

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 09-034

Approving a Lease of Real Property from Regency Centers MCW-RC OR-Cherry Park, LLC, for Property Located at 2441 SW Cherry Park Road, Troutdale, Oregon, as the Site of the New East County Library Branch and Authorizing County Chair to Execute Appropriate Documents to Complete the Transaction

The Multnomah County Board of Commissioners Finds:

- a. Measure No. 26-81, "Renew Five-Year Local Option Levy to Continue Library Services", approved in November 2006, included a specific requirement for new library branches in North Portland and East County. Funding for operations beginning in 2009, is included in the 2006 levy rate. There are separate program offers for siting leased library premises, constructing tenant improvements, purchasing computers and peripherals, and building the opening day collection.
- b. By Resolution 08-106, approved July 17, 2008, the Multnomah County Board of Commissioners approved a lease which sited the library at the Discovery Block, a to-be-developed project at SE Dora Street and Historic Columbia River Highway, Troutdale, Oregon. Prior to final lease execution, the developer withdrew from the transaction due to financial considerations.
- c. After an intensive public process during the autumn 2008, Resolution 08-163, approved December 18, 2008, directed the Multnomah County Library ("Library") and Facilities and Property Management Division ("Facilities") to commence exclusive lease negotiations, including issuance of a Lease Terms Solicitation, with four sites: 1.) Cherry Park Market, located at 2441 SW Cherry Park Road, Troutdale, Oregon 2.) Gateway Corner: northwest corner of Columbia River Highway and NW 257th; 3.) Gateway Estates: 1360 SW 257th; 4.) Handy Service Station Site: 146 W Columbia River Highway.
- d. Facilities issued a Lease Terms Solicitation in January 2009 to commence formal negotiations with the four sites. Responses were received in February 2009. After extensive review and site specific negotiations, District 4 Commissioner Diane McKeel, the Library, and Facilities determined that the response by Regency Centers MCW-RC OR-Cherry Park, LLC ("Landlord") for the property at the Cherry Park Market was the recommended site for the new East County Branch. The attached Letter of Intent [EXHIBIT] has been negotiated with the Landlord and outlines major transaction points for a lease of the property.
- e. It is in the best interests of the County to lease the Cherry Park Market property on the terms and conditions set forth in the attached Letter of Intent.

The Multnomah County Board of Commissioners Resolves:

1. The County Chair is authorized to execute a lease document based on the Letter of Intent attached to this Resolution.
2. The Library and Facilities are directed to prepare and to submit to the Board as soon as practicable, the capital planning requirements for the East County branch library at the Cherry Park Market approved in this Resolution under Multnomah County Administrative Procedure FAC-1.

ADOPTED this 2nd day of April 2009.



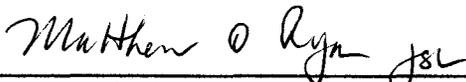
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

Commissioner Diane McKeel, Commissioner District 4

March 24, 2009

A. Michael Sublett
 Multnomah County
 Department of County Management
 Facilities and Property Management Division
 401 N. Dixon St.
 Portland, OR 97227

**RE: Letter of Intent – Multnomah County Branch Library
 Cherry Park Market Center: Troutdale, Oregon**

Dear Mike:

It is with pleasure that we have come to an agreement for Cherry Park Market to be recommended by staff to the Multnomah County Board of Commissioners as the site for the Multnomah County Library's new Troutdale Branch. The purpose of this Letter of Intent is to set forth the basic terms under which Regency Centers is prepared to engage in formal Lease negotiations. It is intended that these terms will be presented to the Board for its consideration and to obtain authority to proceed with lease negotiations.

Tenant: Multnomah County, a political subdivision of the State of Oregon

Landlord: Regency Centers MCW-RC OR-Cherry Park, LLC, a Delaware limited liability company

Premises: Suites 42453, 42451, 42449, 42447, and a portion of 4B (see attached Exhibit A Floor Plan).

Square Feet: 6,000 SF

Schedule (approximate):

- 4/2/09: Letter of Intent Submitted for Board consideration
- 5/1/09: Lease Execution
- 7/1/09: Conditional Use Permit
- 10/1/09: Delivery of Premises to Tenant
- 3/1/10: Rent Commencement and Library Opening

Early Access: Provided all necessary insurance requirements have been met, Tenant shall be granted "early access" to the Premises at least twelve (12) weeks prior to occupancy, in order to install equipment, fixtures, furnishings, and data cabling. Early access shall be provided at no charge to Tenant and shall not trigger Lease commencement.

Initial Term: xOne Hundred Twenty (120) months from March 1, 2010, which shall also be the Rent Commencement date. The Lease obligation will become binding upon receipt without possibility of appeal of the Conditional Use Permit and all relevant approvals and entitlements.

Options to Extend: Three (3) Options to extend at the fixed rental rate indicated below.

Base Rent:	Years	Base Rent (Monthly)	Base Rent (PSF)	Base Rent (Annually)
Initial Term	1-2	\$6,000.00	\$12.00	\$72,000.00
	3-4	\$6,180.00	\$12.36	\$74,160.00
	5-6	\$6,365.40	\$12.73	\$76,384.80
	7-8	\$6,556.36	\$13.11	\$78,676.34
	9-10	\$6,753.05	\$13.51	\$81,036.63
Option Term 1	11-12	\$6,955.64	\$13.91	\$83,467.73

	13-14	\$7,164.31	\$14.33	\$85,971.77
	15	\$7,379.24	\$14.76	\$88,550.92
Option Term 2	16-17	\$7,600.62	\$15.20	\$91,207.45
	18-19	\$7,828.64	\$15.66	\$93,943.67
	20	\$8,064.90	\$16.13	\$96,778.80
Option Term 3	21-22	\$8,306.85	\$16.61	\$99,682.16
	23-24	\$8,556.05	\$17.11	\$102,672.63
	25	\$8,812.73	\$17.63	\$105,752.81

Landlord's Duty to Maintain: Includes, but not limited to: Roof, Structure, foundations, exterior walls and demising walls with other tenant spaces Common Area, Utility Service to Premises (Water, Sanitary, Natural Gas, Electrical, Storm Drainage, Phone/Data conduit). Responsibilities shall be further-defined in Lease.

Tenant's Duty to Maintain: Storefront signage, HVAC (pursuant to quarterly maintenance Agreement) and interior elements. All charges associated with Tenant's Duty to Maintain shall be paid directly by Tenant. Responsibilities shall be further defined in Lease.

**CAM and Insurance
(Operating Expenses):**

Upon Delivery, Tenant shall pay its full pro-rata share of operating expenses estimated at \$3.36/SF for the calendar year 2009 (CAM \$2.98, Insurance \$0.38). Operating expense methodology shall be further defined in the Lease. Estimated operating expenses shall be billed monthly, and reconciled in the first quarter of the following year. *For example, no later than April 1, 2010, invoices or credits for the balance due or owed will be issued to tenants for operating expenses charged in the calendar year 2009.*

Property Taxes:

Tenant is currently exempt from property taxes, but not special assessments. 2009 annual property taxes are estimated at \$1.24/SF. Landlord is not aware of any special assessments at this time, but shall verify prior to Lease execution.

Tenant Improvements:

Tenant will be responsible for its Tenant Improvements. Tenant will be responsible for constructing improvements of a quality consistent with other Tenant Multnomah County Library sites.

Landlord's Work:

All permits, fees, demolition, and construction costs associated with the delivery of Premises in the condition required by the Tenant's Project Criteria Exhibit B (herein "Landlord's Work") shall be born solely by Landlord in connection with its delivery of the Premises. In addition to the conditions in Exhibit B, Landlord shall provide the following:

- One ADA compliant van space with a ramp/curb cut as indicated on Exhibit A
- One dedicated loading zone space and curb cut as indicated on Exhibit A
- Two new, standard doors, double entrance and single delivery and a consistent storefront treatment and mullions
- A level, troweled-smooth pad
- Tele-data service to the space per tenant specifications to be provided.

Entitlements:

Tenant will require a Conditional Use Permit. All zoning and entitlement issues, including any supplemental exits, improvements or off-site work will be Landlord's responsibility and expense with Tenant's cooperation. Landlord has not identified any issues with this process, and shall diligently pursue to completion.

Environmental:

No known environmental issues are present at the site. Landlord has provided all environmental surveys performed to-date.

Security Deposit: None.

Identity: Storefront signage maximum allowable per Landlord's Sign Criteria and Code. Monument signage will be provided at shopping center entrance along NE 242nd and at shopping center entrance along SW Cherry Park Rd. No known structural or zoning limitations, pending Conditional Use Permit

Building Ownership & Management: Regency Centers (Landlord) to provide all management services.

Representation: The Tenant is self represented and will neither receive nor pay a broker's commission, finder's fee, or any related obligation.

The business terms and conditions outlined above are not an offer to Lease. Neither party will be bound by these terms and conditions until a Lease has been fully executed by both parties. When a Lease is signed, it will supersede and replace this summary in its entirety. Any proposed Lease negotiated between the parties will be subject to review of the County Attorney and will be not binding on the County unless approved by the Board and it is fully executed by both parties.

If you have any questions, please call me at (503) 603-4700. We look forward to a successful transaction.

REGENCY CENTERS

MULTNOMAH COUNTY



Kalin Berger
Leasing Agent
kberger@regencycenters.com



A. Michael Sublett
Facilities and Property Management
michael.a.sublett@co.multnomah.or.us

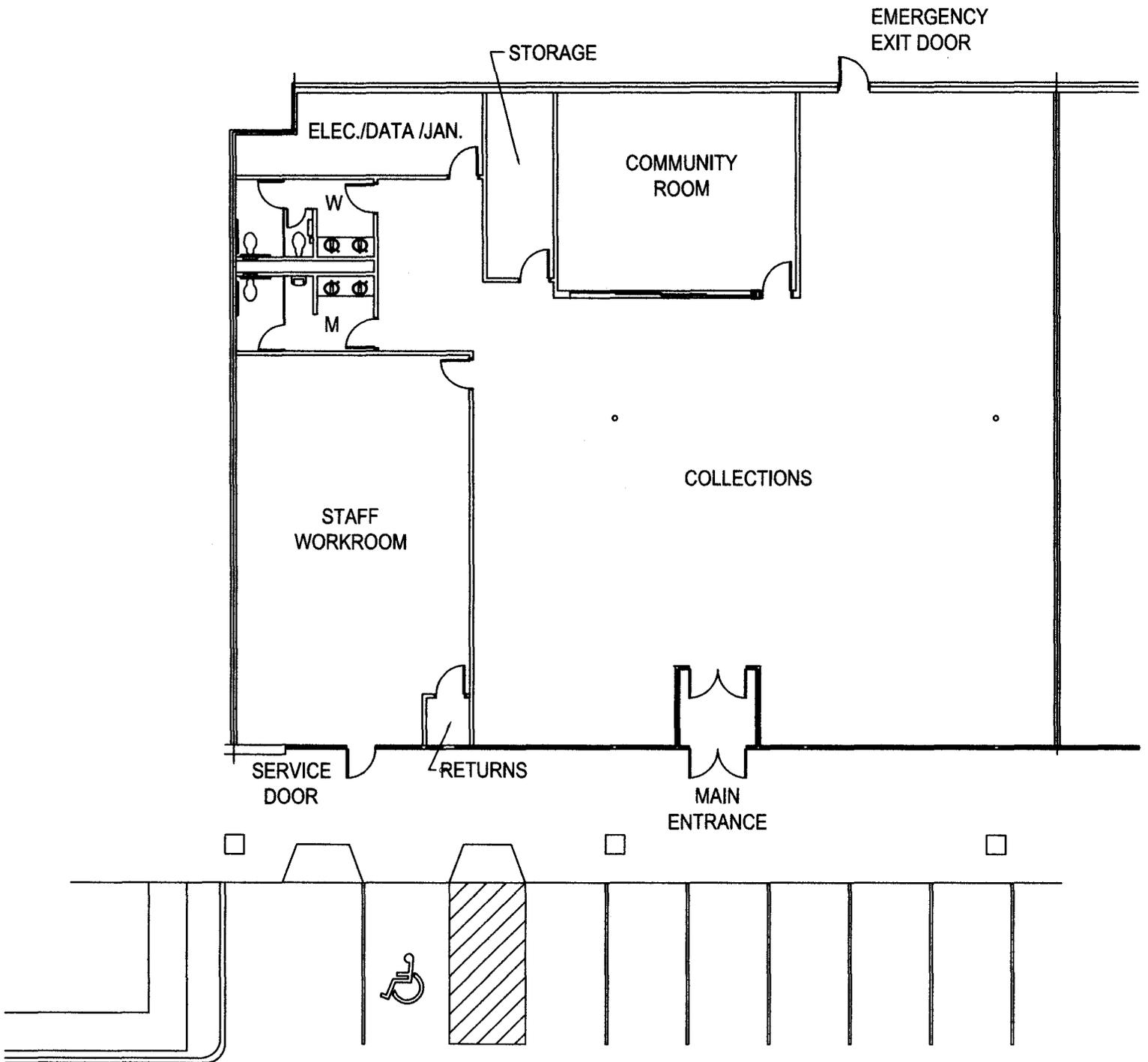


EXHIBIT A
TROUTDALE BRANCH LIBRARY FLOOR PLAN
 NOT TO SCALE



Project Criteria

Date: 9 January 2009

Project: **Multnomah County Library, Troutdale Branch Criteria**
HEA Project No. 08007

SECTION I

PROJECT SUMMARY

Multnomah County plans to lease an approximately 6,000sf ground-floor tenant spaces for long-term use as neighborhood branch library for the Troutdale neighborhood. The County intends to lease a “cold-dry” shell and finish out the interior space through a separate contract.

NARRATIVE

The Library has certain design parameters and program requirements that the proposed building shell needs to meet in order to be a successful new Library Branch.

A highly visible, central location, serviced by public transportation, with off street parking, and a positive pedestrian experience is important to the success of the Library. An easily identified ADA accessible, covered entrance; covered book drop; and exterior signage are key features that must be accommodated in the new proposed building shell.

Visibility between the interior and the exterior, as well as abundant natural light, are preferred for the Library, but glare and unwanted heat gain must be controlled.

The proposed building needs to have a loading zone in an area that is near and accessible to the Work Room in the building. The loading zone must accommodate one large van for deliveries.

A trash and recycling area also needs to be located near the Work Room and be constructed in accordance with current code requirements.

The utilities available on the site need to meet the requirements listed under various headings under Section II of this document.

The interior space in the proposed building shell should meet the square footage requirement, but also be of a regular shape and have little or no obstructions to efficiently accommodate library book stacks and other programmatic features.

Sustainable concepts including the efficient use of energy, longevity of materials, and low maintenance costs are important factors that the Library, as a public facility, must incorporate.

SECTION II

DIVISION 1 – GENERAL REQUIREMENTS

Conform to all applicable local Zoning Codes (indicate change of use if required).
Conform to current Building Code Requirements. This building will be an “A-3” Occupancy.

Submit drawings illustrating the proposed site improvements and building design as outlined under “Drawings to Submit”. Indicate overall and structural bay dimensions and note the scale of the drawings.

Indicate the exterior assembly Sound Transmission Class (STC) levels of the exterior building systems and how they accommodate typical Library activities. Interior sound levels should not exceed 35-40 dBA and mechanical system sound levels should meet ANSI 30 standards.

STRUCTURE

The proposed building is preferred to have a regular shape and large clear structural spans.

If the building structure consists of columns, the Library prefers a 6’-0” module to work with the book shelving with a minimum structural bay of 18’-0” by 18’-0”.

The interior ceiling height should be a minimum of 12’-0” to a finished ceiling or 14’-6” to bottom of structure above. An interior space with an exposed structural system is also acceptable.

The building’s structural system must be able to support the live load requirement for libraries specified by code.

The anticipated support required is for a 150 PSF live load.

The roof construction must allow for rooftop HVAC systems.

The exterior of the building must be able to accommodate and structurally support signage and exterior lighting.

The building must meet all current structural codes including seismic requirements.

DRAWINGS TO SUBMIT:

SITE PLAN: Provide a diagrammatic site plan. The drawing should identify the address, adjacent streets, site access, property lines with dimensions, setbacks, easements, and zoning designation. This plan should also incorporate items listed in Division 31-35 - Site.

FLOOR PLAN: Indicate proposed building conditions. Clearly indicate and dimension the structural systems and all exterior walls and interior load bearing walls. Indicate doors for entry and exit of the space. Indicate the structure above - roof (or floor above). Indicate main entry doors, exit doors, service doors and potential book drop location.

BUILDING ELEVATION: Provide exterior elevation sketches of the proposed building indicating exterior building materials, main entrance, exit and service doors, potential book drop and potential exterior signage.

BUILDING SECTION: Provide a building section sketch illustrating the interior ceiling height and the proposed or existing structural systems.

DIVISION 31-35 – SITE

Parking	Provide number, type and location of parking spaces (including ADA spaces) dedicated part or full time for use by the Library.
Book Drop	Provide space for a Book Drop on the exterior wall of the building. Book Drop must be in a public area accessible from a sidewalk, visible from the public right-of-way, safe, ADA accessible and must have protection from rain.
Loading Zone	Provide a Loading Zone that accommodates an 8 ft by 16 ft van and is adjacent to the Work Room.
Trash / Recycling	Provide location (adjacent to Work Room) sized to Metro standards and all other code requirements.
Signage	Building exterior must provide space for highly visible Library Signage adjacent to main library entrance.

Utilities: Provide location and sizing of the following proposed and existing utilities:

Water distribution (Domestic and Fire Suppression)

Sanitary Sewer Piping

Under slab / floor main drain lines

Natural Gas

Underground Electrical Ducts and Manholes

Storm Drainage Piping

Data and Phone Conduits

Note: indicate all site utility easements

DIVISION 7 – THERMAL AND MOISTURE PROTECTION

Indicate the building enclosure systems and how they meet or exceed current building and energy code requirements.

DIVISION 8 – DOORS AND WINDOWS

Provide a description and specification of exterior doors and windows and how they meet or exceed the current building and energy code requirements. Also, describe any measures that minimize glare and heat gain.

Provide a pair of fully glazed doors at the exterior entrance with power assist for ADA access.

Provide heavy duty, commercial, steel exterior service / delivery and exit doors.

Provide heavy duty, commercial, panic door hardware.

DIVISION 9 – FINISHES

Indicate proposed exterior building enclosure systems and finishes. Materials should be durable and low maintenance, with a “Civic” appearance that is suitable for a Public Library.

DIVISION 10 – SPECIALTIES

Building must provide a covered location for a book drop.

DIVISION 21 – FIRE SUPPRESSION

**COUNTY DOES NOT REQUIRE A FIRE SUPPRESSION SYSTEM HOWEVER
FIRE PROTECTION SERVICE MAIN, where required by code.**

**Fire protection service piping will be sized in accordance with the requirements of NFPA 13,
where required by code.**

Ductile-iron pipe and fittings for underground locations only:

Push-on-Joint, Ductile-Iron Pipe: AWWA C151, with push-on-joint bell and plain spigot end.

Push-on-Joint, Ductile-Iron Fittings: AWWA C153, ductile-iron compact pattern.

Gaskets: AWWA C111, rubber.

Identify existing available water pressure at the building.

The anticipated service size for a 6,000 square foot facility is a 4-inch diameter pipe.

DIVISION 22 – PLUMBING

DOMESTIC WATER PIPING:

Type L copper will be specified for above grade piping and type K copper for below grade.

**Water piping will be insulated per the Oregon state energy code. Preformed fiberglass pipe
insulation will be specified. Cold water piping insulation will have a vapor barrier.**

Provide existing available water pressure at the building.

The anticipated service size for a 6,000 square foot facility is a 2 inch diameter pipe.

NATURAL GAS:

Natural gas service will be sized to meet an anticipated Tenant Improvement heating load.

Design criteria for Tenant Improvement heating load will be based on the following:

Winter Outdoor Conditions: 15 degree F

Winter Indoor Conditions: 70 degree F DB

**Natural gas meter location will be indicated. Piping on the service side of the meter will be by
the serving utility. Piping downstream of the meter is considered part of Tenant Improvement
requirements.**

SANITARY WASTE & VENT PIPING:

**ABS DWV piping will be sized to meet an anticipated Tenant Improvement load and will be
stubbed to 5'-0" from the building line. ABS DWV waste piping will be specified for below
grade and above grade. The Civil Engineer will design the waste system beyond five (5) feet of
the building. Vent piping will also be ABS DWV.**

The anticipated service size for a 6,000 square foot facility is a 4 inch diameter pipe.

STORM DRAINAGE:

**Cast Iron piping will be sized to meet the rain drainage load (including roof) and will be
stubbed to 5'-0" from the building line. The Building Owner's Civil Engineer will design the
storm water system beyond five (5) feet of the building.**

**The anticipated service size for a 6,000 square foot facility is a 4 inch diameter pipe for each
rain leader.**

PLUMBING FIXTURES:

Allow for venting of systems through roof (and any additional floor fixtures above the library).

Wall Hydrant: Hose thread, vacuum breaker, and freeze-proof.

DIVISION 23 – HEATING VENTILATING AND AIR CONDITIONING

HVAC SYSTEMS

HVAC design criteria and system descriptions is considered part of Tenant Improvement requirements.

Allow for the installation of rooftop HVAC systems with an allowance for vertical chases to route ducts and / or piping between the rooftop equipment and the TI space.

DIVISION 26 – ELECTRICAL

POWER

A separately metered electric service will be required for the library facility. Each site will require investigation concerning special features necessary to provide service from the local Power Company. The service will be from the property line to a location 5-feet outside the building footings for underground service. Features may include a concrete transformer pad, primary vaults, trenching, backfill, and conduits to accommodate primary and secondary utility cables. This service is anticipated to be a 120/208-volt, three-phase, four-wire, grounded wye system.

The anticipated service size based on a 6,000 square foot facility with natural gas heating systems is estimated at 400 to 600 amperes, and 800 to 1,000 ampere range for all electric heating systems.

RACEWAYS

Non-metallic, Schedule 40 polyvinyl chloride (PVC) conduit will be required where installed in direct contact with the earth. Rigid galvanized steel (RGS) conduit wrapped with plastic tape will be required at offsets and elbows installed underground and at transition areas from underground to above ground for protection from physical damage.

OUTDOOR AREA PARKING

The scope may include sites where outdoor parking and illuminated signage will be required. These locations will include (Building Owner provided) area pole mounted lighting fixtures with illumination levels complying with the Authorities Having Jurisdiction and the pedestrian safety requirements of the Illuminating Engineering Society of North America Standards. All outdoor lighting and illuminated signage may be served from the library power distribution system. The underground branch circuits are to terminate 5-foot outside the building footings.

DIVISION 27 – COMMUNICATIONS

TELEPHONE AND CABLE TELEVISION

Telephone service will be required for the library facility. The Building Owner will provide in coordination with the local Utility Company, an underground conduit with a pull-cord installed from the property line to a location 5-feet outside the building footing. Special features regarding the number of lines and system performance requirements must be established before detailed coordination can be accomplished.

Cable television service will be required for the library facility. The Building Owner will provide in coordination with the local Utility Company, an underground conduit with a pull-cord installed from the property line to a location 5-feet outside the building footing.

SECTION III

This building program represents the proposed square footage and spaces that the Library intends to construct within the Tenant space of the Cold-Dry Shell.

Branch Library Building Program	Min. 6,000 SF
Entry Vestibule with "giveaway shelves"	125
Reading Room (Circulation desk, tables chairs book stacks)	3,500
<i>Shelving (Linear Feet)</i>	<i>2,500</i>
Meeting Room (with coat closet, sink, counter for electric coffee pot, lockable storage space with shelves for program supplies)	600
Lockable Storage Closet (in meeting room for table and computer carts)	40
Workroom	925
Enclosed Book Drop	60
Supervisor's Office	90
Staff Room (with sink and refrigerator)	150
Staff Toilet Room	50
Janitor's Closet	40
Mechanical / Electrical Room (maintenance closet)	120
Data Closet	60
<i>Fire Sprinkler Room (if required by code)</i>	<i>35</i>
Sub Total:	5,760
<i>Drinking Fountain</i>	<i>1</i>
Men's Toilet Room (1 stall, 1 urinal, 2 sinks, hand dryer)	140
Women's Toilet Room (2 stalls, 2 sinks, hand dryer)	140
(Number includes circulation/ walls/ misc.) TOTAL:	6,080
<i>Trash Enclosure (exterior, not in Total)</i>	<i>84</i>
<i>Items in grey are not included in Totals.</i>	