

AGREEMENT

**City of Portland Parks and Recreation
And
Multnomah County**

**Regarding Impacts to Willamette Moorage Park located in
Portland, Multnomah County, Oregon**

In Connection with the Proposed Sellwood Bridge Project, Portland, Oregon

STIP Key No. 13762

I. RECITALS:

1. Multnomah County (County) proposes to replace the Sellwood Bridge and reconfigure the present interchange area of Oregon Highway 43 at the west end of the Sellwood Bridge approach. This project is located in Portland, Multnomah County, Oregon (see project vicinity map in Attachment 1);
2. The City of Portland Parks and Recreation (City) and Multnomah County agree that the Sellwood Bridge Project is in the public interest, and that the impacts to Willamette Moorage Park are being minimized through the implementation of appropriate mitigation measures, and
3. The parties acknowledge that due consideration for the performance of the mutual obligations imposed herein has been received and is satisfactory.

Now, therefore, the City of Portland Parks and Recreation and Multnomah County agree that the Sellwood Bridge Project shall be implemented in accordance with the following stipulations relating to project impacts to Willamette Moorage Park.

II. PURPOSE

The purpose of this Agreement is to declare and memorialize agreement amongst all the signing parties that the actions set forth herein as part of the Sellwood Bridge Project will be performed by Multnomah County to offset impacts at Willamette Moorage Park resulting from the Sellwood Bridge Project.

III. BACKGROUND AND CURRENT USE

Willamette Moorage Park is an 8.92-acre park that is bordered by the Willamette River on the east, Oregon Highway 43 on the west, Butterfly Park on the north, and the Staff Jennings marina property on the south. Willamette Moorage Park is owned by the City of Portland and is maintained by the City of Portland Parks and Recreation.

Willamette Moorage Park functions primarily as a natural area intended to bolster the health of the Willamette River ecosystem. The park is the location of the Stephens Creek Confluence Habitat Enhancement Project—a partnership effort between the City of Portland and community groups to restore habitat for fish listed as threatened under the federal Endangered Species Act. This linear park provides passive recreational opportunities along with river access. Existing park facilities include a boat dock (a public transient dock shared with the Macadam Bay Floating Homes), a parking lot, and a hiking trail (the Willamette Greenway Trail).

IV. IMPACTS OF CONSTRUCTION

A Non-Park Use Permit for approximately 0.35-acres of Willamette Moorage Park is needed to construct the access driveway from Macadam Bay Moorage to SW Macadam Ave. The Refined Preferred Alternative will use a portion of land from the park to relocate the driveway providing access to Macadam Bay parking lot and dock as necessitated by ODOT access management requirements. Some of this acreage already has been leased for a non-park use to Freeman Motors Company and Portland General Electric. Construction of the new access driveway will also include construction of a stormwater treatment facility to treat runoff from the driveway as required by City standards.

The Refined Preferred Alternative includes an eighteen-foot wide paved trail extending along the park, parallel to the existing Willamette Shoreline Trolley tracks. The trail is being constructed in this location to avoid a Section 4(f) impact from removal of the existing approximately 5-foot wide Willamette Greenway Trail section located on the eastern edge of the Oregon Highway 43 right-of-way. The much larger width of the trail to be constructed by the project was mandated by the City of Portland Bureau of Transportation to meet current trail standards

The construction of this trail will remove bicycle commuters from the section of Willamette Greenway Trail located in the central part of Willamette Moorage Park, a section of trail which City of Portland Parks and Recreation would prefer be used strictly as a walking trail through this designated natural area.

The construction of multi-use trail will also allow for safe bicycle and pedestrian travel in the Oregon Highway 43 corridor. In totality, the construction of this section of trail will result in a safe and continuous off-street paved path from the Sellwood Bridge (and the existing Springwater Corridor regional multi-use trail located on the east side of the Sellwood Bridge) to the existing paved multi-use trail located in Willamette Park¹ and to points north (including downtown Portland).

V. STIPULATIONS FOR MITIGATION

¹ Willamette Park is a separate City of Portland park facility located approximately 0.10-mile north of Willamette Moorage Park.

The following actions have been agreed to by officials from the City and County in an effort to offset impacts to Willamette Moorage Park resulting from the proposed Sellwood Bridge Project. The following measures will be implemented when the affected portion of the project is constructed.

- A. The County will construct a 0.25-mile long, eighteen-foot wide Multi-Use Trail from Macadam Bay north to SW Miles Avenue. The trail will contain a fourteen-foot wide paved surface with two-foot gravel shoulders on both sides of the paved surface. This trail will be aligned parallel to the existing Willamette Shoreline railroad tracks. The width of the trail may be reduced to protect natural resources at the request of the City of Portland. Upon completion of trail construction, the City of Portland will assume ownership of the trail and will be responsible for all trail maintenance activities in perpetuity.
- B. The County will replace the existing Stephens Creek culvert under the Willamette Shoreline railroad, Willamette Greenway Trail, the new Macadam Bay access driveway, and the new Multi-Use Trail with a fish and wildlife-friendly passage to be constructed according to Oregon Department of Fish and Wildlife standards. The County will complete the stream bank grading, and the City of Portland will provide and plant the riparian vegetation along the creek.
- C. The County will provide sloped, stepped, vegetated walls along the bicycle/pedestrian trail to minimize visual and aesthetic impacts to the park. The wall design will provide for structural support and wildlife habitat value in all areas except where not feasible from an engineering perspective.
- D. The County will obtain a Non-Park Use Permit and pay a lump sum payment, at fair market value and in accordance with the Uniform Act, for use and maintenance of the roadway to Portland Parks and Recreation for the .35 acres of Willamette Moorage Park land incorporated into the Macadam Bay access driveway plus City administrative costs to be determined by agreement of the City of Portland and Multnomah County. The City of Portland shall reserve the right to review plans and specification for the work. Upon completion of driveway construction, the City of Portland will assume ownership of the access driveway and will be responsible for all maintenance activities in perpetuity.
- E. If requested by the City to address issues related to the access road realignment; the County will renegotiate on behalf of the City the current City of Portland Parks and Recreation lease agreement with Freeman Motors (Freeman) and the easement with Portland General Electric Company (PGE). The City of Portland shall reserve the right to review and approve the renegotiated lease and easement (collectively referred to as the “private property interests”). The Parties further stipulate that should negotiations as provided herein be unsuccessful with Freeman or PGE, the County reserves the right as allowed by law to acquire the required private property interests through eminent domain authority (if necessary) for the completion of the park and transportation improvements as described in this Agreement.

VII. IT IS SO AGREED: Once signed by all parties, this document commits Multnomah County and the City of Portland to perform the actions described above.

Zari Santner, Director
For City of Portland Parks and Recreation

Date

Jeff Cogen, Chair
For Multnomah County

07/22/10
Date

Attachments:

- 1) Sellwood Bridge Project vicinity maps

Attachment 1





Attachment 1
Vicinity Map