

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING)
DONATION OF RIGHT-OF-WAY ON NE HOLLADAY) RESOLUTION NO. 89 - 1084
STREET AND NE UNION AVENUE ADJACENT TO) Introduced by Executive
THE OREGON CONVENTION CENTER SITE Officer Cusma

WHEREAS, Metro and the City of Portland have entered into an intergovernmental agreement to ensure the appropriate pedestrian and transportation improvements surrounding the Oregon Convention Center are completed; and

WHEREAS, that agreement requires the City to manage the improvements and allocates funding from Metro for the improvements; and

WHEREAS, Metro owns the right-of-way on NE Holladay Street and NE Union Avenue adjacent to the convention center site; and

WHEREAS, the pedestrian and transportation improvements require the right-of-way to construct public sidewalks and bus turnouts; and


WHEREAS, Metro acknowledges that it understands the provisions of Title III of Public Law 91-646 whereby the property owner is entitled to an appraisal, just compensation, and proper notice for the acquisition of property rights by a public agency; and

WHEREAS, Metro donates the required right-of-way and waives the notice requirement for the public sidewalk and bus turnouts on NE Holladay Street and NE Union Avenue adjacent to the site of the Oregon Convention Center; now, therefore,

BE IT RESOLVED,

That Metro Executive Officer is authorized to execute the required donation letter and revised Street Dedication Deed and Public Walkway Easement in connection with the Oregon Convention Center Street Improvement Project.

ADOPTED by the Council of the Metropolitan Service District this 27th day of April, 1989.


Mike Ragsdale, Presiding Officer

CONVENTION, ZOO & VISITOR
FACILITIES COMMITTEE REPORT

Agenda Item No. 4.2

Meeting Date April 27, 1989

RESOLUTION NO. 89-1084, AUTHORIZING DONATION OF RIGHT-OF-WAY ON
N.E. HOLLADAY STREET AND N.E. UNION AVENUE ADJACENT TO THE OREGON
CONVENTION CENTER SITE

Date: April 19, 1989

Presented by: Councilor Knowles

COMMITTEE RECOMMENDATION: At the April 18, 1989 Convention, Zoo & Visitor Facilities (CZVF) Committee meeting, members present -- Councilors Buchanan, DeJardin, Kelley and myself -- voted unanimously to recommend Council adoption of Resolution No. 89-1084. Councilor Van Bergen was absent.

COMMITTEE DISCUSSION/ISSUES: Convention Center Project Manager Neil McFarlane presented Resolution No. 89-1084 which donates to the City of Portland the right-of-way to two thin strips of land along NE Holladay Street and NE Union Avenue for curb and sidewalk adjustments. This resolution comes to the Council because under the new Metro Code contract rules, adopted March 23, 1989, the Council must approve any contract involving a real estate transaction.

This easement request is the second of many to come before the Council for transportation and land improvement work occurring at the periphery of the Convention Center site. This request would provide the City with an easement for curb and sidewalk work and on-going maintenance but Metro would retain control over the use of the sidewalk. It was noted this easement request differs from the first one brought before the Council -- under Resolution No. 89-1077 -- which granted an easement to the City Water Bureau for water line construction and maintenance. Resolution No. 89-1077 included an exclusionary clause, added by the CZVF Committee, to rescind the easement when the water line is no longer used. It was agreed, in terms of sidewalk and curb access under Resolution No. 89-1084, the exclusionary clause is not appropriate. No additional issues were identified.

jpm a:\res1084.cr

STAFF REPORT

CONSIDERATION OF DONATION OF RIGHT-OF-WAY FOR IMPROVEMENTS TO NE
HOLLADAY STREET AND NE UNION AVENUE ADJACENT TO THE OREGON
CONVENTION CENTER SITE

Date: April 7, 1989

Presented by: McFarlane

BACKGROUND AND FACTUAL ANALYSIS:

Metro owns the right-of-way required for public sidewalks and bus turnouts on NE Holladay Street and NE Union Avenue adjacent to the convention center site. The City of Portland is responsible for managing the pedestrian and transportation improvements in the convention center area. The law provides for the property owner (Metro) to receive just compensation for the acquisition of the property rights and to proper notice prior to possession. However, the City's budget for these projects is funded partially via an intergovernmental agreement with Metro, and the project will save time and money if Metro waives the notice requirement and donates the right-of-way.

Two documents are required by the City to memorialize this agreement: a letter whereby Metro donates the required right-of-way and waives the notice requirement, and a revised Street Dedication Deed and Public Walkway Easement reflecting the City's ownership of the right-of-way.

EXECUTIVE OFFICER RECOMMENDATION:

The Executive Officer recommends Council adoption of Resolution No. 89-1084, which would authorize the City to acquire the right-of-way and Public Walkway Easement.



CITY OF
PORTLAND, OREGON
OFFICE OF TRANSPORTATION

Earl Blumenauer, Commissioner
Transportation Engineering
1120 S.W. Fifth Avenue
Room 802
Portland, Oregon 97204-1971
(503) 796-7004

March 30, 1989

METROPOLITAN SERVICE DISTRICT
ATTN NEIL MC FARLANE
2000 SW 1ST AVE
PORTLAND OR

Dear Mr. McFarlane:

This letter is in regard to the improvement of NE Holladay Street and NE Union Avenue adjacent to the Oregon Convention Center site.

While the majority of the street improvements will be constructed within existing public right-of-way, project plans include provisions for construction of bus turnouts adjacent to the site. Construction of the bus turnouts require the location of street and public sidewalks partially on the Convention Center site, as shown on the attached map.

Because funding for area street improvements is a limited part of the Convention Center budget, the City asks that the Metropolitan Service District donate the necessary right-of-way for the bus turnouts and public sidewalks. This would allow construction of the most street improvements possible for the area.

Under Title III of Public Law 91-646, Uniform Relocation Assistance and Real Property Acquisition Policies Act, the property owner is entitled to an appraisal and just compensation for the property rights which are acquired, and to proper notice prior to possession. However, the law also provides that an owner may donate the necessary property rights and waive the notice requirements. If Metro is willing to acknowledge that it understands these requirements and is still willing to donate the required right-of-way and waive the notice requirements, time and money could be saved.

If Metro is willing to make this stipulation, please have the enclosed "donation" letter signed by the appropriate officer.

Enclosed for Metropolitan Service District's consideration is a revised Street Dedication Deed and a Public Walkway Easement, in connection with Oregon Convention Center Street Improvement Project.

Should the revised Street Dedication Deed and Public Walkway Easement meet with your approval, please have the appropriate officer(s) sign as shown on the document, have the signature(s) notarized, and return the documents and "donation letter" to this office. After the documents have been accepted by the City, I will send you recorded copies for your files.

Neil McFarlane
March 30, 1989
Page 2

Please call me at 796-7085 should you have questions.

Yours Truly,

Kathryn Hall

Kathryn Hall, Right-of-Way Acquisition
Bureau of Transportation Engineering

KH:mwp.K1

Enclosures



CITY OF

PORTLAND, OREGON

OFFICE OF TRANSPORTATION

Earl Blumenauer, Commissioner
Transportation Engineering
1120 S.W. Fifth Avenue
Room 802
Portland, Oregon 97204-1971
(503) 796-7004

March 30, 1989

METROPOLITAN SERVICE DISTRICT
ATTN NEIL MC FARLANE
2000 SW 1ST AVE
PORTLAND OR 97201-5398

RE: R/W #4388A

Dear Mr. McFarlane:

Under Title III of Public Law 91-646, Uniform Relocation Assistance and Real Property Acquisition Policies Act, the property owner is entitled to an appraisal and just compensation for the property rights which are acquired, and to proper notice prior to possession. However, the law also provides that an owner may donate the necessary property rights and waive the notice requirements.

If you are willing to acknowledge that you understand these requirements and are still willing to donate the required right of way and waive the notice requirements, the time and expense of the appraisal, etc. could be avoided.

If you are willing to make this stipulation, please acknowledge this letter below, and return it along with the signed and notarized Deed for Street Purposes and Public Walkway Easement.

Yours Truly,

Kathryn Hall, Right-of-Way Acquisition
Bureau of Transportation Engineering

Date

Date

KH:mwp.K1

Corporate

DEED FOR STREET PURPOSES

KNOW ALL MEN BY THESE PRESENTS, That the Metropolitan Service District, a municipal corporation duly organized and incorporated under the laws of the State of Oregon, in consideration of the sum of One and No/100 (\$1.00) Dollar, and other good and valuable consideration, to it paid by the City of Portland, a municipal corporation of the State of Oregon, the receipt whereof is hereby acknowledged, has bargained and sold, and by these presents does hereby grant, bargain, sell and convey unto said City of Portland, as and for a street and highway for the benefit and use of the public, the real property situate in the City of Portland, County of Multnomah, and State of Oregon, and particularly described as follows, to-wit:

R/W #4388-1 (Street Dedication)

The north 5.00 feet of Blocks 40 and 41, Wheeler's Addition and VACATED NE 2nd Avenue, as vacated by Ordinance No. 160626, passed by Council, April 6, 1988, recorded June 2, 1988, in Book 2109, Page 374, Multnomah County Deed Records, Multnomah County, Oregon.

TO HAVE AND TO HOLD the same to the said City of Portland for the uses and purposes aforesaid forever. And the said Metropolitan Service District, a municipal corporation of the State of Oregon, does covenant with the said City of Portland, that the said real estate is free from all liens and encumbrances, except for the reversionary interest of the City of Portland as provided for in Quitclaim Deed recorded July 28, 1988, in Book 2123, Page 1108, Multnomah County Deed Records, and the reversionary interest of Lloyd Properties, as provided for in Quitclaim Deed, recorded September 28, 1987 in Book 2045, Page 2566, Multnomah County Deed Records,

and that it and its successors shall WARRANT AND DEFEND the same to the said City of Portland against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, the Metropolitan Service District, a municipal corporation of the State of Oregon, pursuant to the lawful authority given to the undersigned by its Council, has caused these presents to be signed by its Executive Officer and Secretary, this day of
A.D., 1989.

C
METROPOLITAN SERVICE DISTRICT

Executive Officer

Secretary

☐ PUBLIC WALKWAY EASEMENT

Grantor Metropolitan Service District

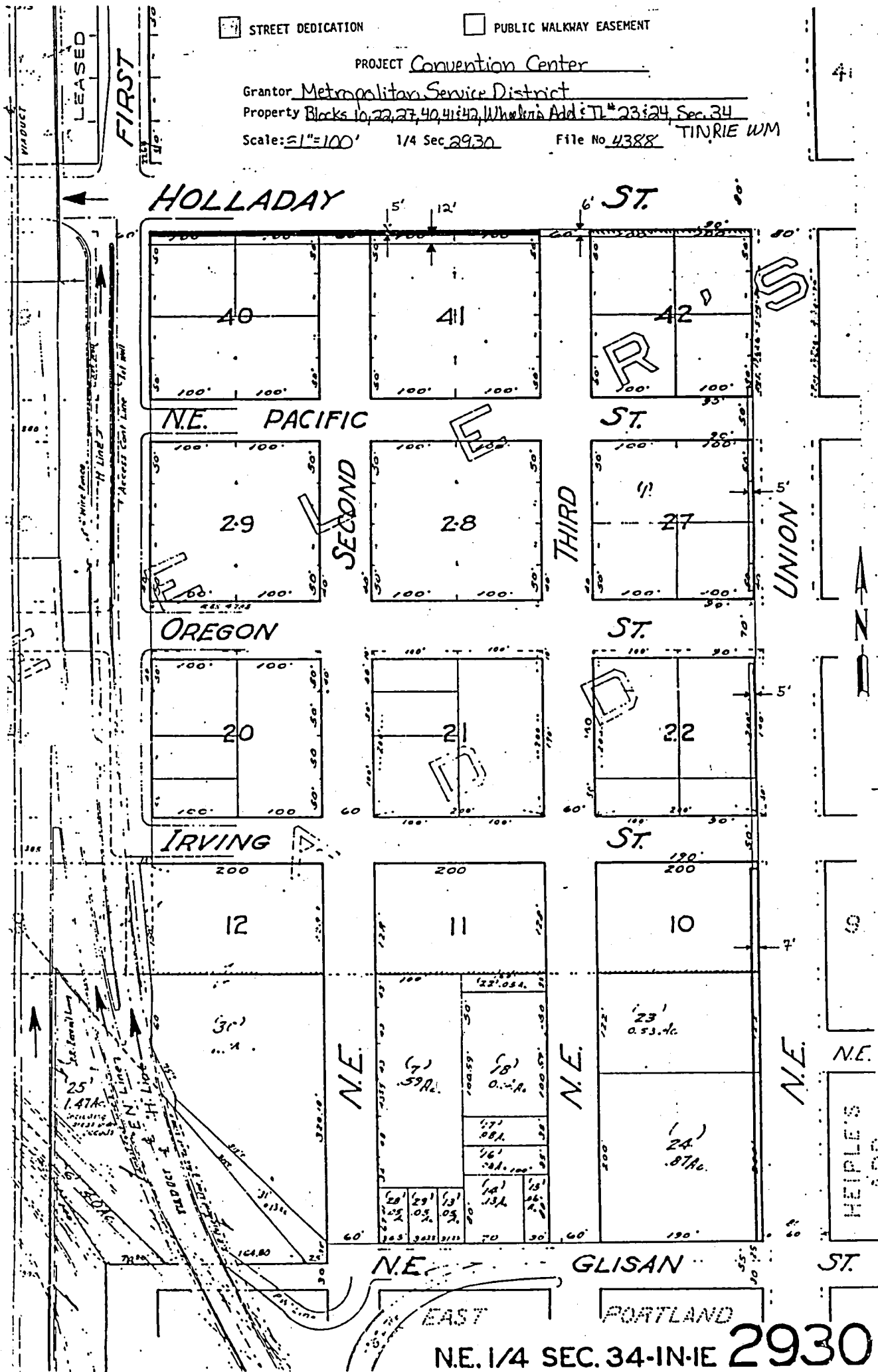
Property Blocks 10, 22, 27, 40, 41, 42, Whelan's Add: Tl # 23:24, Sec. 34

Scale: $\approx 1" = 100'$

1/4 Sec 2930

File No 4388

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PUBLIC WALKWAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the Metropolitan Service District, a municipal corporation duly organized and incorporated under the laws of the State of Oregon, Grantor, in consideration of the sum of One and No/100 (\$1.00) Dollar, to it paid by the City of Portland, a municipal corporation of the State of Oregon, the receipt whereof is hereby acknowledged, has bargained and sold, and by these presents does hereby grant, bargain, sell and convey unto said City of Portland, an easement for construction and perpetual use by the public of a public walkway over and across real property in the City of Portland and State of Oregon, more particularly described as follows, to wit:

R/W #4388-2 (Public Walkway Easement)

Parcel 1

The south 12.00 feet of the north 17.00 feet of Blocks 40 and 41, Wheeler's Addition and VACATED NE 2nd Avenue, as vacated by Ordinance No. 160626, passed by Council, April 6, 1988, recorded June 2, 1988, in Book 2109, Page 374, Multnomah County Deed Records, Multnomah County, Oregon.

Parcel 2

The north 6.00 feet of VACATED NE 3rd Avenue, as vacated by Ordinance No. 160626, passed by Council, April 6, 1988, recorded June 2, 1988, in Book 2109, Page 374, Multnomah County Deed Records, and the north 6.00 feet of Block 42, Wheeler's Addition, except that portion in NE Union Avenue, in Multnomah County, Oregon.

Parcel 3

A 5.00 foot wide strip of land lying adjacent to, parallel with and west of NE Union Avenue between a line drawn 12.00 feet north of the south line of Block 42, Wheeler's Addition and a line drawn 10.00 feet north of the south line of Block 27, Wheeler's Addition, in Multnomah County, Oregon.

Parcel 4

A 5.00 foot wide strip of land lying adjacent to, parallel with and west of NE Union Avenue between a line drawn 10.00 feet south of the north line of Block 22, Wheeler's Addition and a line drawn 9.00 feet south of the north line of block 10, Wheeler's Addition, in Multnomah County, Oregon.

Parcel 5

A 7.00 foot wide strip of land lying adjacent to, parallel with and west of NE Union Avenue between a line drawn 9.00 feet south of the north line of Block 10, Wheeler's Addition, and the north line of NE Glisan Street (now 55.00 feet in width).

Grantor herein assumes responsibility for maintenance of the concrete walkway as though said walkway existed within a public street right-of-way.

TO HAVE AND TO HOLD, the above described and granted premises unto said City of Portland for the uses and purposes aforesaid forever.

IN WITNESS WHEREOF, the Metropolitan Service District, a municipal corporation of the State of Oregon, pursuant to the lawful authority given to the undersigned by its Council, has caused these presents to be signed by its Executive Officer and Secretary, this day of 1989.

METROPOLITAN SERVICE DISTRICT

Executive Officer

Secretary

STATE OF OREGON)
)ss.
County of Multnomah)

On this day of A.D., 19 , before me appeared
and both
to me personally known, who being duly sworn, did say that the said
is the Executive Officer and the
said is the Secretary of the within said
Corporation by authority of its Council, and acknowledge this instrument to
be the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have thereunto set my hand and affixed my official seal, this day and year first in this, my certificate, written.

Notary Public for Oregon

My commission expires _____

Approved as to form:

City Attorney

Approved:

City Engineer

After Recording Return To:

KH:mwp.E3
(M.S.D.)

STREET DEDICATION

PUBLIC WALKWAY EASEMENT

PROJECT Convention Center

Grantor Metropolitan Service District

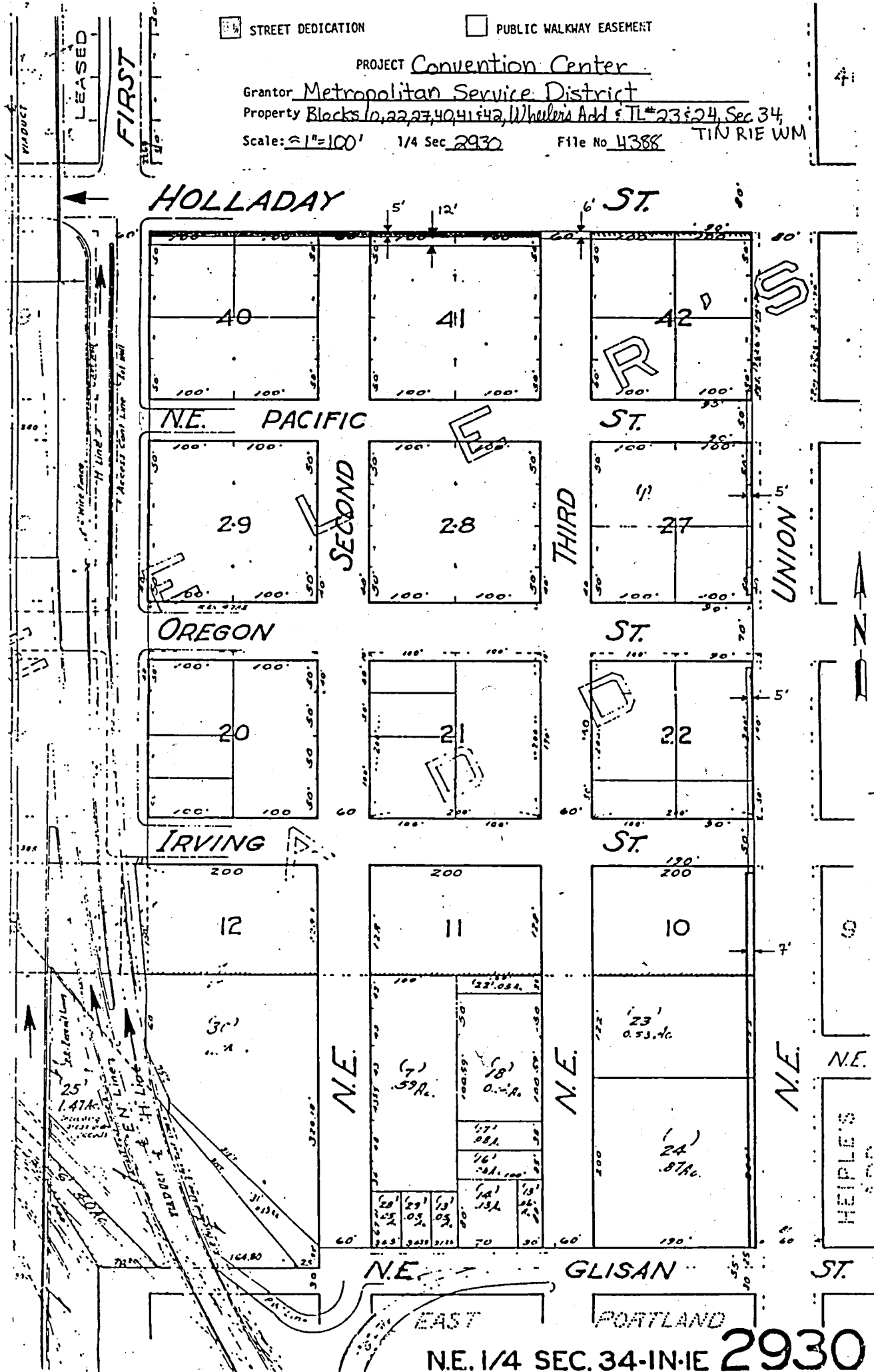
Property Blocks 10, 22, 27, 40, 41 & 42, Wheeler's Add & TL#23 & 24, Sec 34,

Scale: $\frac{1}{4}$ " = 100'

1/4 Sec 2930

File No 4388

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NE. 1/4 SEC. 34 - IN. E 2930