

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 05-019

Approving First Amendment to a Real Property Lease and Purchase Option Agreement with the Housing Authority of Portland at the Peninsula Building, Located at 7220 North Lombard Street, Portland, Oregon

The Multnomah County Board of Commissioners Finds:

- a. The Housing Authority of Portland currently leases from Multnomah County and has a purchase option for the Peninsula Building, approximately 7,309 square feet located at 7220 North Lombard Street, Portland, Oregon, (Property).
- b. The Housing Authority of Portland has experienced severe reductions in Federal funding, reducing its financial resources and its real estate needs.
- c. The Housing Authority of Portland has invested approximately \$34,000 in tenant improvements to the Peninsula Building, all of which will be retained by the County at the Property.
- d. The Property was previously identified as a candidate for disposition in the Multnomah County Facilities Portfolio Consolidation and Disposition Strategy dated October, 2004 and adopted by Resolution 04-168 dated November 18, 2004. The Property was previously declared surplus in Resolution 03-114 dated July 31, 2003.
- e. Multnomah County and the Housing Authority of Portland desire to amend the Lease and Purchase Option Agreement by changing the termination date to October 31, 2005, with a unilateral sixty (60) day early termination notice by Multnomah County commencing June 1, 2005. In addition, the Housing Authority of Portland relinquishes its Purchase Option and agrees to make best efforts to assist Multnomah County in disposing of the property.
- f. It is in the best interests of the County to amend the Lease and Purchase Option Agreement for the Property on the terms and conditions set forth in the attached Amendment.

The Multnomah County Board of Commissioners Resolves:

1. The Board approves the attached Amendment. The County Chair is authorized to execute an Amendment substantially in the form attached to this Resolution.
2. The County Chair is authorized to execute additional amendments to the Lease and Purchase Option Agreement without further Board action.
3. The Facilities and Property Management Division is directed to commence the surplus property process for the Property as adopted by Resolution 04-185 dated December 9, 2004.

ADOPTED this 20th day of January, 2005.



AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
John S. Thomas, Deputy County Attorney

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

FIRST AMENDMENT TO LEASE AND PURCHASE OPTION AGREEMENT

BETWEEN: MULTNOMAH COUNTY, OREGON

**Facilities and Property Management
401 N. Dixon Street
Portland, OR 97227**

LANDLORD

**AND: Housing Authority of Portland, Inc.
135 SW Ash Street
Portland, OR 97204**

TENANT

By a Lease and Purchase Option Agreement ("Agreement") dated August 4, 2003, and commencing August 4, 2003, Tenant leased from Landlord certain space in the facility known as the 'Peninsula Building' located at 7220 North Lombard Street in Portland, Oregon. The parties agree to amend the Agreement as follows:

A. Amended Terms and Conditions:

1. Section 1: Occupancy, Sub-section 1.1 Term is amended by deleting the existing termination date "August 3, 2006" and inserting the amended termination date "October 31, 2005."

2. Section 1: Occupancy, Sub-section 1.2 Renewal Option is amended by deletion of the existing provision in its entirety and the substitution of the following:

"1.2 Termination Option. Commencing June 1, 2005, Landlord shall have the right to terminate this Agreement by written notice to Tenant be received by Tenant not less than sixty (60) days prior to the proposed termination date. Notice may be given at any time after June 1, 2005. Rents for partial months shall be prorated."

3. Section 3: Use of the Premises, Sub-section 3.3 Hazardous Substances is amended by deleting the following sentence: "Upon the expiration or termination of this Agreement, unless Tenant exercises its purchase option under Section 16 (*sic*), Tenant shall remove all hazardous substances from the Premises," and adding the following sentence: "Upon the expiration or termination of this Agreement, Tenant shall remove all hazardous substances from the Premises."

4. Section 4: Repairs and Maintenance, Sub-section 4.4 Inspection of the Premises shall be amended by deleting the following sentence: "In addition, unless Tenant has submitted an exercise notice to Landlord under section 17.2.1 of this Agreement, Landlord has the right, at any time during the last two months of the term of this Agreement, to place and maintain upon the Premises notices for leasing or selling of the Premises,." and adding the following sentence: "In addition, Landlord has the right, at any time during the term of this Agreement, to

place and maintain upon the Premises notices for leasing, selling, or other disposing of the Premises. Tenant will make best efforts to accommodate Landlord's showing of Premises to prospective buyers in the disposition process."

5. Section 17: Option to Purchase Premises is deleted in its entirety.

6. Section 18: Miscellaneous, Sub-section 18.6 Covenants of Owner is deleted in its entirety.

B. Remainder of Agreement:

Except as expressly amended herein, all other terms and conditions of the Agreement shall remain in full force and effect.

C. Effective Date:

The effective date of this amendment is February 1, 2005.

Landlord:
MULTNOMAH COUNTY, OREGON

By: 

Diane M. Linn, Chair

Date: 1.20.05

Tenant:
HOUSING AUTHORITY OF PORTLAND

By: 

Steve Rudman, Executive Director

Date: 1-05-05

Reviewed
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY

By: 

John S. Thomas

Deputy County Attorney

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # B-16 DATE 01.20.05
DEBORAH L. BOGSTAD, BOARD CLERK