

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

**RESOLUTION NO. 2017-XXX**

**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.**

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County (County) needs to construct an underground utility vault for the Central Courthouse Project's (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.
- b. The Director of the Portland Bureau of Transportation (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 Exclusive Utility Vault Lease (the Lease), has determined it to be consistent with approval criteria and policies pursuant to City rules governing "Placement of Utilities."
- c. 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.
- d. 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 30<sup>th</sup> (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.
- e. 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%).

- f. 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.
- g. 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.

**The Multnomah County Board of Commissioners Resolves:**

- 1. The County Chair is authorized to execute the Lease with the City of Portland, acting by and through its Bureau of Transportation, in substantially the form attached hereto as Exhibit A. Board approval is needed for any modification or amendment that results in a material increase in the obligations of Multnomah County or a material decrease in the benefits for Multnomah County under the Lease.

**ADOPTED this 19th day of October 2017.**

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

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**Deborah Kafoury, Chair**

REVIEWED:

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

By \_\_\_\_\_  
Kenneth M. Elliott, Assistant County Attorney

SUBMITTED BY: Sherry Swackhamer, Director, Department of County Assets