

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING THE) RESOLUTION NO. 89-1123
SALE OF RIGHT-OF-WAY ON THE OREGON)
CONVENTION CENTER SITE TO THE) Introduced by Rena Cusma,
HIGHWAY DIVISION, OREGON DEPARTMENT) Executive Officer
OF TRANSPORTATION)

WHEREAS, The Highway Division, Oregon Department of Transportation (ODOT) requires right-of-way for construction of transportation improvements adjacent to the site of the Oregon Convention Center; and

WHEREAS, ODOT has identified the required right-of-way as approximately 55,000 square feet divided among nine parcels (see Exhibit A hereto); and

WHEREAS, Metro and ODOT have established \$395,000 as a fair price for the purchase of the right-of-way and these funds will be used to augment the overall convention center project budget; now, therefore,

BE IT RESOLVED,

That the Metro Executive Officer is authorized to sell to ODOT the right-of-way described in Exhibit A to this resolution provided the City of Portland concurs in the sale for the parcels in which the City of Portland maintains a reversionary interest.

ADOPTED by the Council of the Metropolitan Service District
this 24th day of August, 1989.

Mike Ragsdale
Mike Ragsdale, Presiding Officer

CONVENTION, ZOO & VISITORS
FACILITIES COMMITTEE REPORT

RESOLUTION NO. 89-1123, AUTHORIZING SALE OF RIGHT-OF-WAY ON
THE OREGON CONVENTION CENTER SITE TO THE HIGHWAY DIVISION,
OREGON DEPARTMENT OF TRANSPORTATION

Date: August 4, 1989

Presented By: Councilor Knowles

COMMITTEE RECOMMENDATION: At the August 3, 1989 meeting, Convention, Zoo & Visitors Facilities Committee members present -- Councilors Buchanan, Van Bergen and myself -- voted unanimously to recommend Council adoption of Resolution No. 89-1123.

COMMITTEE DISCUSSION/ISSUES: Convention Center Project Manager Neil McFarlane presented the staff report and resolution, noting this land sale arrangement with the Oregon Department of Transportation (ODOT) is one of a series of agreements drawn up when Metro purchased the Convention Center site. Metro developed agreements with ODOT and other jurisdictions to facilitate future off-site improvements, particularly transportation activities. Resolution No. 89-1123 approves Metro's sale of nine small, designated parcels along N.E. First Avenue and N.E. Glisan Street to ODOT for \$395,000 -- \$95,000 more than anticipated in Metro's FY89-90 adopted budget. By prior agreement, Metro will cover the cost of the First Avenue Street improvements and ODOT will fund the Glisan Street work, which includes curbing, sidewalks and street lighting. ODOT's ownership of the parcels will allow for future improvements associated with the freeway. It was noted the City will drop its reversionary claim to a N.E. First Avenue parcel so the deed will be direct to ODOT.

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STAFF REPORT

CONSIDERATION OF SALE OF RIGHT-OF-WAY ADJACENT TO OREGON CONVENTION CENTER TO THE HIGHWAY DIVISION, OREGON DEPARTMENT OF TRANSPORTATION

Date: July 26, 1989

Presented by: McFarlane

BACKGROUND AND FACTUAL ANALYSIS:

As part of the comprehensive transportation improvements in the Lloyd District, the Oregon Department of Transportation (ODOT) is modifying the Greeley Ramp/North Banfield Interchange. These modifications require the purchase and use of land and right-of-way on the convention center site. Attached as Exhibit A to this report is a sketch showing the locations of the parcels.

The property adjacent to NE Glisan Street is necessary for improvements now under construction. ODOT is purchasing the property adjacent to NE First Avenue as a "protective buy" for future interchange improvements.

ODOT requires a total of 55,452 square feet, divided among nine parcels, the largest of which is 28,164 square feet. The remaining 27,288 square feet is divided among eight parcels, ranging from 1,540 square feet to 7,729 square feet. Of the total, approximately 7,900 square feet lies within vacated streets. The convention center project was planned with these acquisitions in mind.

A sale price of \$395,000 has been negotiated. In anticipation of this sale, the overall project budget, as reflected in the adopted budget for 1989-90, has been increased by \$300,000. The difference of \$95,000 is planned to fund off-site construction projects (storm sewers) assigned to ODOT's contractor. An intergovernmental agreement for this work will be forwarded for Council consideration prior to September 30 of this year.

The table below reflects the size of each parcel and the area within vacated streets.

File No.	Total Sq. Ft.	Area in Vacated Streets
58017		
Parcel 1	2,212	246
Parcel 2	2,458	590
Parcel 3	7,729	1,580
Parcel 4	<u>3,570</u>	0
Subtotal	15,969	2,416

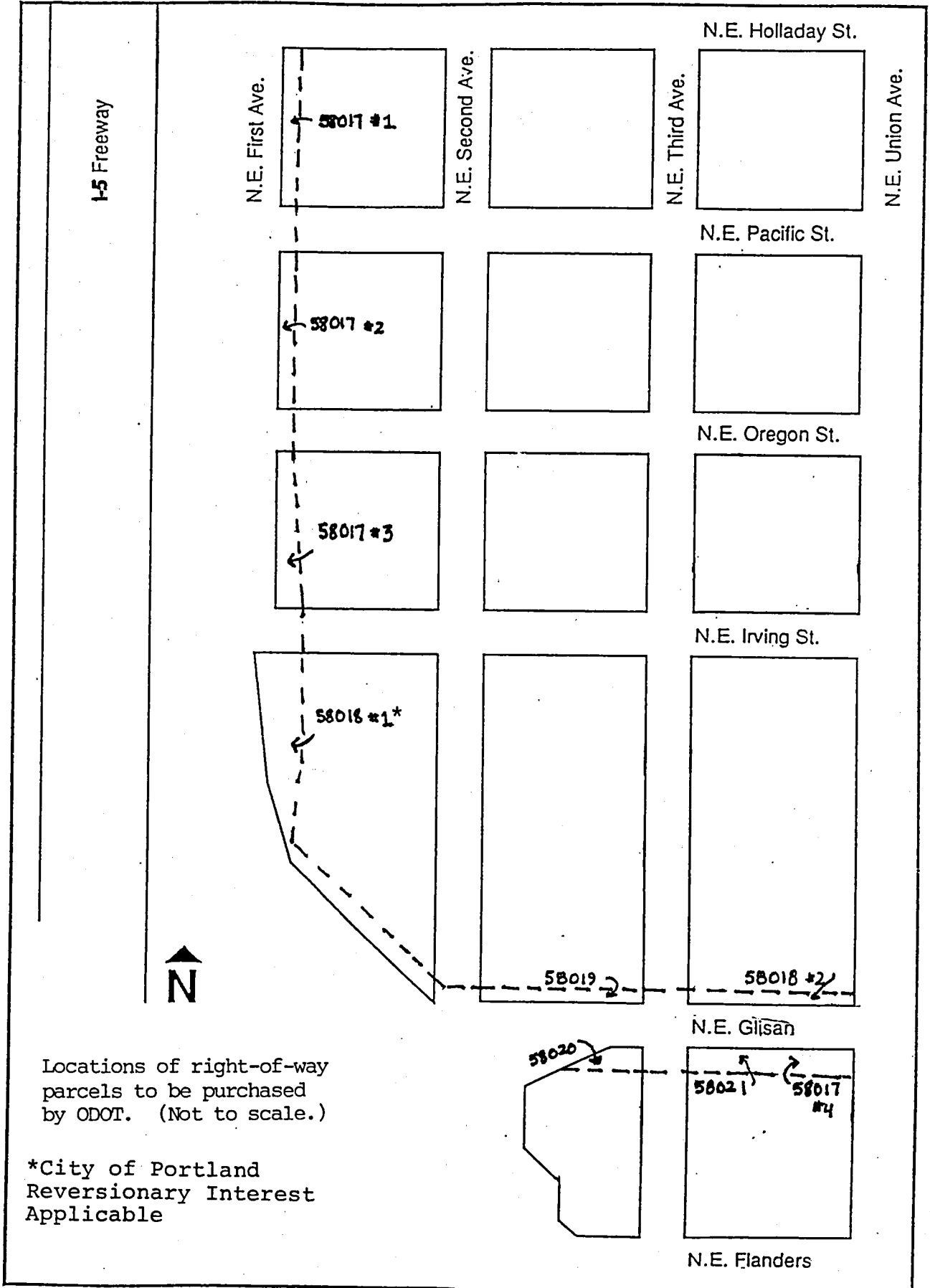
58018		
Parcel 1	28,164	2,394
Parcel 2	<u>1,540</u>	<u>210</u>
Subtotal	29,704	2,604
58019	2,268	847
58020	3,601	1,020
58021	<u>3,910</u>	<u>1,020</u>
Total	55,452	7,907

One of these parcels (file 58018, parcel 1), Metro owns with a reversionary interest to the City of Portland. Project Staff is working with City right-of-way staff to clear this issue. The proposed Council resolution recognizes the requirement to resolve this issue prior to finalizing the transaction.

EXECUTIVE OFFICER RECOMMENDATION:

The Executive Officer recommends approval of Resolution No. 89-1123, authorizing the sale of right-of-way to the Oregon Department of Transportation.

Oregon Convention Center Site



Locations of right-of-way parcels to be purchased by ODOT. (Not to scale.)

*City of Portland Reversionary Interest Applicable

DEED

METROPOLITAN SERVICE DISTRICT, an Oregon municipal corporation, Grantor, hereby conveys unto the **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION**, **Highway Division**, Grantee, the following described property, to wit:

FILE 58017

PARCEL 1

A parcel of land lying in Block 40, WHEELER'S ADDITION TO EAST PORTLAND, Multnomah County, Oregon; the said parcel being that portion of said block included in a strip of land 29.83 feet in width, lying on the Easterly side of the "PB" center line which center line is described as follows:

Beginning at Engineer's center line Station "PB" 8+00, said station being 1231.73 feet South and 4422.40 feet West of the Northeast corner of the Jacob Wheeler D.L.C. No. 68, Township 1 North, Range 1 East, W.M.; thence South 1° 47' 51" West 559.07 feet; thence South 6° 39' 03" East 482.01 feet; thence South 13° 44' 52" East 158.92 feet to Engineer's center line Station "PB" 20+00.

ALSO, that portion of vacated N.E. Pacific Street inuring to said block and included in said strip of land.

Bearings are based upon the Oregon Co-ordinate System, North Zone.

The parcel of land to which this description applies contains 2,212 square feet, more or less, of which 246 square feet, more or less, lie within said vacated street.

PARCEL 2

A parcel of land lying in Block 29, WHEELER'S ADDITION TO EAST PORTLAND, Multnomah County, Oregon; the said parcel being that portion of said block included in a strip of land 29.83 feet in width, lying on the Easterly side of the "PB" center line which center line is described in Parcel 1.

ALSO, those portions of vacated N.E. Pacific Street and vacated N.E. Oregon Street inuring to said block and included in said strip of land.

The parcel of land to which this description applies contains 2,458 square feet, more or less, of which 590 square feet, more or less, lie within said vacated streets.

PARCEL 3

A parcel of land lying in Block 20, WHEELER'S ADDITION TO EAST PORTLAND, Multnomah County, Oregon; the said parcel being that portion of said block lying Westerly of the following described line:

Beginning at a point opposite and 29.83 feet Easterly of Engineer's Station "PB" 13+00 on the "PB" center line; thence Southerly parallel with said center line to a point opposite Engineer's Station "PB" 13+57; thence Southerly in a straight line to a point opposite and 28.48 feet Easterly of Engineer's Station "PB" 13+70.38 on the "PB" center line; thence Southeast-erly in a straight line to a point opposite and 30.42 feet Easterly of Engineer's Station "PB" 13+73 on the "PB" center line; thence Southeasterly on an 87.5 foot radius curve left to a point opposite and 35.5 feet Easterly of Engineer's Station "PB" 14+02.5 on the "PB" center line; thence Southeasterly on a 112.5 foot radius curve right to a point opposite and 41 feet Easterly of Engineer's Station "PB" 14+41 on the "PB" center line; thence Southerly on a 5677.08 foot radius curve left to a point opposite and 40.5 feet Easterly of Engineer's Station "PB" 17+08.5 on the "PB" center line.

The "PB" center line referred to herein is described in Parcel 1.

ALSO, those portions of vacated N.E. Oregon Street and vacated N.E. Irving Street inuring to said block and lying Westerly of the above described line.

The parcel of land to which this description applies contains 7,729 square feet, more or less, of which 1,580 square feet, more or less, lie within said vacated streets.

PARCEL 4

A parcel of land lying in Block 72, EAST PORTLAND, Multnomah County, Oregon and being a portion of that property described in that deed to Metropolitan Service District, recorded October 13, 1987 in Book 2050, Page 467 of Multnomah County Record of Deeds; the said parcel being that portion of said property included in a strip of land 49 feet in width, lying on the Southerly side of the "David 3" center line which center line is described as follows:

Beginning at Engineer's center line Station "David 3" 42+00, said station being 2357.20 feet South and 4445.63 feet West of the Northeast corner of the Jacob Wheeler D.L.C. No. 68, Township 1 North, Range 1 East, W.M.; thence South 56° 12' 08" East 224.31 feet; thence on a 280 foot radius curve left (the long chord of which bears South 72° 12' 08" East 154.36 feet) 156.38 feet; thence South 88° 12' 08" East 419.31 feet to Engineer's center line Station "David 3" 50+00.

Bearings are based upon the Oregon Co-ordinate System, North Zone.

The parcel of land to which this description applies contains 3,570 square feet, more or less.

FILE 58018

PARCEL 1

A parcel of land lying in the Jacob Wheeler D.L.C. No. 68, Township 1 North, Range 1 East, W.M., Multnomah County, Oregon and being a portion of that property designated as Parcel 4 in that deed to the City of Portland, recorded September 28, 1987 in Book 2045, Page 2566 of Multnomah County Record of Deeds; the said parcel being that portion of said property lying Southerly and Westerly of the following described line:

Beginning at a point opposite and 41 feet Easterly of Engineer's Station "PB" 14+41 on the "PB" center line; thence Southerly on a 5677.08 foot radius curve left to a point opposite and 40.5 feet Easterly of Engineer's Station "PB" 17+08.5 on the "PB" center line; thence Easterly in a straight line to a point opposite and 43 feet Easterly of Engineer's Station "PB" 17+08.5 on the "PB" center line; thence Southerly on a 5674.58 foot radius curve left to a point opposite and 44 feet Easterly of Engineer's Station "PB" 17+60.5 on the "PB" center line; thence Southerly on a 265 foot radius curve right to a point opposite and 13 feet Easterly of Engineer's Station "PB" 18+85 on the "PB" center line; thence Southerly on a 55 foot radius curve left to a point opposite and 45 feet Northeasterly of Engineer's Station "David 3" 42+97.13 on the "David 3" center line; thence Southeasterly parallel with said "David 3" center line to a point opposite Engineer's Station "David 3" 46+15.

ALSO, those portions of vacated N.E. Irving Street and vacated N.E. Second Avenue inuring to said property and lying Southerly and Westerly of the above described line.

The "PB" center line referred to herein is described as follows:

Beginning at Engineer's center line Station "PB" 8+00, said station being 1231.73 feet South and 4422.40 feet West of the Northeast corner of the Jacob Wheeler D.L.C. No. 68, Township 1 North, Range 1 East, W.M.; thence South $1^{\circ} 47' 51''$ West 559.07 feet; thence South $6^{\circ} 39' 03''$ East 482.01 feet; thence South $13^{\circ} 44' 52''$ East 158.92 feet to Engineer's center line Station "PB" 20+00.

The "David 3" center line referred to herein is described as follows:

Beginning at Engineer's center line Station "David 3" 42+00, said station being 2357.20 feet South and 4445.63 feet West of the Northeast corner of the Jacob Wheeler D.L.C. No. 68, Township 1 North, Range 1 East, W.M.; thence South $56^{\circ} 12' 08''$ East 224.31 feet; thence on a 280 foot radius curve left (the long chord of which bears South $72^{\circ} 12' 08''$ East 154.36 feet) 156.38 feet; thence South $88^{\circ} 12' 08''$ East 419.31 feet to Engineer's center line Station "David 3" 50+00.

Bearings are based upon the Oregon Co-ordinate System, North Zone.

The parcel of land to which this description applies contains 28,164 square feet, more or less, of which 2,394 square feet, more or less, lie within said vacated street and vacated avenue.

PARCEL 2

A parcel of land lying in the Jacob Wheeler D.L.C. No. 68, Township 1 North, Range 1 East, W.M., Multnomah County, Oregon and being a portion of that property designated as Parcel 3 in that deed to the City of Portland, recorded September 28, 1987 in Book 2045, Page 2566 of Multnomah County Record of Deeds; the said parcel being that portion of said property included in a strip of land 47 feet in width, lying on the Northerly side of the "David 3" center line which center line is described in Parcel 1.

ALSO, that portion of vacated N.E. Third Avenue inuring to said property and included in said strip of land.

The parcel of land to which this description applies contains 1,540 square feet, more or less, of which 210 square feet, more or less, lie within said vacated avenue.

FILE 58019

A parcel of land lying in the Jacob Wheeler D.L.C. No. 68, Township 1 North, Range 1 East, W.M., Multnomah County, Oregon and being a portion of that property described in that deed to Kalberer Hotel Supply Co., recorded August 12, 1987 in Book 2032, Page 1665 of Multnomah County Record of Deeds; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Northerly side of the "David 3" center line which center line is described as follows:

Beginning at Engineer's center line Station "David 3" 42+00, said station being 2357.20 feet South and 4445.63 feet West of the Northeast corner of the Jacob Wheeler D.L.C. No. 68, Township 1 North, Range 1 East, W.M.; thence South 56° 12' 08" East 224.31 feet; thence on a 280 foot radius curve left (the long chord of which bears South 72° 12' 08" East 154.36 feet) 156.38 feet; thence South 88° 12' 08" East 419.31 feet to Engineer's center line Station "David 3" 50+00.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Northerly Side of Center Line	
"David 3"	43+19.49	"David 3"	46+15	45
"David 3"	46+15	"David 3"	50+00	47

ALSO, those portions of vacated N.E. Second Avenue and vacated N.E. Third Avenue inuring to said property and included in said strip of land.

Bearings are based upon the Oregon Co-ordinate System, North Zone.

The parcel of land to which this description applies contains 2,268 square feet, more or less, of which 847 square feet, more or less, lie within said vacated avenues.

FILE 58020

A parcel of land lying in Lots 1 and 8 of Block 71, EAST PORTLAND, Multnomah County, Oregon and in that property lying Northerly of said lots, Westerly of the West Line of N.E. Third Avenue, Southerly of the South line of N.E. Glisan Street, and Easterly of the Northwest line of that property described in that deed to Portland Tower Properties, recorded August 27, 1986 in Book 1932, Page 7 of Multnomah County Record of Deeds; the said parcel being that portion of said lots and property included in a strip of land 49 feet in width, lying on the Southerly side of the "David 3" center line which center line is described as follows:

Beginning at Engineer's center line Station "David 3" 42+00, said station being 2357.20 feet South and 4445.63 feet West of the Northeast corner of the Jacob Wheeler D.L.C. No. 68, Township 1 North, Range 1 East, W.M.; thence South $56^{\circ} 12' 08''$ East 224.31 feet; thence on a 280 foot radius curve left (the long chord of which bears South $72^{\circ} 12' 08''$ East 154.36 feet) 156.38 feet; thence South $88^{\circ} 12' 08''$ East 419.31 feet to Engineer's center line Station "David 3" 50+00.

ALSO that portion of vacated N.E. Third Avenue inuring to said lots and property, and included in said strip of land.

Bearings are based upon the Oregon Co-ordinate System, North Zone.

The parcel of land to which this description applies contains 3,601 square feet, more or less, of which 1,020 square feet, more or less, lie within said vacated avenue.

FILE 58021

A parcel of land lying in the Jacob Wheeler D.L.C. No. 68, Township 1 North, Range 1 East, W.M., Multnomah County, Oregon and being a portion of that property designated as Parcel 9 in that deed to Ralph J. Shepherd, Executor of the Estate of Frank L. McGuire, Deceased, recorded September 13, 1974 in Book 1006, Page 1501 of Multnomah County Record of Deeds; the said parcel being that portion of said property included in a strip of land 49 feet in width, lying on the Southerly side of the "David 3" center line which center line is described as follows:

Beginning at Engineer's center line Station "David 3" 42+00, said station being 2357.20 feet South and 4445.63 feet West of the Northeast corner of the Jacob Wheeler D.L.C. No. 68, Township 1 North, Range 1 East, W.M.; thence South $56^{\circ} 12' 08''$ East 224.31 feet; thence on a 280 foot

radius curve left (the long chord of which bears South 72° 12' 08" East 154.36 feet) 156.38 feet; thence South 88° 12' 08" East 419.31 feet to Engineer's center line Station "David 3" 50+00.

ALSO that portion of vacated N.E. Third Avenue inuring to said property and included in said strip of land.

Bearings are based upon the Oregon Co-ordinate System, North Zone.

The parcel of land to which this description applies contains 3,910 square feet, more or less, of which 1,020 square feet, more or less, lie within said vacated avenue.

TOGETHER WITH all abutter's rights of access between the above-described parcels and Grantor's remaining real property.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The true and actual consideration received by Grantor for this conveyance is \$ 395,000.

Dated this _____ day of _____, 198__.

METROPOLITAN SERVICE DISTRICT

By _____
Executive Officer

STATE OF OREGON, County of _____

_____, 198__ . Personally appeared _____

who, being sworn, stated that _____ is the Executive Officer of Metropolitan Service District, and that this instrument was voluntarily signed in behalf of the district by authority of its Council. Before me:

Notary Public for Oregon
My Commission expires _____