

(Portland Tower Property)

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING)	RESOLUTION NO. 87-796
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:

The following described tract of land in Block 71, EAST PORTLAND, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Lot 6, Block 71, EAST PORTLAND, and all that portion of Lot 5 in said Block lying Northerly of lines drawn as follows:

Beginning at a point in the West line of Lot 3, Block 71, EAST PORTLAND, which point is 80 feet North of the Southwest corner of said Block 71; thence running East 9 feet; thence Southeasterly in a direct line to a point in the South line of said Lot 5 in said Block 71, which point is East 121 feet distant from the Southwest corner of said Block 71, said line being the North and Northeasterly boundary lines of the property deeded to the Oregon Railway and Navigation Company by deed recorded June 21, 1882 in Book 57, page 16, Deed Records, and to the Oregon Railroad and Navigation Co., by deed recorded October 27, 1898 in Book 252, page 372, Deed Records; ALSO

All of Lots 7 and 8, Block 71, EAST PORTLAND, EXCEPT that part thereof conveyed to Peter Anderson by deed recorded January 19, 1909 in Book 446, page 71, Deed Records, described as follows:

The West 55 feet of Lot 8 and the West 55 feet of the North 18.13 feet of Lot 7, Block 71, EAST PORTLAND, ALSO

A strip of land 31.87 feet in width which may lie between the South line of N.E. Glisan Street and the North line of that part of said Lot 8 described above;

ALSO the South 120 feet of Block 72, EAST PORTLAND, in the City of Portland, County of Multnomah and State of Oregon, EXCEPT the East 10 feet thereof situated in N.E. Union Avenue.

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 James
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."

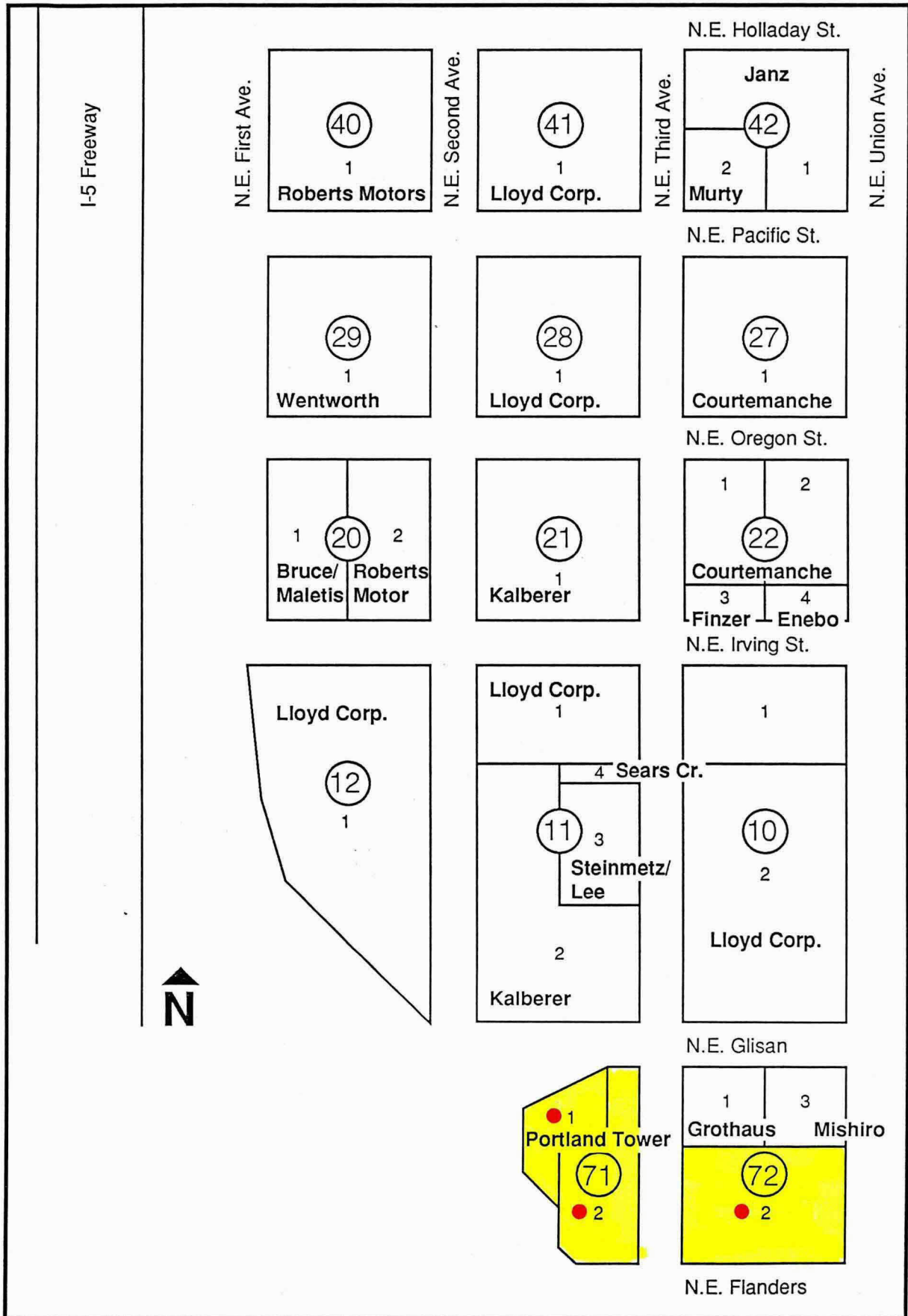
3. That the Council directs staff to pursue the actions as necessary to allow the District to fulfill the intent noted above, and to return to the Council at the appropriate time with the necessary implementing actions.

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 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.

For descriptions of minutes pertaining to
Resolution Nos. 87-791, 792, 793, 794, 795, and 796
see file for Resolution 87-790.