

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Approving Lot Line Consolidation, Lot Adjustment; and Right of Way Dedications; and Authorizing the Procurement of all Permits Required by the City of Gresham for the Construction of the East County Courthouse, at SE 185th and Stark Street; and Authorizing Negotiations as Necessary with Commercial Tenant to Facilitate Right of Way Dedication.

The Multnomah County Board of Commissioners Finds:

- a. A Courthouse Blue Ribbon Steering Committee made recommendations in December 2003 for a new courts facility within the existing downtown Portland Government Center and four courtrooms within the City of Gresham to accommodate the Multnomah county court and supporting County functions for the next 40 years.
- b. On February 22, 2007, by Resolution 07-028, the Board approved the East County Justice Facility Project Plan creating a capital project in accordance with Resolution 07-024 and FAC 1 procedures directed facility to proceed with implementation of the plan.
- c. On October 1, 2009, by Resolution 09-121, the Board approved the East County Courts Development Update, FAC-1 Amendment revised September 30, 2009 and authorized Facilities to proceed through schematic design of an East County Courts and District Attorney Facility (“the Project”).
- d. On January 1, 2010, by Resolution 2010-006, Board reaffirmed an exemption to use a Construction Manager/General Contractor method for construction of the Project.
- e. On April 22, 2010, by Resolution 2010-048, the Board approved the funding for the Construction Documents not to exceed \$1.8 million for the Project on the County owned property at SE 185th and Stark Street in Rockwood.
- f. On August 26, 2010, by Resolution 2010-117, the Board approved the Office of Information Technology in-house Data Center FAC-1 project plan and authorized the division of Facilities and Property Management to incorporate the proposed in-house data center into the Project.
- g. Facilities and Property Management (FPM) completed the Construction Documents and prepared an East County Courts Executive Summary for the Construction Documents/Construction Plan – October 2010 (Executive Summary) a copy of which is attached to this Resolution. FPM is prepared to commence construction upon approval of the Construction Documents/Construction Plan and approval of a resolution for construction funding.
- h. On September 27, 2010 the City of Gresham Planning Commission approved in a land use review and proceeding brought on behalf of the County, the development of the SE 185th and Stark site for the proposed East County Courthouse. The decision of the Planning Commission is now final. As conditions of that final decision, the County is required to complete a lot line adjustment and a lot consolidation proceeding in compliance with Gresham City Code and as well to dedicate certain frontage area to widen SE Stark and additional land area to provide for the extension of SE 185th to the south.
- i. On October 28, 2010, by Resolution 2010-152 the Board approved the Construction phase of the East County Court, District Attorney Facility and County Data Center on County-owned property at SE 185th and Stark Street in the community of Rockwood and the City of Gresham.
- j. On October 28, 2010, by Resolution 2010-153 the Board approved the financing of the Courthouse in East Multnomah County in an amount not to exceed \$15,000,000.

- k. In order to comply with the land use decision conditions and to facilitate in part the required right of way dedications, the County will need to negotiate certain issues with the current tenant on site with respect to the lease covering that tenancy.

The Multnomah County Board of Commissioners Resolves:

1. The lot consolidation and lot adjustment for the East County Courthouse development, as set forth in the attached Exhibit 1 (Edited Version of the County's November 19, 2010 Lot Consolidation and Adjustment Application to the City of Gresham) are approved. The Chair is authorized to execute on behalf of the County all deeds or other documents necessary to complete the lot consolidation and lot adjustment as set forth in Exhibit 1.
2. The deeds of dedication for the four feet of frontage along SE Stark Street and the fifty six feet of right-of-way for the extension of SE 185th Avenue through the site and the Indemnity Agreement are approved; and the Chair is authorized to execute on behalf of the County dedication deeds and an Indemnity Agreement for this area in substantial conformance with the deeds and Agreement attached and identified collectively as Exhibit 2.
3. The County's FPM is directed to comply with all additional conditions required by the City of Gresham under the City's September 27, 2010 land use decision; to obtain a Building Permit or "Notice to Proceed" and the Chair is authorized to execute on behalf of the County any such additional documents or instruments necessary to implement these conditions.
4. FPM is directed to pursue negotiations and potential lease amendment with the County's tenant at the East County Courthouse site and the Chair is authorized to execute on behalf of the County any lease amendment or other instrument reasonably necessary to facilitate the dedication of SE 185th.

ADOPTED this 23rd day of December, 2010.

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

Jeff Cogen, Chair

REVIEWED:

**HENRY H. LAZENBY, JR., COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON**

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

Mindy Harris, Interim DCM Director