

RESOLUTION NO. 39

A RESOLUTION AUTHORIZING THE NEGOTIATION AND EXECUTION OF THE PURCHASE OF REAL PROPERTY FROM EASTWINDS DEVELOPMENT LLC.

THE URBAN RENEWAL AGENCY OF THE CITY OF TROUTDALE FINDS AS FOLLOWS:

1. That the Troutdale Urban Renewal Agency ("Agency"), the duly formed body to implement the urban renewal in Troutdale was formed by the adoption of City Ordinance No. 771 on January 27, 2006.
2. That the Troutdale City Council ("City Council") adopted the Troutdale Riverfront Renewal Plan ("Plan") on February 14, 2006, by Ordinance No. 773 to provide tax increment funding and urban renewal authority to eliminate blight and foster development and redevelopment within the Troutdale Riverfront Renewal Area ("Plan Area") in order to protect the public health, safety, and welfare.
3. That by Ordinance No. 773 the Agency was assigned to implement the Plan vision, goals and objectives, which include supporting redevelopment of the Plan Area for a mix of public uses and private development, providing a system of pedestrian and bicycle trails that connects downtown to the Sandy River with connections and expansion of the 40-Mile Loop Regional Bicycle Trail, and improving community access and enjoyment of the Sandy Riverfront portions of the property while protecting the riparian habitat.
4. That the Plan, via Ordinance No. 773, recognized areas of blight, and declared that it serves the public interest, and it is necessary and desirable to acquire real properties in order to implement the Plan redevelopment projects, which will reclaim a long-standing brownfield, support environmental and ecological restoration of the site and riverbank, all benefiting the public health, safety and welfare of the community.
5. That real property acquisition is an authorized general power of the Agency pursuant to ORS 457.170(3), and as an identified authorized project of the Plan in Section VIII.C.
6. That in support of the Plan the City desires redevelopment of its former sewer treatment plant site, an approximately 12-acre parcel, and the adjacent approximately 8-acre parcel owned by Eastwinds Development, LLC, (Eastwinds), as part of a larger consolidated site project.
7. That in February 2016 the Agency and Eastwinds entered into a binding Letter of Intent (LOI) for the sale of real estate to result in unified ownership of the all the parcels of the entire approximately 20 acre site, via Resolution No. 34.

8. That in order to facilitate redevelopment in the Plan Area, the Agency and Eastwinds have agreed that the provisions of the LOI providing for the purchase of the Eastwinds property should now be implemented, and the real property is offered without requiring condemnation.

9. That over the past several years the City and Eastwinds have operated in an effective public/private partnership manner to successfully implement programs and grant projects for brownfield rehabilitation from Business Oregon, the State Department of Environmental Quality, and the Federal Environmental Protection Agency. As well as the creation of the "Sandy River Access Plan" by joining with the Sandy River Basin Watershed Council through the Metro Nature in Neighborhoods Grant Project for Restoration and Enhancement program.

10. That several administrative, procedural, regulatory, and financial actions and activities are necessary to facilitate the ownership transfer and site preparation for redevelopment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE URBAN RENEWAL AGENCY OF THE CITY OF TROUTDALE:

Section 1. The Agency hereby, consents to Eastwinds' request, and agrees to execute the alternate closing provisions of the LOI, resulting the purchase of the Eastwinds parcels of approximately 8 acres, subject to the LOI terms and conditions.

Section 2. The Agency finds and declares that acquiring the two (2) real property parcels will serve a valuable, desirable and necessary public purpose, and is for an authorized public purpose toward the fulfillment of the adopted Troutdale Riverfront Renewal Plan.

Section 3. The Agency approves the purchase from Eastwinds of two (2) real property parcels, map references of:

(a) Tax Lot 100, Section 25BD, Township 1 North, Range 3 East Willamette Meridian, Multnomah County, Oregon, Parcel ID: R320485, and

(b) Tax Lot 600, Section 25BD, Township 1 North, Range 3 East Willamette Meridian, Multnomah County, Oregon, Parcel ID: R320654.

Section 4. The Agency Executive Director and City Manager Ray Young, City Attorney Ed Trompke, and Finance Director Erich Mueller, (each an "Agency Official") are designated to act jointly and cooperatively, on behalf of and in the best interest of the Agency and without further action by the Agency, are hereby, authorized empowered and directed to negotiate and execute, consistent with the LOI, a definitive purchase and sale agreement with Eastwinds for the purchase of the two (2) real property parcels.

Section 5. The Agency does hereby acknowledge the authorized purchase of the two (2) real property parcels, and accepts of conveying title and interest, in fulfillment of requirements of ORS 93.808.

Section 5. The Agency Official is hereby authorized to execute, acknowledge and deliver the purchase and sale agreement, including any deeds, certificates of acceptance, and deliver any subsequent addendums, extensions, revisions, modification, or successor documents of the purchase and sale agreement and other supporting and implementing documents, and to take any other action as may be advisable, convenient, necessary, or appropriate to give full force and effect to the terms and intent of the purchase and sale agreement, and the execution thereof by any such Agency Official shall be conclusive as to such determination.

Section 4. Further, as applicable, to comply with State statutes, administrative rules or local ordinances, and to act in the best interest of the Agency, and without further action by the Agency, the Agency Officials are hereby authorized, directed, and responsible for fulfilling the ministerial, intergovernmental, technical, compliance, procedural or promotional functions as required for the effective administration and implementation of the purchase and sale agreement, and to take any other action as may be advisable, convenient, necessary, or appropriate, and the execution thereof by any such Agency Official shall be conclusive as to such determination.

Section 6. Further, consistent with intent of the purchase and sale agreement, and in the best interest of the Agency, the Agency Official is authorized empowered and directed to prepare the necessary ordinances, resolutions, debt instruments, intergovernmental agreements, and other documents and actions, as necessary for implementation of the property purchase, for consideration and approval by either the City or Agency as appropriate.

Section 7. The Finance Director is authorized to disburse funds, subject to annual appropriations, as necessary to fulfill the purchase and sale agreement obligations, and is further directed to implement all such actions necessary to ensure budgetary compliance.

Section 8. Conveyance shall occur only after the effective date of any and all necessary Plan amendments required for the acquisition of the two (2) real property parcels.


Section 9. This Resolution shall take effect immediately upon adoption.

YEAS: 5
NAYS: 0
ABSTAINED: 0



Casey Ryan, Chair
9-25-17

Date



Sarah Skroch, City Recorder
Adopted: September 19, 2017