

ORDINANCE No. 183630

Accept trail easement for Columbia Slough Trail from Fazio Gertz Road Property LLC and Batavia Zelman (Ordinance).

The City of Portland ordains:

Section 1. The Council finds:

1. In 2006, pursuant to Ordinance No. 180130, the City of Portland (City) entered into an agreement with Fazio Gertz Road Property LLC, Batavia Holdings LLC, and Peninsula Drainage District No 2 to facilitate the development of a trail at the Fazio/Fed Ex site along the Columbia Slough.
2. To fulfill their zoning and development requirements related to the site, Fazio Gertz Property and Batavia Holdings LLC ("Grantors") were required as part of the 2006 agreement to grant a trail easement to the City.
3. The trail has since been built by the Grantors and the Grantors wish to grant a trail easement to the City.
4. Under the Easement Agreement, attached as Exhibit A, Portland Parks & Recreation is responsible for operation and maintenance of the trail, in accordance with PCC Section 33.270.070. The estimated O&M costs are \$3000 per year.
5. This trail easement is a part of the Columbia Slough Trail.

NOW, THEREFORE, The Council Directs:

- a. The Commissioner in Charge of Parks and Recreation is authorized to execute an Easement Agreement, substantially similar to the attached and as approved as to form by the City Attorney, with Fazio Gertz Road Property LLC and Batavia Zelman.
- b. In accepting this easement, the City Council acknowledges the need to fund the on-going O&M cost, estimated at \$3,000 per year, and directs the Office of Management and Finance to transfer this ongoing funding allocation from the General Fund to the Parks and Recreation budget during the budget monitoring process.
- c. This trail easement shall be added to the property inventory of the Bureau of Parks and Recreation.

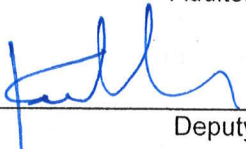
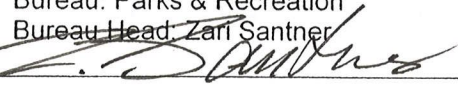
Passed by the Council: MAR 24 2010
Commissioner Fish
Prepared by: Zalane Nunn
March 3, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland

By 
Deputy

Agenda No.
ORDINANCE NO. 183630
Title

Accept trail easement for Columbia Slough Trail from Fazio Gertz Road Property LLC and Batavia Zelman. (Ordinance)

INTRODUCED BY Commissioner/Auditor: Nick Fish	CLERK USE: DATE FILED MAR 12 2010
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By:  Deputy
BUREAU APPROVAL Bureau: Parks & Recreation Bureau Head: Zari Santner 	ACTION TAKEN: MAR 17 2010 PASSED TO SECOND READING MAR 24 2010 9:30 A.M.
Prepared by: Zalane Nunn Date Prepared: March 3, 2010	
Financial 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 March 17, 2010	
City Attorney Approval	

AGENDA

TIME CERTAIN
Start time: _____

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

CONSENT

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. Leonard	4. Leonard <input type="checkbox"/>	
Adams	Adams <input checked="" type="checkbox"/>	