

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE ) RESOLUTION NO. 13-4445  
SALE OF CERTAIN REAL PROPERTY TO )  
UNION PACIFIC RAILROAD COMPANY ) Introduced by Chief Operating Officer Martha  
 ) Bennett in Concurrence with Council  
 ) President Tom Hughes

WHEREAS, Metro Code Section 2.04.026(2) requires Metro Council authorization prior to the sell or transfer of real property owned by Metro; and

WHEREAS, Metro owns a parcel of real property located in Block 71, East Portland (the “Metro Property”); and

WHEREAS, Union Pacific Railroad Company (“Union Pacific”) owns and operates a railroad line that lies adjacent to the Metro Property; and

WHEREAS, Union Pacific seeks to shift its existing main line rail track to a point that would enter upon and cross a portion of the Metro Property; and

WHEREAS, Union Pacific has proposed to purchase from Metro a 1,474-square-foot portion of the Metro Property (the “Sale Parcel”), depicted as “Parcel 1” on Exhibit A to this Resolution, which Sale Parcel Union Pacific requires in order to make the adjustment of its main line rail track; and

WHEREAS, as part of the sale price, Union Pacific proposes to release and quitclaim to Metro a communications line easement held by Union Pacific that burdens a 2,270-square-foot portion of the Metro Property, depicted as “Parcel 2” on Exhibit A to this Resolution; and

WHEREAS, as part of the transaction, Union Pacific has also agreed to grant to Metro or its designee an easement or other property right that would, in connection with other permit approvals, allow an overcrossing at Rivergate Boulevard and an at-grade trail crossing at City Dump Road, each needed for the North Portland Greenway Trail; and

WHEREAS, the Metropolitan Exposition Recreation Commission determined by Resolution No. 13-15 that the possibility that the Sale Parcel would be developed, improved or otherwise required by the Oregon Convention Center or Metro is minimal and that the transfer of the Sale Parcel will not in any way impair or impede the operation of the Oregon Convention Center; and

WHEREAS, the Metro Council has determined that the Sale Parcel is not needed for public use and that authorizing its sale to Union Pacific would further the public interest by, among other things, releasing the remainder of the Metro Property from Union Pacific’s communications line easement and furthering completion of the North Portland Greenway Trail.

NOW, THEREFORE, BE IT RESOLVED, that the Metro Council hereby authorizes Metro’s Chief Operating Officer, on forms approved by the Office of Metro Attorney, to convey the Sale Parcel to Union Pacific provided that Union Pacific:

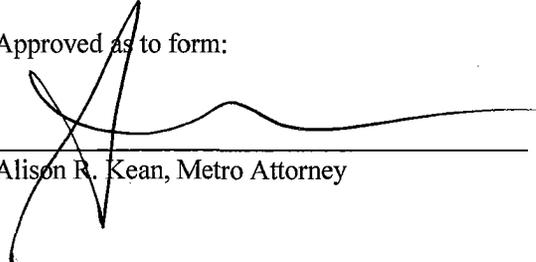
- 1. Releases and quitclaims to Metro any and all interest of Union Pacific in the remainder of the Metro Property burdened by the communications line easement;
- 2. Union Pacific bears all costs associated with acquisition of the Sale Parcel by Railroad Easement Deed, including closing costs, escrow fees, recording costs and title insurance fees; and

3. Agrees to grant to Metro or its designee the right to enter Union Pacific's right-of-way for no monetary consideration to construct an overcrossing of Rivergate Boulevard over the South Rivergate lead and an at-grade crossing at City Dump Road, on terms approved by the Office of Metro Attorney; and
4. Satisfies any other terms and conditions as the Chief Operating Officer deems necessary to protect the interests of Metro and the general public.

ADOPTED by the Metro Council this 10th day of October, 2013.

  
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Tom Hughes, Council President

Approved as to form:

  
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Alison R. Kean, Metro Attorney



## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 13-4445, FOR THE PURPOSE OF APPROVING THE SALE OF CERTAIN REAL PROPERTY TO UNION PACIFIC RAILROAD COMPANY

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Date: October 10, 2013

Prepared by: Hope S. Whitney, ext. 1661  
Office of Metro Attorney

## BACKGROUND

Union Pacific Railroad Company (“Union Pacific”) owns and operates a main line track adjacent to the Oregon Convention Center (“OCC”) parking lot on NE Lloyd Avenue, west of Martin Luther King Jr. Blvd., at the bottom of the slope behind the parking lot. Union Pacific has developed a plan to shift its existing track to the north. This shift will cause the track to cross a portion of real property owned by Metro and managed by OCC. Union Pacific has proposed to acquire a 1,474-square foot portion of the Metro property, and at the same time, relinquish Union Pacific’s interest in a communications easement that crosses a 2,270-square foot portion of the remaining Metro property.

Because the portion of property that would be transferred to Union Pacific lies immediately adjacent to Union Pacific’s main line track, on a steep slope, the possibility that that portion of the property would be developed, improved, or otherwise required by OCC or Metro is sufficiently low to be deemed *de minimus*. The transfer of the property to Union Pacific will not in any way impair or impede the operation of OCC. The Metropolitan Exposition Recreation Commission approved the sale on July 10, 2013. The relinquishment of Union Pacific’s communications easement would remove a restriction on the use of the affected property thereby enhancing the value of the remaining property to Metro and OCC.

As part of the transaction, Union Pacific has agreed to grant to Metro or its designee an easement or other property right that would, in connection with other permit approvals, allow an overcrossing at Rivergate Boulevard and an at-grade trail crossing at City Dump Road. These crossings are needed for the North Portland Greenway Trail.

The proposed Metro Council resolution would authorize Metro’s Chief Operating Officer to convey the Sale Parcel to Union Pacific on the following terms and conditions:

1. Union Pacific releases and quitclaims to Metro any and all interest in the remainder of the Metro Property burdened by the communications line easement;
2. Union Pacific bears all costs of acquisition of the Sale Parcel (by Railroad Easement Deed), including all closing costs, escrow fees, recording costs and title insurance fees;
3. Union Pacific agrees to grant to Metro or its designee the right to enter Union Pacific’s right-of-way for no monetary consideration to construct an overcrossing of Rivergate Boulevard over the South Rivergate lead and an at-grade crossing at City Dump Road, on terms approved by the Office of Metro Attorney; and
4. Union Pacific satisfies any other terms and conditions as the Chief Operating Officer deems necessary to protect the interests of Metro and the general public.

## **ANALYSIS/INFORMATION**

1. **Known Opposition**

None

2. **Legal Antecedents**

Metro Code Section 2.04.026(2)

Approval by MERC Resolution No. 13-15 on July 10, 2013.

3. **Anticipated Effects**

Sale of property to Union Pacific Railroad Company to allow Union Pacific Railroad Company to shift its existing main line track.

4. **Budget Impacts**

None

## **RECOMMENDED ACTION**

Staff recommends adoption of Resolution 13-4445, approving the proposed sale of real property to Union Pacific on the conditions set forth in the resolution.