



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised: 09/23/13)

Board Clerk Use Only

Meeting Date: 10/19/17
Agenda Item #: C.2
Est. Start Time: 9:30 am
Date Submitted: 10/11/17

Agenda Title: Resolution Authorizing the County Chair to Execute a Utility Vault Lease of SW Naito Parkway Right of Way from the City of Portland in Conjunction with the Central Courthouse Project.

Note: Title should not be more than 2 lines but sufficient to describe the action requested. Title on APR must match title on Ordinance, Resolution, Order or Proclamation.

Requested

Meeting Date: October 19, 2017 Time Needed: n/a

Department: DCA/County Attorney Division: Facilities & Property Management

Contact(s): Ken Elliott

Phone: (503) 988-7604 Ext. 87604 I/O Address: 503/500/CA

Presenter Name(s) & Title(s): Consent Agenda

General Information

1. What action are you requesting from the Board?

Authorize the County Chair to execute an Exclusive Utility Vault Lease (the Lease) with the City of Portland, acting by and through its Bureau of Transportation (PBOT), for placement of underground utilities beneath the sidewalk on the west side of SW Naito Parkway between SW Jefferson St and SW Madison St, adjoining the Central Courthouse Project (Project).

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Multnomah County (County) needs to construct an underground utility vault for the Project's exclusive use (UVE) adjoining the Project site to provide utility service for the new Central Courthouse. Based on existing public and private utility locations in the Rights of Way surrounding the Project site and following consultation with utility providers and City officials, the Project team has designed, engineered and secured permits for installation of the UVE on the Project's east frontage, beneath the SW Naito Parkway sidewalk.

The Director of PBOT has reviewed the proposed street opening and placement of utilities in the public right-of-way and, subject to County complying with certain conditions provided for in the Lease, has determined it to be consistent with approval criteria and policies pursuant to City rules governing "Placement of Utilities."

PBOT's Director has determined that use of the Right of Way for the Lease will not unreasonably interfere with public use and utility use of the Right of Way, as provided by law during the term of the Lease.

The Lease will become effective upon execution by both parties (Effective Date). The term of the Lease will be thirty (30) years, commencing on the Effective Date and will expire at 11:59 pm on the last day of the 30th (thirtieth) year (Initial Term), unless sooner terminated or extended as provided in the Lease. County will have the option to renew the Lease for two (2) separate, successive terms of thirty (30) years each (each, a Renewal Period) commencing on the expiration of the Initial Term.

3. Explain the fiscal impact (current year and ongoing).

The Lease requires County to pay City annual rent (Rent) of \$17,595.00 per year, beginning upon County's completion of the UVE. Commencing at the beginning of the sixth (6th) full calendar year following the Effective Date of the Lease and thereafter on the first day of each succeeding five (5) year period throughout the remainder of the Initial Term and any subsequent Renewal Period, Rent shall be adjusted to equal Rent at the beginning of the previous five (5) year period for which Rents were fixed, increased by 3 percent (3%).

4. Explain any legal and/or policy issues involved.

PBOT has previously issued its Right-of-Way Permit #2016-261096 on May 10, 2017, for construction of the UVE as part of Project construction. The Lease will permit County and its utility providers to install, operate, maintain and replace underground utilities required to serve the Central Courthouse throughout the projected useful life of the Courthouse.

5. Explain any citizen and/or other government participation that has or will take place.

County's Project team and City's PBOT and Bureau of Development Services teams have met over the past several months to plan, design and permit installation of the UVE as part of the Project, in anticipation of entry into the Lease.

Required Signature

Note: Please submit electronically. Insert names of your approvers followed by /s/ - we no longer use actual signatures. Please insert date approved.

**Elected
Official or
Department
Director:**

/s/ Sherry Swackhamer, DCA
Director

Date: October 11, 2017