

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE) RESOLUTION NO. 15-4671
TRANSFER OF CERTAIN REAL PROPERTY)
) Introduced by Chief Operating Officer
) Bennett in concurrence with Council
) President Hughes

WHEREAS, Metro owns certain real property located at 777 N.E. Martin Luther King Jr. Boulevard, Portland, in the County of Multnomah, State of Oregon, and commonly known as Tax Parcel 200 in Section 34DA of Township 1 North, Range 1 East, of the Willamette Meridian and more particularly described on the attached Exhibit A (the "Lloyd Lot"); and

WHEREAS, Metro currently uses the Lloyd Lot for parking and the yearly revenue from the property is minimal; and

WHEREAS, Metro has been a party to a series of on-going litigation involving the Oregon Convention Center Hotel Project (the "Project"); and

WHEREAS, such ongoing litigation is specifically referenced in the attached Exhibit B (the "Litigation"); and

WHEREAS, the Litigation has had a financial impact on the agency and has resulted in delay of the priority Project; and

WHEREAS, Metro is currently engaged in negotiations with the Litigation plaintiffs and Project opponents, which could result in a global settlement of existing lawsuits thereby clearing a path for the Project to move forward; and

WHEREAS, the transfer and conveyance of the Lloyd Lot may be necessary to effect such settlement; now therefore

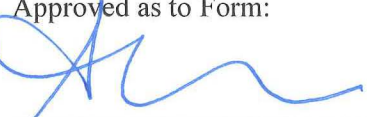
BE IT RESOLVED that the Metro Council finds that the public interest may be furthered by transferring the Lloyd Lot to facilitate settlement of litigation related to the Oregon Convention Center Hotel Project.

BE IT FURTHER RESOLVED that the Metro Council authorizes the Metro Attorney and the Metro Chief Operating Officer to (a) execute settlement of the Litigation and (b) transfer the Lloyd Lot as part of such settlement, provided the form of such settlement and property transfer agreements are in forms approved by the Metro Attorney.

ADOPTED by the Metro Council this 17th day of December 2015.



Tom Hughes, Council President

Approved as to Form:


Alison R. Kean, Metro Attorney

**“Lloyd Lot”
Property Description**

Lots 5, 6, 7 and 8, Block 71, EAST PORTLAND, in the City of Portland, County of Multnomah and State of Oregon.

EXCEPTING THEREFROM that portion of said Lot 5, Block 71 lying Southwest of the following described line:

Beginning at a point in the West line of Lot 3, Block 71, EAST PORTLAND, which point is 80 feet North of the Southwest corner of said Block 71; thence running East 9 feet; thence Southeasterly in a direct line to a point in the South line of said Lot 5, Block 71, which point is East 121 feet distant from the Southwest corner of said Block 71, said line being the North and Northeasterly boundary lines of the property deeded to the Oregon Railway and Navigation Company by Deed recorded June 21, 1882 in Book 57, Page 16, Deed Records, and to the Oregon Railroad & Navigation Co., by Deed recorded October 27, 1898 in Book 252, Page 372, Deed Records

FURTHER EXCEPTING THEREFOM that portion conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division by Deed recorded March 30, 1990 in Book 2288, Page 1519, Deed Records.

TOGETHER WITH those portions of Lots 1, 2 and 3, Block 71, EAST PORTLAND, in the City of Portland, County of Multnomah and State of Oregon lying within the following described parcel of land:

Beginning at a point on the South line of N.E. Glisan Street, 45 feet West of the intersection of said South line with the West line of N.E. 3rd Avenue; thence South parallel with the West line of N.E. 3rd Avenue, 100 feet; thence West, parallel to the South line of N.E. Glisan Street, 55 feet to the West line of Lot 7, Block 71, EAST PORTLAND; thence South along the West lines of Lots 7 and 6 of said Block 71, a distance of 61.87 feet to a point 70 feet North of (when measured at right angles to) the South line of said Block 71; thence Northwesterly along a line which extends from the West line of said Lot 6 at a point which is 70 feet Northerly of (when measured at right angles to) the South line of said Block 71 to the West line of said Block 71 at a point 140 feet North of the Southwest corner of said Block 71, a distance of 55 feet, more or less, to a line which is parallel to and 55 feet Easterly of the East line of N.E. 2nd Avenue; thence North parallel to and 55 feet Easterly of the East line of N.E. 2nd Avenue, 75 feet, more or less, to a line which is parallel to and 55 feet Southerly of the South line of N.E. Glisan Street; thence Northeasterly in a straight line 114 feet, more or less, to the point of beginning.

EXCEPTING THEREFOM that portion conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division by Deed recorded March 30, 1990 in Book 2288, Page 1519, Deed Records.

TOGETHER WITH all of Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 72, EAST PORTLAND, in the City of Portland, County of Multnomah and State of Oregon.

EXCEPTING THEREFROM those portions of Lots 5, 6, 7 and 8 lying within N.E. Martin Luther King Jr. Boulevard (N.E. Union Avenue).

FURTHER EXCEPTING THEREFOM that portion conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division by Deed recorded March 30, 1990 in Book 2288, Page 1519, Deed Records.

TOGETHER WITH that portion of N.E. 3rd Avenue vacated by City of Portland Ordinance No. 160626 and recorded June 2, 1988 in Book 2109, Page 374, Deed Records, which inured to the above said Blocks 71 and 72, EAST PORTLAND.

Pending Litigation

Michelle Rossolo v. Multnomah County Elections Division and Tim Scott, Director and Metro
Multnomah County Circuit Court of the State of Oregon, Case No. 1401-00046
Court of Appeals of the State of Oregon, Case No. A156429
Supreme Court of the State of Oregon, Case No. S063524

Paige Richardson v. Metro
Clackamas County Circuit Court of the State of Oregon under case No. CV14-030408
Court of Appeals of the State of Oregon, Case No. A158242

*In the Matter of Validation Proceeding to Determine the Regularity and Legality of Metro's
Contracts and Decisions in Connection with the Oregon Convention Center Hotel Project*
Multnomah County Circuit Court of the State of Oregon, under Case No. 1404-05077
Court of Appeals of the State of Oregon, Case No. A158414

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 15-4671, FOR THE PURPOSE OF APPROVING THE TRANSFER OF CERTAIN REAL PROPERTY

Date: December 17, 2015

Prepared by: Alison R. Kean, Metro Attorney (Ext 1511)

BACKGROUND

Metro owns the property located at 777 N.E. Martin Luther King Jr. Boulevard, Portland, Oregon 97232 (the "Lloyd Lot") and currently uses the Lloyd Lot for parking. The Oregon Convention Center has no future plans for the site, due to access and other physical limitations; and the yearly revenue from the lot is minimal.

Since early 2014, Metro has been defending against on-going litigation that had been filed with the intention primarily to stall or derail the Oregon Convention Center Hotel Project. Although Metro has prevailed in the litigation to date, the litigation is clouding Metro's ability to participate in the financing of the Project. The Project opponents and Metro have been engaged in settlement discussions in an attempt to remove the litigation as a Project hurdle.

Before Metro may transfer the Lloyd Lot as part of a negotiated litigation settlement, the Metro Council must first find that that the public interest may be furthered by such transfer. Necessary notices have been given. The passage of Resolution 15-4671 will memorialize such a finding and will authorize the Chief Operating Officer to transfer the Lloyd Lot as part of a negotiated litigation settlement.

ANALYSIS/INFORMATION

1. **Known Opposition** None.
2. **Legal Antecedents** Metro Code Section 2.04.026(2); ORS 271.310
3. **Anticipated Effects**
4. **Budget Impacts** Loss of parking revenue.

RECOMMENDED ACTION

Approval of Resolution 15-4671 is recommended.