

(Courtemanche Property)

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING)	RESOLUTION NO. 87-790
THE NEGOTIATED ACQUISITION OR)	
THE COMMENCEMENT OF CONDEMNATION)	
TO ACQUIRE CERTAIN PROPERTY IN)	Introduced by the
ACCORDANCE WITH THE ADOPTED)	Executive Officer
REGIONAL CONVENTION, TRADE AND)	
SPECTATOR FACILITIES MASTER PLAN)	
FOR THE PURPOSE OF CONSTRUCTING THE)	
OREGON CONVENTION CENTER AND TO TAKE)	
APPROPRIATE STEPS TO ACQUIRE)	
IMMEDIATE POSSESSION THEREOF)	

WHEREAS, by virtue of the laws of the State of Oregon, the Metropolitan Service District (Metro) is authorized and empowered to acquire by purchase or by the exercise of eminent domain real property or any interest therein for the purpose of providing a metropolitan aspect of a public service; and

WHEREAS, Metro has adopted by Resolution No. 86-648 the Regional Convention, Trade, and Spectator Facilities Master Plan of May, 1986, which provides for the construction of a convention center, and this is a metropolitan aspect of a public service; and

WHEREAS, for the reasons described in Resolution No. 86-648 (attached hereto as Exhibit A and incorporated herein), Metro finds it necessary to acquire in fee the property shown generally on the map attached as Exhibit B, and more particularly described in this Resolution, for the purpose of constructing the Oregon Convention Center, and finds that the Oregon Convention Center has been located and planned and will be designed in a manner which will be most compatible with the greatest public benefit and the least private injury; and

WHEREAS, Metro commenced acquisition of said property by

negotiating with individual property owners at a purchase price not exceeding the established maximum acquisition price, which amount is not less than the proclaimed value based on appraisals of the fair market value of the property to be acquired; and

WHEREAS, Metro finds that, where a satisfactory agreement cannot be reached as to the fair market value of the property, condemnation suit should be instituted to acquire the property for the purposes of making land available to provide a site for the development of the Oregon Convention Center; and

WHEREAS, immediate possession of the property is necessary to obtain development permits, initiate necessary street vacations, commence utility relocation and commence construction on schedule; and

WHEREAS, attorneys for Metro should be authorized to institute such proceedings under said conditions; now, therefore,

BE IT RESOLVED

1. That the Metropolitan Service District does hereby find and declare that it is necessary and required for purposes of providing a metropolitan aspect of public service by constructing the Oregon Convention Center in conformance with the adopted Regional Convention Trade and Spectator Facilities Master Plan to obtain all interest in the following described real property, which property will be utilized for said public purpose within ten (10) years from the date of acquisition:

PARCEL I

The Northeast one-quarter and the North one-half of the Southeast one-quarter of Block 22, EXCEPT the East 10 feet thereof taken for N.E. Union Avenue, and EXCEPT the North 10 feet thereof taken for N.E. Oregon Street, all in WHEELER'S ADDITION, to East Portland, in the City of Portland, County of Multnomah and State of Oregon.

PARCEL II

The North one-half of the Northwest one-quarter of Block 22, EXCEPT the North 10 feet thereof, lying within N.E. Oregon Street; the South one-half of the Northwest one-quarter of Block 22; the North one-half of the Southwest one-quarter of Block 22, all in WHEELER'S ADDITION TO EAST PORTLAND, in the City of Portland, County of Multnomah and State of Oregon.

PARCEL III

All of Block 27, WHEELER'S ADDITION TO EAST PORTLAND, EXCEPT the East 10 feet taken for the widening of N.E. Union Avenue and Except the South 10 feet taken for the opening of N.E. Oregon Street, in the City of Portland, County of Multnomah and State of Oregon.

2. That the Metropolitan Service District hereby directs the attorneys ("the Attorneys") for Metro who are retained to represent Metro for this acquisition to make a written offer on behalf of Metro to all owners or parties having an ownership interest to purchase all right, title and interest in the property and to pay just compensation. The offer to purchase shall comply with all legal formalities as determined by the Attorneys and shall remain open for at least twenty (20) days.

3. That should any owner or party having an ownership interest fail to accept the amount offered by the Attorneys, the Attorneys are hereby authorized to attempt to agree with the owners and other persons in interest in the real property as to the compensation to be paid for the appropriation of the property. In the event that no satisfactory agreement can be reached promptly, then the Attorneys are directed and authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire the real property and interest therein. Notwithstanding any other authority granted by this Resolution

the Attorneys may file an action in eminent domain at any time after the expiration of the twenty-day (20) letter offer.

4. That upon the filing or trial of any suit or action instituted to acquire the real property or any interests therein, the Attorneys are authorized to make such stipulation, agreement or admission as in their judgment may be for the best interest of Metro.


5. That the Attorneys are authorized, in accordance with all applicable laws and regulations, to take appropriate steps to acquire immediate possession of such property.

6. That there is hereby authorized the creation of a fund in the amount estimated to be the just compensation for such property which shall, upon obtaining possession of the property, be deposited with the Clerk of the Court wherein the action was commenced for the use of the defendants of the action.

7. That upon the final determination of any such proceedings, the deposit of funds and payment of judgment conveying title to the property to Metro is hereby authorized.

8. That this Resolution is effective immediately upon its adoption.

ADOPTED by the Council of the Metropolitan Service District this 13th day of August, 1987.


Richard Waker, Presiding Officer

John Janus
Clerk of the Council

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING)	RESOLUTION NO. 86-648
THE REGIONAL CONVENTION, TRADE,)	
AND SPECTATOR FACILITIES MASTER)	Introduced by the
PLAN, AND DECLARING INTENT TO)	Executive Officer on behalf
CARRY OUT RECOMMENDATIONS OF THAT)	of the Committee on Regional
MASTER PLAN RELATED TO METRO)	Convention, Trade, and
)	Spectator Facilities

WHEREAS, The Metropolitan Service District through Resolution No. 84-530 is a participant in the Committee on Regional Convention, Trade, and Spectator Facilities (CTS); and

WHEREAS, The CTS has, since its formation, conducted an aggressive work program assessing the need for improved convention, trade, and spectator facilities in the Portland metropolitan area; and

WHEREAS, The CTS has included as part of its work program a broad based public outreach effort; and

WHEREAS, The CTS adopted on May 12, 1986, a series of recommendations addressing regional convention, trade, and spectator facilities which have since been formulated into a Master Plan for such facilities; and

WHEREAS, The CTS recommendations have called upon specific participating government agencies including the Metropolitan Service District to initiate actions to implement the recommendations; and

WHEREAS, Under ORS 268.310, the Metropolitan Service District is authorized to acquire, construct, alter, maintain, administer, and operate convention, trade, and spectator facilities subject to specific approval of the financing of such activities by the electors of the District; and

WHEREAS, The first step in the implementation process for both the plan and statutes is for the Metropolitan Service District to declare its intent to carry out the CTS recommendations it is responsible for; now, therefore,

BE IT RESOLVED,

1. That the Regional Convention, Trade, and Spectator Facilities Master Plan shown as Attachment "A" to this resolution is hereby adopted.

2. That in support of this plan, the Council declares its intent to carry out the actions the CTS has recommended to the District as contained in the Regional Convention, Trade, and Spectator Facilities Master Plan shown as Attachment "A."

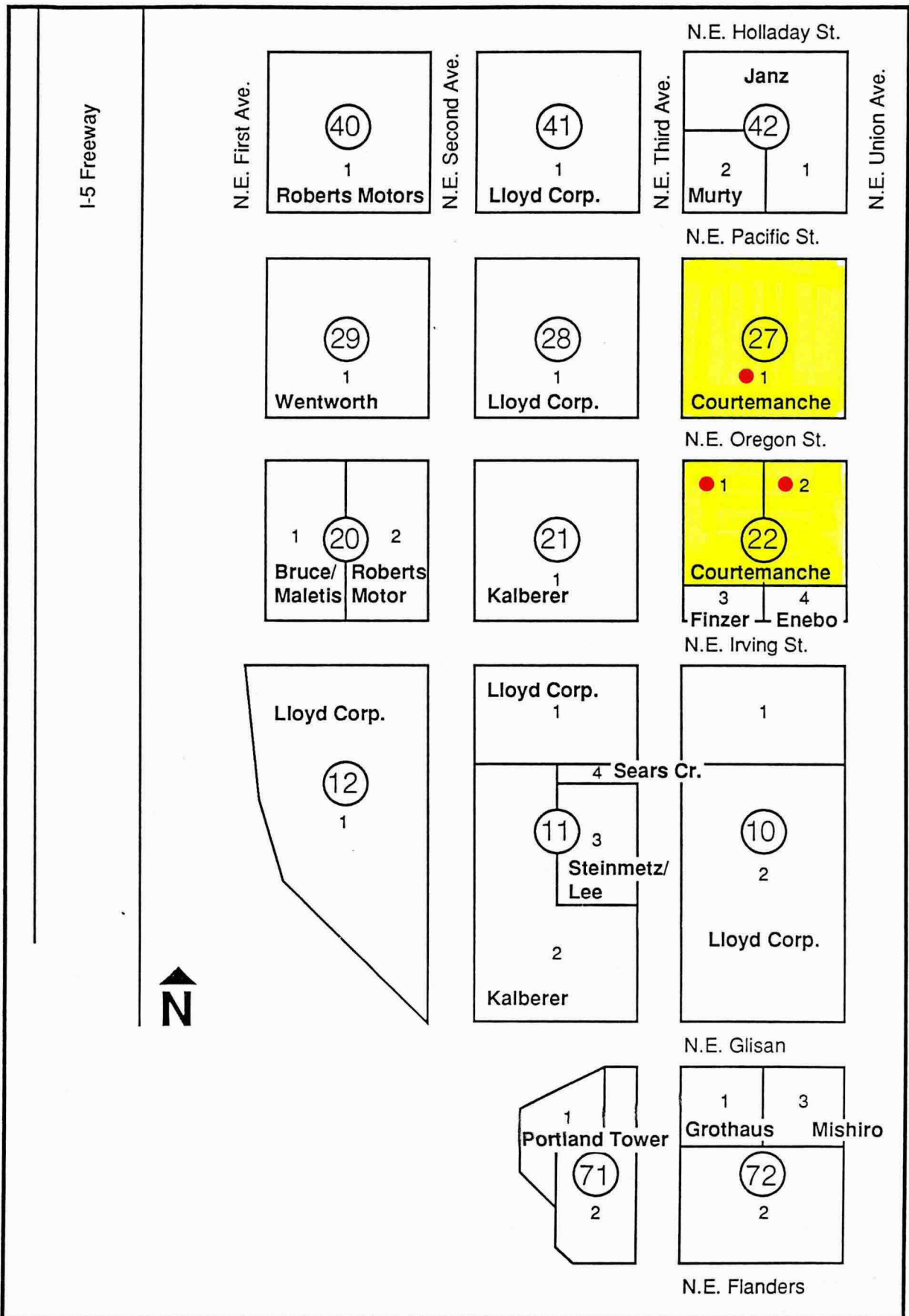
3. That the Council directs staff to pursue the actions as necessary to allow the District to fulfill the intent noted above, and to return to the Council at the appropriate time with the necessary implementing actions.

ADOPTED by the Council of the Metropolitan Service District this 29th day of May, 1986.


Richard Waker, Presiding Officer

SS/gl
5656C/461-3
05/21/86

Oregon Convention Center Site



Meeting Date: August 13, 1987

CONSIDERATION OF RESOLUTIONS NO. 87-790, 87-791, 87-792, 87-793, 87-794, 87-795, AND 87-796 FOR THE PURPOSE OF AUTHORIZING THE NEGOTIATED ACQUISITION OR THE COMMENCEMENT OF CONDEMNATION TO ACQUIRE CERTAIN PROPERTY IN ACCORDANCE WITH THE ADOPTED REGIONAL CONVENTION, TRADE AND SPECTATOR FACILITIES MASTER PLAN FOR THE PURPOSE OF CONSTRUCTING THE OREGON CONVENTION CENTER AND TO TAKE APPROPRIATE STEPS TO ACQUIRE IMMEDIATE POSSESSION THEREOF

Date: August 3, 1987

Presented by: Tuck Wilson

FACTUAL BACKGROUND AND ANALYSIS

The District has taken a number of steps to develop the Oregon Convention Center, among these are:

- Adoption of the Regional Convention, Trade, and Spectator Facilities Master Plan in May, 1986, which identified the Holladay/Union site as the location of the Regional Convention and Trade Show Center;
- Submittal to the voters the question of the Center's financing, including authorization of general obligation bonds;
- Entered into an agreement with the Portland Development Commission (PDC) to acquire the Convention Center Site, and provide other related services;
- Approved the sale of \$65 million in general obligation bonds to fund development of the project.

The PDC, on the District's behalf, has has been seeking options on the privately held property within the 17 1/2 block site. The acquisition program is currently the project's "critical path", and dovetails with tenant relocation, demolition, street vacation and utility relocation phases of work, all of which must be completed by June 30, 1988 for the project to remain on schedule.

Previous Council action has approved settlement of many parcels recommended by PDC staff and the Executive

Officer. The condemnation resolutions currently before the Council deal individually with each property owner with whom an acceptable negotiated settlement could not be reached as of this date.

PDC staff will describe the current status of negotiations on each of these during the preceding Executive Session. In addition, legal counsel assigned to each of the condemnation cases will be present at your meeting to answer questions you may have on the resolution or condemnation procedures.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer's recommends adoption of Resolutions No. 87-790, 87-791, 87-792, 87-793, 87-794, 87-795, and 87-796.

RESOLUTION NUMBER / PROPERTY OWNER CORRESPONDENCE

RESOLUTION NO.

PROPERTY OWNER

87-790

Courtemanche

87-791

Roberts Motors

87-792

Sears Credit Union

87-793

Janz

87-794

Mishiro

87-795

Grothaus

87-796

Portland Tower



8.4 Consideration of Resolution Nos. 87-790, 791, 792, 793, 794, 795, and 796, for the Purpose of Authorizing the Negotiated Acquisition or the Commencement of Condemnation to Acquire Certain Property in Accordance with the Adopted Regional Convention, Trade and Spectator Facilities Master Plan for the Purpose of Constructing the Oregon Convention Center and to Take Appropriate Steps to Acquire Immediate Possession Thereof

Michael Sellard, President, Convention Plaza Ltd., 573 N. Killingsworth Avenue, Portland, Oregon 97217, referred to a letter mailed to Councilors earlier in the week. Mr. Sellard requested the Council exempt Blocks 71 and 72 from the condemnation process so that an in-depth study of the best and highest use of the blocks could be conducted. He explained Convention Plaza Ltd. had proposed the development of a major, showcase hotel for the land which would address Metro's concern about convention center parking and future expansion needs as well as provide an opportunity for private enterprise to contribute to Oregon's economy.

A discussion followed about the details of Mr. Sellard's proposal to develop Blocks 71 and 72. He explained his team wanted to build a major hotel that could accommodate smaller conferences. Because the downtown Hilton Hotel had been built on a 200 square foot block, he was confident a major hotel could be accommodated on Blocks 71 and 72.

Responding to questions about the timing of land acquisitions, Mr. Sellard said Convention Plaza Ltd. had purchased their first land parcel in June of 1986. Sale of the Sopporo Restaurant property would close in October 1987.

Carl Halvorson, member of the Convention, Trade and Spectator Facilities (CTS) Committee, reviewed the history of the convention center site selection process in which he had participated. The Committee had reviewed the Coliseum, Union Station and Union/Holladay sites. The Coliseum site was eliminated because the problems in constructing the center while the facility was still in use. The Union Station site was eliminated because four railroad companies owned the property and the Committee had received no indication from the owners of their willingness to sell. The Union/Holladay site was selected in May of 1986 because of its access to light rail transit and because it would be easiest to construct a new convention center facility on that site. The Union/Holladay property lines were well defined in May of 1986. Mr. Halvorson noted that public hearings took place prior to any site selection.

Mr. Halvorson agreed with Mr. Sellard that it was desirable to build a headquarter hotel near the convention center. He pointed out, however, that no hotel should be built that would pose a disad-

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vantage to the convention center itself. He discussed the importance preserving the options for long-term, future expansion of the facility.

In conclusion, Mr. Halvorson said the bond proposal had clearly identified property boundaries of the Union/Holladay site, voters had voted on the bond sale based on the Union/Holladay site, the local improvement district authorized by the City of Portland was based on the Union/Holladay site, and the State had granted \$15 million for development of the Union/Holladay site. If Metro were to grant use of the site for purposes other than a regional convention center, exposure problems could result, he said. He noted that Convention Plaza Ltd. had made its agreement subsequent to Metro's site decision.

Tom Walsh, member of the CTS Committee, reported nearly \$4 million had been obligated to convention center project architects on the premise that Blocks 71 and 72 would be used for the facility. He also discussed his recent tour of other convention centers around the nation and the fact that those facilities with no room to expand were losing to other competition. He also reported the Advisory Committee on Design and Construction had strongly recommended the property not be reduced in size. Due to the demanding construction schedule, there was no time to deal with site acquisition issues, he said, and he urged the Council not to consider Mr. Sellars' proposal.

Carl Halvorson again addressed the Council. He explained that Seattle, Portland's "real sister city," had recently built a convention center on a very confined piece of land. Seattle could not expand their facility without considerable expense. He pointed out that Portland had an opportunity to become the prime convention center in the Northwest because it could expand its facility.

Presiding Officer Waker referred Councilors to recommendations submitted by DMJM and Carl Buttke, subconsultants to Zimmer Gunsul Frasca, discussing the need to maintain blocks 71 and 72 for project use.

Councilor Ragsdale reported he had served on the team that had interviewed candidates for the position of Director of the Greater Portland Convention & Visitors Association. He said each candidate (without knowledge of the potential for tonight's discussion) praised Portland for siting a convention center that could be expanded. The Councilor urged no action be taken to shrink the size of the Union/Holladay site.

Executive Session/Convention Center Property Acquisition

At 8:15 p.m., Presiding Officer Waker called the Council into executive session under the authority of ORS 192.660(1)(e) for the