

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO.

Authorizing Execution of Three Agreements Relating to Access and Parking at the St. Johns Library.

The Multnomah County Library District Board Finds:

- a. St. Johns Library is a historic Carnegie library that has served as an important community asset since 1913.
- b. In the early 1990s, the City of Portland vacated North Kellogg Street between the Library and what was then Messiah Lutheran Church (Church), resulting in the transferral of 30 feet of ownership to each party.
- c. In January 1997, Multnomah County and Messiah Lutheran Church entered into 25-year reciprocal easements over the other party's 30 feet of property ownership to provide access to off-street parking for members of the public and parishioners, respectively. Due to the complementary uses of the two facilities, the easements effectively supported ingress, egress, parking and freight delivery over the last 19 years.
- d. In 2015, a developer acquired the church property and is planning to develop a four-story, 106-unit apartment complex and 22,600 square feet of creative/office space.
- e. To address this change in circumstances, the Library is working with the developer to execute three agreements:
 - (i) An agreement addressing the continuation of Library operations in light of anticipated interruptions to the access and use of the off-street parking lot during construction of the developer's project. This agreement will identify the activities expected to cause interruptions, the timing of the occurrence of such activities, and the developer's communication and mitigation obligations to the Library;
 - (ii) An amended and restated reciprocal easement agreement providing for the Library's continued use of the parking spaces on the developer's property and the parties continued mutual use of the access driveway; and

- (iii) A Good Neighbor Agreement setting forth the parties expectations and obligations for maintaining nuisance-free use of the parking lot.
- f. Together, the three agreements described above will achieve the Library's overarching goals of protecting public access to the library, ensuring continued efficiency in Library operations, and preserving the Library's property rights and interests in this property.
- g. Execution of the three agreements described above will resolve the issues to be heard at a City of Portland land use hearing scheduled for February 4, 2016. Accordingly, time is of the essence in this matter.
- h. Execution of the three agreements described above for the purpose of achieving the goals stated above is in the public interest.

The Multnomah County Library District Board Resolves:

- 1. The Library District Chair is authorized to execute the three agreements described in Finding (e) above, as well as any ancillary documents necessary to effectuate the purpose and intent of the three agreements, so long as execution of the finalized documents, when taken together, achieves the goals stated in Finding (f) above.
- 2. Multnomah County Library District Board approval is needed for any modification or amendment of any agreement authorized herein that results in a material increase in the obligations of the Multnomah County Library District or a material decrease in the benefits for the Multnomah County Library District under the agreement sought to be modified or amended.

ADOPTED this 28th day of January 2016.

MULTNOMAH COUNTY LIBRARY DISTRICT

By: _____
Deborah Kafoury, Chair

REVIEWED:

**JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON**

By _____
Jed Tomkins, Assistant County Attorney

SUBMITTED BY: Vailey Oehlke, Director, Multnomah County Library District