

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 00-198

Approving Memorandum of Understanding Between Multnomah County and Tri County Metropolitan Transportation District of Oregon (Tri Met) that Multnomah County Intends to Provide Use of Surplus Land for Tri Met's North Interstate Light Rail Project and Authorizing County Chair to Execute the Memorandum of Understanding

The Multnomah County Board of Commissioners Finds:

- a) Tri Met is planning the final design of its North Interstate Light Rail Project and is required to demonstrate to the Federal Transit Administration that it has the ability to construct and operate the project on property owned by public entities;
- b) The County-owned land covered by the Memorandum of Understanding lies within the Tri Met Project and is surplus to County needs; and
- c) It is in the interest of Multnomah County that use of the land for the North Interstate Light Rail Project be made available to Tri Met.

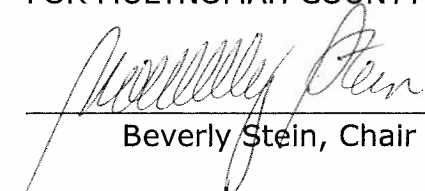
The Multnomah County Board of Commissioners Resolves:

1. The Memorandum of Understanding Between Multnomah County and The Tri County Metropolitan Transportation District be, and the same is hereby, approved; and
2. The County Chair be, and she is hereby, authorized to execute the said Memorandum of Understanding on behalf of Multnomah County.

ADOPTED this 7th day of December, 2000.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By  for
Matthew O. Ryan, Assistant County Attorney

MEMORANDUM OF UNDERSTANDING
Between
Multnomah County
and
The Tri County Metropolitan Transportation District
(For Real Estate Only)

THIS MEMORANDUM OF UNDERSTANDING is made between Multnomah County ("MULTNOMAH COUNTY") and the Tri County Metropolitan Transportation District of Oregon ("Tri Met").

RECITALS:

Tri-Met owns and operates the public mass transit system serving the Portland, Oregon metropolitan region, which includes an existing light rail line composed of the commonly known segments of Eastside/Banfield and Westside/Hillsboro lines.

The Regional Transportation Plan for the Portland metropolitan region and the Transportation Element of the Multnomah County's Comprehensive Plan each anticipate the development of an additional light rail line commonly known as the South/North line.

In June of 1998, Metro adopted the Locally Preferred Strategy ("LPS") and the Land Use Final Order ("LUFO") for the South/North light rail project as a project alignment from Hayden Island to Clackamas Town Center.

In October of 1999, with the endorsement of MULTNOMAH COUNTY, Metro approved a modification to the LPS showing the North Interstate Avenue alignment for the project ("Project"), which alignment showed the use of certain MULTNOMAH COUNTY property.

As part of the Project, Tri Met wishes to use parcels or portions of property currently owned or under jurisdiction and control of MULTNOMAH COUNTY. Said parcels or portions of property are identified in the drawings attached to this MOU, drawing number CPX508 (the "Property"). At this point, the Project is in final design and the specific interests needed will be identified as part of the Final Design process.

The Parties understand that Tri-Met has entered into a Full Funding Grant Agreement ("FFGA") with the Federal Transit Administration ("FTA") as the vehicle through which the Project will receive the federal funding component of the Project. As the grant recipient, Tri-Met will be the entity responsible for performing, or contracting for, the necessary right of way for the project work.

Tri-Met and MULTNOMAH COUNTY are authorized to enter into this Memorandum of Understanding pursuant to the provisions of ORS 190.010.

This Agreement is for the purpose of memorializing the Parties' commitment regarding the Property and property interests necessary for the project.

NOW THEREFORE, the parties understand that:

MULTNOMAH COUNTY intends to transfer or allow the use of the Property, for purposes of the Project, subject to the negotiation of the value to be paid for the Property or property interests, and the approval of the final plans and specifications showing the specific impact to and interests needed in the Property.

MULTNOMAH COUNTY will either transfer the Property in fee, grant such easements or other rights as are necessary for Tri-Met's use and operation, which rights will be subject to negotiation and agreement of the parties, provided that such interests shall be sufficient to provide satisfactory continuing control as is necessary to comply with the requirements of the Federal law as administered by the Federal Transit Administration.

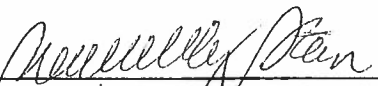
Valuation of the property rights needed by Tri-Met has not yet been made. In the event the parties cannot agree on the valuation, the parties will submit the matter to binding arbitration by selecting an appraiser. The parties shall also provide the appraiser with mutual appraisal instructions that are in compliance with The Uniform Relocation Assistance and Property Acquisition Act of 1970, as amended. Tri-Met shall pay the cost of the appraisal. In the event the parties cannot agree on an appraiser, the parties shall apply to the presiding judge of the Circuit Court for Multnomah County who shall, after being duly advised of the parties recommendations of an appraiser, appoint the appraiser from among the selections presented by the parties. Such appointment shall not be subject to appeal, unless the parties can by clear and convincing evidence demonstrate that fraud or corruption has been involved in the appointment of such appraiser.

This MOU shall be effective as of the date of the signature of the party last to sign.

IN WITNESS HEREOF, the parties have signed this MOU on the dates reflected next to their signatures.


MULTNOMAH COUNTY

TRI COUNTY METROPOLITAN
TRANSPORTATION DISTRICT
OF OREGON

By: 
Name: Beverly Stein, County Chair
Date: December 7, 2000

By: _____
Name: _____
Date: _____

APPROVED AS TO LEGAL SUFFICIENCY:

By: 
County Counsel

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-10 DATE 12/7/00
DEB BOGSTAD, BOARD CLERK

By: _____
Tri-Met Counsel

Date: _____