

ORDINANCE No. 183695

\*Authorize Commuter Rail Bridge Agreement and Flyover Easement Agreement with the Union Pacific Railroad Company related to the construction of the Portland Streetcar Loop Project (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland (City) currently is constructing the Portland Streetcar Loop Project (Project) that will extend Streetcar service across the Broadway Bridge and south to the Oregon Museum of Science and Industry (OMSI).
2. A new streetcar-only viaduct will be constructed from approximately SE Martin Luther King Jr. Boulevard and Harrison Street over the Union Pacific Railroad Company (UPRR) tracks and property to a terminus serving OMSI on SE Water Avenue just north of SE Caruthers Street (OMSI Viaduct).
3. It is necessary for the UPRR to grant the City a flyover (aerial easement) over and across the portion of the UPRR property within which a portion of the OMSI Viaduct is contained.
4. Additionally, the UPRR and the City desire to agree to other terms and conditions related to the construction of the OMSI Viaduct.

NOW, THEREFORE, the Council directs:

- a. The Council hereby authorizes the Mayor and the City Auditor to enter into the Commuter Rail Bridge Agreement and Flyover Easement Agreement, substantially in accordance with the agreement attached to the original of this Ordinance.
- b. The Mayor and the Auditor are hereby authorized to draw and deliver checks payable to the Union Pacific Railroad Company, chargeable to the Transportation Operating Fund, Fund 200000, Business Area TR00.
- c. The City's Project Manager is hereby authorized to negotiate, agree to and execute, on behalf of the City, any amendment to the Commuter Rail Bridge Agreement or Flyover Easement Agreement, which does not increase the compensation amount.

Section 2. The Council declares an emergency exists because a delay in construction of the OMSI Viaduct would adversely impact both schedule and budget; therefore, this Ordinance shall be in full force and effect from and after its passage by Council.

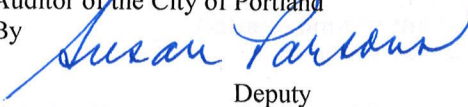
Passed by the Council,

APR 21 2010

Mayor Sam Adams  
Prepared by: Vicky Diede:slg  
Date Prepared: April 7, 2010

LaVonne Griffin-Valade  
Auditor of the City of Portland

By

  
Deputy

Agenda No. **183695**  
**ORDINANCE NO.**  
 Title

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<p><b>INTRODUCED BY</b>                  Commissioner/Auditor:  <b>MAYOR SAM ADAMS</b>  <i>K. Saltzman on behalf of Mayor Adams</i>  <b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p> <p><b>BUREAU APPROVAL</b>                  Bureau: Bureau of Transportation                  Group Manager: Greg Jones                  Development &amp; Capital Program                  Other:</p> <p>Prepared by: Vicky Diede:slg                  Date Prepared: April 7, 2010</p> <p>Financial Impact Statement                  Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>                  Not Required <input type="checkbox"/></p> <p>Portland Policy Document                  If "Yes" requires City Policy paragraph stated in document.                  Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date  <b>April 21, 2010</b></p> <p><b>City Attorney Approval</b></p>	<p>CLERK USE: DATE FILED <u>APR 16 2010</u></p> <p style="text-align: right;">LaVonne Griffin-Valade                  Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p><b>ACTION TAKEN:</b></p>
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<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p><b>Total amount of time needed:</b> _____                  (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input checked="" type="checkbox"/></p>
<p><b>REGULAR</b> <input type="checkbox"/></p> <p><b>Total amount of time needed:</b> _____                  (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	✓	