

Date: July 25, 2018**To:** Board of Directors**From:** Doug Kelsey **Subject:** **RESOLUTION 18-07-55 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) DETERMINING CERTAIN REAL PROPERTY NECESSARY FOR A FOURTH BUS OPERATIONS AND MAINTENANCE FACILITY AND APPROVING A TITLE VI ANALYSIS FOR THE SITE**

1. Purpose of Item

The purpose of this item is to request that the TriMet Board of Directors (Board) adopt a resolution authorizing staff to make an offer to acquire by purchase or by the power of eminent domain certain real property located at 4421 NE Columbia Boulevard (Columbia Property) necessary to construct a fourth bus maintenance and operations facility to support service expansion and to approve the Title VI analysis in the Title VI report for the site.

2. Type of Agenda Item

- Initial Contract
- Contract Modification
- Other Declaration of Necessity of Real Property

3. Reason for Board Action

Chapter 267 of the Oregon Revised Statutes authorizes TriMet to acquire real property by purchase or eminent domain, and ORS 35.235 requires the Board to declare the necessity and purpose for which it is required. Further, Federal Transit Administration (FTA) Title VI Circular 4702.1B implementing Title VI of the Civil Rights Act, requires the Board to approve a Title VI analysis related to the siting of a bus facility.

4. Type of Action

- Resolution
- Ordinance 1st Reading
- Ordinance 2nd Reading
- Other _____

5. Background

In 2017, the Oregon Legislature passed House Bill 2017 (HB 2017), a statewide transit tax funded by the withholding of .001% of wages earned in Oregon. HB 2017 is expected to provide approximately \$51,000,000 per year to TriMet, starting in fiscal year 2020. A substantial portion of this amount must go to improving and expanding bus service throughout

the region, and the capital needs to support that expansion. Even before the passage of HB 2017, TriMet was embarking on a bus service expansion plan, funded by an incremental increase to the payroll tax that was approved by the Board in 2016 with step increases for each of the next ten years. As part of its service expansion plans, TriMet will increase its bus fleet from its current size of approximately 715 buses to about 853 buses in the year 2022 and 924 buses by 2025.

TriMet currently operates three bus maintenance and operations facilities: its Center Street facility on SE 17th Avenue, its Powell Garage at 9800 SE Powell Blvd, and its Merlo facility at 16130 SW Merlo Road in Beaverton. These three facilities are near capacity, and a new bus maintenance and operations facility is required in order for TriMet to house, maintain, and operate its expanding bus fleet. About one year ago, TriMet began a region-wide search for a site that would be appropriate for the fourth bus base. This search was performed both by internal real property staff and also by real estate brokers at Cushman & Wakefield. Initially, TriMet identified approximately 18 sites for consideration. TriMet established a New Revenue Strategy Steering Committee (Committee) to review and analyze each site against criteria established by staff and that allowed TriMet to determine which site best met its needs. The criteria included such factors as size, geographic location, acquisition and development costs, operational deadhead costs, zoning, and impact on current tenants and businesses.

The list of potential sites was eventually reduced to four, two of which were permanent sites and two of which were useable as temporary sites, in the event that a permanent site could not be located in a timely manner.

After significant discussion and consideration, the Committee decided that the Columbia Property is best suited for the new bus facility, for the following reasons, among others:

- a. Size – The Columbia Property is about 30 acres, an ideal size for both the near and long terms. TriMet anticipates being able to utilize this site for generations, and it has excellent potential for future expansion as TriMet continues to grow.
- b. Location – TriMet does not currently have a bus base in northeast Portland, and adding a base there would provide some geographical balance. The analysis of the impact on bus “deadhead” time and costs at the site was competitive with the other sites under consideration. The analysis also indicated that the Columbia Property has good access points and would provide good access to operator road relief points.
- c. Site Layout – The Columbia Property has approximately 15 buildings, several of which are immediately useable with relatively minor construction work, making the site more cost-effective than a site that would require construction of buildings from the ground up.
- d. No Business Disruption – The Columbia Property is currently occupied by Peterson Caterpillar, a business that sells and repairs heavy tractor equipment and parts. Peterson Caterpillar is in the process of moving into a new facility it constructed in Hillsboro, so TriMet’s acquisition of this site will not cause any disruption to its business.

- e. Community Engagement – TriMet has conducted engagement with community-based organizations and neighborhood associations in the area, including NAYA, Hacienda, Verde, and the Columbia Corridor Association. All are generally supportive, and TriMet is committed to continuing to work with these groups as the project moves forward. TriMet also sent postcards to all addresses in a half mile radius around the property informing neighbors of the proposed use and the public involvement process.
- f. No Disparate Impacts - TriMet conducted a Title VI analysis and drafted a Title VI Report (included in the Board materials), which determined that use of the Columbia Property as a bus facility does not result in disparate impacts on the basis of race, color, or national origin.

6. Procurement Process

TriMet staff and its real property brokers performed an extensive search, as described above, for a property that would be best suited for a new bus operations facility. After considering at least 18 sites throughout the region, the Committee determined that the Columbia Property best met the needs of the agency. TriMet has been engaged in negotiations with the owner regarding purchase of the site, but no agreement has been reached at this time.

7. Financial/Budget Impact

The purchase of the Columbia Property is included in the Capital Budget for FY 19-20.

8. Impact if Not Approved

This Resolution would declare the necessity for TriMet to acquire the Columbia Property for use as its new bus operations facility and approve the Title VI analysis contained in the Title VI report. Upon approval of the Resolution, TriMet staff will make a formal written offer to purchase the Columbia Property based on an independent appraisal and attempt to agree with the property owner related to the acquisition of the site. This Resolution does not authorize TriMet to file a condemnation lawsuit, and further Board authority would be required to do so. In the event negotiations are unsuccessful, staff could return to the Board to request authority to file a condemnation lawsuit for the property.

RESOLUTION 18-07-55

RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) DETERMINING CERTAIN REAL PROPERTY NECESSARY FOR A FOURTH BUS OPERATIONS AND MAINTENANCE FACILITY AND APPROVING A TITLE VI ANALYSIS FOR THE SITE

WHEREAS, ORS 267.200(2) and ORS 267.225(2) authorize and empower TriMet to acquire by condemnation, purchase, lease, devise, gift or voluntary grant real and personal property or any interest therein located inside the boundaries of TriMet; and

WHEREAS, House Bill 2017, passed by the Oregon Legislature, is expected to provide approximately \$51,000,000 per year to TriMet, a large portion of which will be spent on bus service expansion and the capital needs to provide the expansion; and

WHEREAS, TriMet currently has three bus maintenance and operations facilities, which are at or nearing capacity; and

WHEREAS, TriMet must construct a fourth bus maintenance and operations facility in order to accommodate the procurement and operation of additional buses, which are necessary to meet service expansion needs in the Portland metropolitan area; and

WHEREAS, ORS 35.235 requires the Board, after first declaring by resolution the necessity of the acquisition of real property and the purpose for which it is required, to attempt to agree with the owner of said real property with respect to compensation to be paid therefore, and the damages, if any, for the taking thereof; and

WHEREAS, the TriMet Board of Directors (Board), has reviewed and considered the Title VI analysis contained in the Title VI Report for the fourth bus maintenance and operations facility;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Board approves the Title VI analysis in the Title VI report.
2. That for the accomplishment of the planned bus service expansion there is needed and required fee interest in certain real property specifically described in Exhibit A and shown generally in Exhibit B, and said exhibits are by this reference hereby adopted and made a part hereof as completely and fully as though set forth in full herein.
3. That the construction of a fourth bus operations and maintenance facility is necessary for the public interest, and has been planned, designed, located and will be constructed in a manner that will be most compatible with the greatest public good and the least private injury.

4. That TriMet staff is authorized and directed to make attempts to agree with the owner of the property and any other persons in interest as to the compensation to be paid for the property and damages, if any, for the taking thereof, and the General Manager or his designee is authorized to make a binding offer for such compensation.

Dated: July 25, 2018

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department

RESOLUTION 18-07-55

Exhibit A

Order No.: 45141804190

EXHIBIT "A" Legal Description

PARCEL 1:

A tract of land located in the Northwest one-quarter of Section 18, Township 1 North, Range 2 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, more particularly described as follows:

Beginning at the intersection of the East line of the William Hall Donation Land Claim with the Northerly line of N.E. Columbia Boulevard (C.R. #3824), said point being North 00°37'00" East, 40.61 feet from road angle 12 of C.R. #527 and also being 886.78 feet Northerly from the Southeast corner of said Hall Donation Land Claim; thence South 79°31'00" East along said Columbia Boulevard, 127.59 feet to an intersection with the South line of that certain tract recorded January 27, 1949, in Book 1316, Page 407, Deed Records of said County; thence South 83°25'29" East, 68.67 feet to the West line of N.E. 46th Avenue; thence North 01°25'00" East along said N.E. 46th Avenue, 780.90 feet; thence North 88°35'00" West, 204.93 feet to said East line of the Hall Donation Land Claim; thence North 00°37'00" East along said Donation Land Claim 697.45 feet to the center of an arm of the Columbia Slough; thence Northwesterly along the center of said slough the following courses: North 62°37'00" West, 234.28 feet; thence North 58°06'00" West, 174.16 feet; thence North 57°18'00" West, 429.70 feet to the East line of the land of Charles H. Payne; thence South 00°17'50" East along said line of the Payne tract, 1571.68 feet to the Northeast corner of that tract conveyed by Deed recorded February 21, 1974, in Book 972, Page 1480, Deed Records; thence West, 95.78 feet; thence South 00°17'50" East, 94.78 feet to the Northerly line of N.E. Columbia Boulevard (C.R. #3824); thence South 73°36'00" East along said Columbia Boulevard, 100.00 feet to said line of the Payne tract; thence continuing along said Columbia Boulevard South 73°36'00" East, 510.32 feet to a point of curve 35 feet opposite Engineer's Station 152+68.79 E.C.; thence on a 1397.40 foot radius curve to the left with a chord that bears South 76°33'30" East, 144.24 feet, an arc distance of 144.30 feet to a point of tangency 35 feet opposite Engineer's Station 151+20.87 B.C.; thence South 79°31'00" East, 64.30 feet to the point of beginning.

PARCEL 2:

A tract of land located in the Northwest one-quarter of Section 18, Township 1 North, Range 2 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, more particularly described as follows:

Beginning at the intersection of the East line of the William Hall Donation Land Claim with the Northerly line of N.E. Columbia Boulevard (C.R. #3824), said point being North 00°37'00" East 40.61 feet from road angle 12 of C.R. #527 and also being 886.78 feet Northerly from the Southeast corner of said Hall Donation Land Claim; thence South 79°31'00" East along said Columbia Boulevard, 127.59 feet to an intersection with the South line of that certain tract recorded January 27, 1949, in Book 1316, Page 407, Deed Records of said County which is the true point of beginning; thence South 83°25'29" East, 68.67 feet to the West line of N.E. 46th Avenue; thence South 01°25'00" West along said N.E. 46th Avenue 4.74 feet to the Northerly line of N.E. Columbia Boulevard; thence North 79°31'00" West along said North line of N.E. Columbia Boulevard 69.26 feet to the true point of beginning.

PARCEL 3:

The following described parcel of land located in the Northwest one quarter of Section 18, Township 1 North, Range 2 East, in the City of Portland, County of Multnomah and State of Oregon:

Beginning at Road Angle No. 12 in the center of County Road No. 527 (Northeast Columbia Boulevard) ; thence North 1° 25' East, 20.70 feet to the Northerly line of said County Road No. 527; thence South 73° 36' East, 4.32 feet along the Northerly line of said County Road; thence South 79° 31' East along the Northerly line of said County Road, a distance of 212.62 feet to the center of a 40 foot roadway known as Northeast 46th Avenue; thence North 1° 25' East along the center line of said Northeast 46th Avenue, a distance of 809.17 feet to the true place of beginning of the tract of land herein described; thence North 88° 35' West 214.14 feet; thence North 1°

RESOLUTION 18-07-55

Exhibit A

Order No. 45141804190

EXHIBIT "A"

Legal Description

25' East 50.0 feet; thence South 88° 35' East 214.14 feet; thence South 1° 25' West, 50.0 feet to the true place of beginning.

EXCEPTING THEREFROM the rights of the public in and to the East 20 feet of the above described tract of land.

PARCEL 4:

A tract of land situated in the Northwest one-quarter of Section 18, Township 1 North, Range 2 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, more particularly described as follows:

Commencing at a 4-1/4" diameter brass cap marking the West one-quarter corner of said Section 18; thence North 01° 47' 47" East, a distance of 603.96 feet to a point in the center line of NE Columbia Boulevard (70 feet wide), said point also being the point of intersection of the center line of NE 42nd Avenue (45 feet wide) with said center line of NE Columbia Boulevard; thence North 00° 19' 30" West, along the center line of said NE 42nd Avenue 205.70 feet; thence North 89° 40' 30" East, a distance of 20.00 feet to a brass screw with a 3/4" diameter brass washer stamped "Marx Assocs" marking the Southwest corner of Parcel IV of that tract conveyed to Don W. and Bonnie L. Thomas, LLC, as described in Recorder's Fee No. 2002-159286, Deed Records, Multnomah County, said corner also being a point on the East right-of-way line of said NE 42nd Avenue, and the point of beginning of the tract herein to be described; thence North 00° 19' 30" West, along said East right-of-way line, a distance of 149.65 feet a brass screw with a 3/4" diameter brass washer stamped "Marx Assocs"; thence North 89° 37' 05" East, a distance of 70.28 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "Marx Assocs"; thence North 43° 34' 56" East, a distance of 21.18 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "Marx Assocs"; thence North 01° 17' 00" West, a distance of 180.29 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "Marx Assocs"; thence North 87° 32' 29" East, a distance of 22.11 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "Marx Assocs"; thence North 00° 55' 00" West, a distance of 40.96 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "Marx Assocs" in the North line of Parcel I of said Thomas tract; thence North 89° 40' 30" East, along said North line, a distance of 136.15 feet to the Northeast corner thereof; thence South 00° 19' 30" East along the East line of Parcels I, II, III & IV of said Thomas tract, a distance of 387.03 feet to the Southeast corner thereof; thence South 89° 40' 30" West, along the South line of Parcel IV of said Thomas Tract, a distance of 239.78 feet to the point of beginning.

RESOLUTION 18-07-55
Exhibit B



LEGEND

4421 NE Columbia Blvd

	Shell	Office	Total		Shell	Office	Total
Building 1 & 2	66,389	23,815	84,978	Building 9	12,300	492	12,792
Building 3	23,815	1,191	25,006	Building 10	31,805	11,450	43,255
Building 4	16,960	678	17,638	Building 11	3,000	0	3,000
Building 5	4,800	0	4,800	Building 12	2,880	0	2,880
Building 6	14,180	284	14,464	Building 13	1,600	0	1,600
Building 7	43,182	6,477	49,659	Building 14	1,440	0	1,440
Building 8	6,150	0	6,150	Building 15	1,300	0	1,300