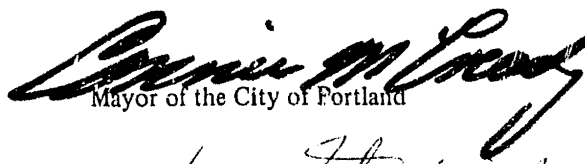
- (a) That the Mayor and Auditor are hereby authorized to execute an agreement with the State of Oregon, by and through its Department of Transportation, to provide for transfer and relinquishment of certain properties or interests in real property by the State of Oregon to the City of Portland for park and recreational purposes;
- (b) That such agreement shall be in accordance with the form of agreement attached to this ordinance.

Section 2. The Council declares:

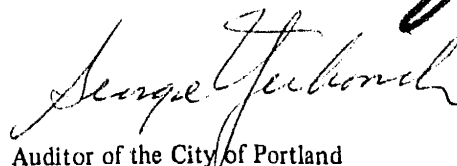
In order that the State's interest in the real property described in the agreement herein authorized may be available to the City for park and recreational purposes without unnecessary delay, therefore, an emergency exists, and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **MAY 1 4 1980**

Mayor McCready,
Commissioner Lindberg, and
Commissioner Schwab
RLHurtig/fg
May 8, 1980


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	1	
Jordan	1	
Lindberg	1	
Schwab	1	
McCready		

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

Calendar No. 1619

ORDINANCE No. 149606

Title

An Ordinance authorizing an agreement with the State of Oregon, by and through its Department of Transportation, Highway Division, providing for the transfer and relinquishment of the interest of the State of Oregon in certain properties in portions of the right-of-way of Front Avenue for park and recreational uses, subject to certain conditions, and declaring an emergency.

Filed MAY 9 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

[Signature]
Deputy

INTRODUCED BY Mayor McCready, Commissioners Lindberg & Schwab
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NOTED BY THE COMMISSIONER
Affairs
Finance and Administration <i>[Signature]</i>
Safety
Utilities
Works <i>ML/G</i>

BUREAU APPROVAL
Bureau:
Prepared By: RLHurtig/fg Date: May 8, 1980
Budget Impact Review: <input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head:

NOTED BY
City Attorney
City Auditor
City Engineer <i>[Signature]</i>