

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE)	RESOLUTION NO. 17-4828
CHIEF OPERATING OFFICER TO GRANT TO)	
THE CITY OF PORTLAND A STORMWATER)	Introduced by Deputy Chief Operating Officer
LINE EASEMENT OVER ZOO PROPERTY,)	Scott Robinson in concurrence with Council
ACCEPT FROM THE CITY OF PORTLAND A)	President Tom Hughes
DROP-OFF LANE AND SIDEWALK)	
EASEMENT BENEFITING THE ZOO, AND)	
ENTER INTO AN INTERGOVERNMENTAL)	
AGREEMENT WITH THE CITY OF)	
PORTLAND TO SHARE IMPROVEMENT)	
COSTS)	

WHEREAS, Metro owns and operates the Oregon Zoo, formerly known as the Washington Park Zoo (the “Zoo”), in Washington Park, Portland, Oregon, for the use, education, enjoyment and benefit of the general public, and the City of Portland (the “City”) owns Washington Park, which includes most of the lands on the perimeter of the Zoo, including the Washington Park parking lot (the “Parking Lot”), which serves as the Zoo’s primary patron parking supply; and

WHEREAS, the City of Portland hearings officer’s decision (LU 12-156689 CU) approving the continued use of the West Lot is subject to, among other things, a condition of approval that requires the City of Portland to separate stormwater flows originating in the main Washington Park parking lot from the sanitary sewer system and convey them under and through the Zoo property to the City’s public storm line under Hwy 26; and

WHEREAS, on February 1, 2013, Metro, the City and the other institutions that rely upon the Parking Lot for patron parking entered into the 2012 Washington Park Transportation and Parking Management Agreement (“WPTPMA”), by which Metro terminated its 35-year lease of the Parking Lot and returned the Parking Lot to the City in exchange for the establishment of paid parking throughout Washington Park, the revenues of which will pay for, among other things: operations, maintenance and security supervision of all parking within Washington Park; a Transportation Parking and Access Management Association and the development and implementation of a Transportation and Parking Management Plan; a Washington Park Master Plan; enhanced and expanded shuttle service connecting

the Washington Park Parking Lot and the MAX light rail station to the rest of the institutions in the park; construction of “Phase I Initial South Entry Improvements;” and construction of landscaping and stormwater management improvements necessary for the Parking Lot to achieve and maintain compliance with the City’s development code no later than 2017; and

WHEREAS, the WPTPMA also provided that the “Phase I Initial South Entry Improvements” would include new landscaping, new signage, minor roadway reconstruction, and creation of a pick-up and drop-off area and driveway adjacent to the Zoo's new Education Center building, (the “Drop-off Project”); and

WHEREAS, on March 21, 2013, Metro and the City entered into a Memorandum of Understanding, later amended by addendum to MOU effective November 19, 2014, setting forth the parties expectations and intent to enter into an intergovernmental agreement to establish, among other things: the location, design, construction and costs of a Parking Lot stormwater drainage line connecting the southern end of the Parking Lot to the City’s stormwater interceptor pipe along Oregon Highway 26 (the “Stormwater Line”); a shared utility easement through the Zoo supporting the Stormwater Line; the location, design, construction and costs of extending the sidewalk serving the Zoo Education Center into the Parking Lot and the drop-off pick-up lane along the Education Center; an easement from the City supporting the sidewalk and drop-off pick-up lane; and

WHEREAS, during the time the parties were negotiating the terms of said intergovernmental agreement all of the aforesaid improvements were constructed; and

WHEREAS, the intergovernmental agreement will supersede any prior oral or written agreements or representations relating to the improvements, easements, operations or management of the lands and facilities of Metro and the City governed thereby; and

WHEREAS, the Portland Parks & Recreation staff has agreed to submit the intergovernmental agreement for City Council approval this fall; and

WHEREAS, Metro Code section 2.04.050 states that the Metro Council must approve intergovernmental agreements by which Metro agrees to acquire or transfer any interest in real property, now therefore,

BE IT RESOLVED that the Metro Council hereby authorizes the Chief Operating Officer to enter into the Washington Park Parking Lot Stormwater Line Intergovernmental Agreement attached as Exhibit A; to grant a permanent Stormwater Line Easement to the City of Portland in the form and location described on Exhibit B to the IGA; and to accept the Grant of Sidewalk and Driveway and Drop-off Lane Easement and Agreement from the City of Portland in the form and location described on Exhibit F to the IGA.

ADOPTED by the Metro Council this _____ day of September 2017.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney