

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONSENTING TO THE) RESOLUTION NO 97-2589
ASSIGNMENT BY THE OREGON MUSEUM OF)
SCIENCE AND INDUSTRY TO THE CITY OF) Introduced by Mike Burton, Executive
PORTLAND OF OMSI'S INTEREST IN THE) Officer
PARKING LOT ADJACENT TO THE METRO)
WASHINGTON PARK ZOO)
)

WHEREAS, on April 10, 1979, the City of Portland leased to Metro, OMSI and World Forestry Center the parking lot adjoining their respective institutions in Washington Park;

WHEREAS, on April 10, 1979, Metro, OMSI and World Forestry Center entered into an agreement governing the management and operation of the parking lot ("1979 Parking Lot Agreement");

WHEREAS, on October 24, 1994, Metro, OMSI and World Forestry Center entered into the 1994 Parking Lot Agreement, superseding the 1979 Parking Lot Agreement;

WHEREAS, under Section 15 of the 1994 Parking Lot Agreement, no party may assign its interest without the consent of the other parties;

WHEREAS, Under Section 2 of the 1994 Parking Lot Agreement, if a party ceases its operations adjacent to the parking lot, its interest in the 1994 Parking Lot Agreement terminates;

WHEREAS, on November 20, 1997, OMSI sold its remaining leasehold, including improvements in its museum site adjoining the parking lot to the City of Portland;

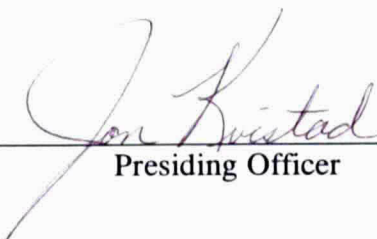
WHEREAS, the City of Portland intends to renovate the museum and relocate its Children's Museum to that site;

WHEREAS, on November 20, 1997, OMSI further sold its remaining leasehold interest in the parking lot and, subject to the consent of Metro and World Forestry Center, assigned its rights and delegated its responsibilities under the 1994 Parking Lot Agreement to the City of Portland;

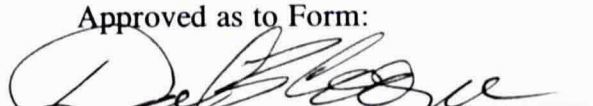
WHEREAS, the City of Portland has requested Metro's consent to this assignment and delegation;

NOW, THEREFORE: be it resolved that the Metro Council authorizes the Executive Officer to execute the Consent to Assignment attached to the original hereof as Exhibit A.

ADOPTED by the Metro Council this 8th day of Jan 1998



Presiding Officer

Approved as to Form:


Daniel B. Cooper, General Counsel

DBC:kms
December 2, 1997

EXHIBIT A

CONSENT TO ASSIGNMENT OF OMSI'S
INTEREST IN PARKING LOT AGREEMENT

RECITALS:

1. On April 10, 1979, the City of Portland leased to Metro, OMSI and World Forestry Center the parking lot adjoining their respective institutions in Washington Park.
2. On April 10, 1979, Metro, OMSI and World Forestry Center entered into an agreement governing the management and operation of the parking lot ("1979 Parking Lot Agreement").
3. On October 21, 1994, Metro, OMSI and World Forestry Center entered into the 1994 Parking Lot Agreement, superseding the 1979 Parking Lot Agreement.
4. Under Section 15 of the 1994 Parking Lot Agreement, no party may assign its interest without the consent of the other parties.
5. Under Section 2 of the 1994 Parking Lot Agreement, if a party ceases its operations adjacent to the parking lot, its interest in the 1994 Parking Lot Agreement terminates.
6. On November 20, 1997, OMSI sold its remaining leasehold, including improvements, in its museum site adjoining the parking lot to the City of Portland. The City intends to renovate the museum and relocate its Children's Museum to that site. On November 20, 1997, OMSI further sold its remaining leasehold interest in the parking lot and, subject to the consent of Metro and World Forestry Center, assigned its rights and delegated its responsibilities under the 1994 Parking Lot Agreement to the City of Portland.
7. The City has requested Metro's consent to this assignment and delegation.

NOW THEREFORE, Metro hereby consents to the assignment of OMSI's rights and delegation of OMSI's responsibilities under the 1994 Parking Lot Agreement to the City of Portland, and further agrees that, notwithstanding Section 2 of the 1994 Parking Lot Agreement, the City's interest in the 1994 Parking Lot Agreement shall continue even though the City is not yet operating its facility adjoining the parking lot.

DATED: _____ METRO

By: _____
Its: _____

STAFF REPORT

RESOLUTION NO. 97-2589 FOR THE PURPOSE OF OF CONSENTING TO THE ASSIGNMENT BY THE OREGON MUSEUM OF SCIENCE AND INDUSTRY TO THE CITY OF PORTLAND OF OMSI'S INTEREST IN THE PARKING LOT ADJACENT TO THE METRO WASHINGTON PARK ZOO

December 2, 1997

Presented by:

Background

On April 10, 1979, the City of Portland leased to Metro, OMSI and World Forestry Center the parking lot adjoining their respective institutions in Washington Park. On April 10, 1979, Metro, OMSI and World Forestry Center entered into an agreement governing the management and operation of the parking lot ("1979 Parking Lot Agreement"). On October 24, 1994, Metro, OMSI and World Forestry Center entered into the 1994 Parking Lot Agreement, superseding the 1979 Parking Lot Agreement.

On November 20, 1997, OMSI sold its remaining leasehold, including improvements in its museum site adjoining the parking lot to the City of Portland. The City of Portland intends to renovate the museum and relocate its Children's Museum to that site. Further, on November 20, 1997, OMSI sold its remaining leasehold interest in the parking lot and, subject to the consent of Metro and World Forestry Center, assigned its rights and delegated its responsibilities under the 1994 Parking Lot Agreement to the City of Portland.

However, under Section 15 of the 1994 Parking Lot Agreement, no party may assign its interest without the consent of the other parties. In addition, under Section 2 of the 1994 Parking Lot Agreement, if a party ceases its operations adjacent to the parking lot, its interest in the 1994 Parking Lot Agreement terminates. Therefore, the City of Portland has requested Metro's consent to this assignment and delegation.

The Executive Officer recommends that the Metro Council authorize execution of this agreement in order for City of Portland to take the place of OMSI in the Parking Lot Agreement so the three parties to the Parking Lot Agreement can operate the parking lot in an orderly manner and resolve outstanding issues regarding the amount of parking fees to be charged when the light rail station opens and other related matters.

Recommendation

The Executive Officer recommends Council approval of Resolution 97-2589.