

METROPOLITAN EXPOSITION RECREATION COMMISSION
Resolution No. 13-15

For the purpose of approving the sale of certain real property to Union Pacific Railroad Company

WHEREAS, Metro owns a parcel of real property located in Block 71, East Portland located at the site of the Oregon Convention Center (the "Metro Property"); and

WHEREAS, Union Pacific Railroad Company ("Union Pacific") owns and operates a main line rail track 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 cause the line to 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, 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; and

WHEREAS, as part of the transaction, Union Pacific has proposed to pay Metro the sum of \$1,000, which represents the difference between the appraised value of the Sale Parcel Property and the appraised value of the communications line easement that UP is relinquishing; and

WHEREAS, MERC has determined 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 required portion will not in any way impair or impede the operation of the Oregon Convention Center; and

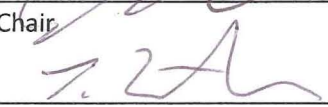
WHEREAS, MERC has determined that the 1,474-square-foot portion of property proposed for sale to Union Pacific is not needed for public use and that the proposed transaction with Union Pacific would further the public interest by, among other things, releasing the remainder of the Metro Property from Union Pacific's communications line easement; now, therefore,

BE IT THEREFORE RESOLVED, that the Commission hereby approves and authorizes Metro's Chief Operating Officer to proceed with the proposed sale of the Sale Parcel, subject to the direction and authorization of the Metro Council.

Passed by the Commission on July 10, 2013.



Chair



Secretary/Treasurer

Approved As to Form:

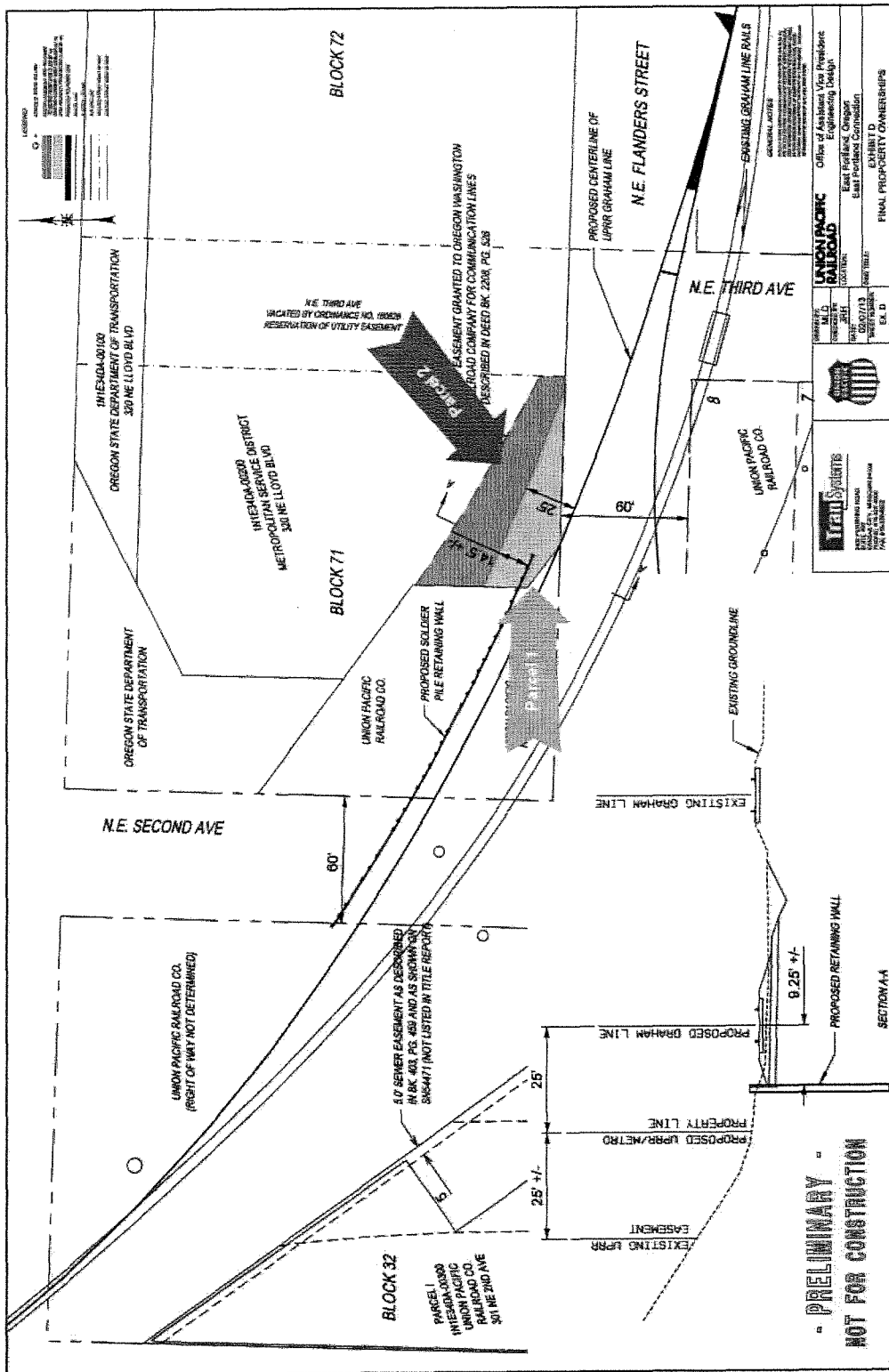
Alison Kean Campbell, Metro Attorney

By: 

Nathan A. Schwartz Sykes

Senior Attorney

EXHIBIT A



**PRELIMINARY
NOT FOR CONSTRUCTION**

SECTION A-A

UNION PACIFIC RAILROAD

Office of Assistant Vice President
Engineering Design
East Portland, Oregon
East Portland Connection
West Portland Connection

DATE: 02/07/13
SCALE: AS SHOWN
PROJECT: METRO RAIL
DRAWING: EXHIBIT A
REVISIONS: NONE
PREPARED BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]

MERC STAFF REPORT

Agenda Item/Issue: Consideration for approval of a proposed exchange of property with Union Pacific Railroad Company to allow Union Pacific Railroad Company to shift its existing main line track.

Resolution No: 13 – 15

Presented by: Scott Cruickshank

Date: July 10, 2013

Background and analysis: Union Pacific Railroad Company (“Union Pacific”) owns and operates a main line track adjacent to the Oregon Convention Center (“OCC”). 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 which is a part of the property upon which the OCC is sited. Union Pacific has proposed an exchange of real property interests in which Union Pacific would acquire a 1,474-square foot portion of Metro property and Union Pacific would transfer to Metro its interest in a communications easement that crosses a 2,270-square foot portion of adjacent property that would continue to be owned by Metro. As part of the transaction, Union Pacific will pay Metro the sum of \$1,000, which represents the difference between the appraised value of the property Union Pacific would acquire and the appraised value of the communications line easement that Union Pacific is relinquishing. Because the portion of property that would be transferred to Union Pacific lies immediately adjacent to Union Pacific’s main line track, 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 required portion will not in any way impair or impede the operation of OCC. The relinquishment of Union Pacific’s communications easement would remove a restriction on the use of the affected property thereby enhancing its value to Metro and OCC.

Fiscal Impact: \$1,000 to Metro received as part of purchase price.

Recommendation: Staff recommends that the Metropolitan Exposition and Recreation Commission, by Resolution No. 13-15, approve the proposed exchange of property interests with Union Pacific.

