

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 17-4828, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO GRANT TO THE CITY OF PORTLAND A STORMWATER LINE EASEMENT OVER ZOO PROPERTY, ACCEPT FROM THE CITY OF PORTLAND A DROP-OFF LANE AND SIDEWALK EASEMENT BENEFITING THE ZOO, AND ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PORTLAND TO SHARE IMPROVEMENT COSTS

Date: August 29, 2017

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BACKGROUND

The Oregon Zoo (Zoo) is located within Washington Park (park), which is owned and operated by the City of Portland (City). The park includes most of the lands adjacent to the Zoo's perimeter, including the Washington Park parking lot (parking lot), which serves as the Zoo's primary patron parking supply. Metro and the City agree that the success of the Zoo and of Washington Park as a whole depends, in part, on effective management of transportation and parking, and that needs will vary over time. The agencies are working collaboratively to improve and manage valuable public assets that serve millions of people every year.

On November 14, 2012, the City formally approved the use of the West Lot for parking. The West Lot is the approximately 100-space lot located between the Portland Children's Museum and the World Forestry Center. A condition of this approval required the City to separate stormwater flows originating in the parking lot from the sanitary sewer system. The Zoo and City discussed and agreed that the most efficient and economical path for the underground stormwater pipe to connect the parking lot stormwater interceptors to the City's stormwater pipe under Oregon Highway 26 was under and through Zoo property.

On February 1, 2013, Metro, the City and other institutions that rely on the parking lot for patron parking entered into the Washington Park Transportation and Parking Management Agreement. This agreement terminated Metro's 35-year lease of the parking lot and returned it to the City in exchange for the establishment of paid parking throughout Washington Park, the revenues of which will pay for, among other things, 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.

On November 19, 2014 the City and Metro entered into a Memorandum of Understanding 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 parking lot to the City's stormwater pipe along Oregon Highway 26 (the "Stormwater Line")
- a shared utility easement through Zoo property 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 to Metro from the City supporting the sidewalk and drop-off pick-up lane.

During the time the parties were negotiating the terms of the intergovernmental agreement, all of the improvements were completed. During the time of construction and transition of parking lot operations to Explore Washington Park, the parties entered into negotiations to clarify the operational arrangement surrounding the Education Center drop-off lane. The operational agreement ensures the safety of the Zoo campers and other Zoo visitors while ensuring smooth operation of the lot during peak traffic events.

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. Portland Parks & Recreation staff has agreed to submit the intergovernmental agreement for City Council approval this fall.

ANALYSIS/INFORMATION

1. Known Opposition

None

2. Legal Antecedents

- Metro Council Res. 12-4384 that authorized Metro entering into the 2012 Washington Park Transportation and Parking Management Agreement on February 1, 2013
- Memorandum of Understanding entered into by Metro and the City of Portland on March 21, 2013, and amended by addendum effective November 19, 2014

3. Anticipated Effects

- Metro will grant the City of Portland a permanent stormwater line easement through Zoo property
- Metro will accept a drop-off lane and sidewalk easement from the City of Portland
- Metro and the City of Portland will enter into the Washington Park Parking Lot Stormwater Line Intergovernmental Agreement

4. Budget Impacts

The approval of this IGA will result in the City of Portland reimbursing to Metro monies previously expended by Metro:

- \$427,220.32 for design, engineering and construction of the Stormwater Line. This represents 80 percent of the total cost.
- \$65,451.13 for a transportation and park-related study of Washington Park, in satisfaction of the amount due under the 2011 intergovernmental agreement with the City (City of Portland Contract 30002483)
- No less than \$10,348.34 for electricity usage from January 2014, when the parking lot on the south end of Washington Park parking lot was returned to the City management, to the present, for parking lot and street light service, per the submeter on the Zoo property.
- Ongoing monthly actual electricity usage for street and parking lot lighting in Washington Park, based on submeter readings, until the street and parking lot lighting electrical service is separated from larger Zoo electrical grid, which is anticipated to be addressed when the South Entry Vision Redevelopment project is completed; until then, the City will repay Metro for those costs.

RECOMMENDED ACTION

Approve Resolution 17-4828 authorizing the Metro Chief Operating Officer to enter into the Washington Park Parking Lot Stormwater Line Intergovernmental Agreement between the City of Portland and Metro; to grant a permanent Stormwater Line Easement to the City of Portland in the form and location described in 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.