



Staff Analysis and Report to the Board

Board Meeting/Work Session Date: February 20, 2019

Senior Lead: Clair Hertz, Deputy Superintendent of Business and Operation

Department Lead: Dan Jung, COO

Staff Lead: Sara King, Director of Planning and Property Management

**SUBJECT: UPDATED: GRANT HIGH SCHOOL - RECIPROCAL PARKING AND
 ACCESS EASEMENT AGREEMENT TO PORTLAND PARKS AND
 RECREATION**

I. BACKGROUND

In 1956, a new gymnasium was built on the Grant HS campus and that project required off street parking. The parking lot that was constructed encroached on a 12 foot by 565 foot portion of City land in the adjacent Grant Park. Portland City Council passed Ordinance No. 104405 to grant PPS a revocable permit to use the City Property for Grant High School parking lot with the condition that the general public could also use the area for parking.

Since that time, the Grant parking lot has been maintained and operated by PPS and remained open to the public. The parking lot is most actively used by the Grant HS staff during the school year and by the public in the summer when Portland Parks and Recreation's Grant Pool is open.

In 2010, the City Ordinance was superseded and replaced by a Collaboration Agreement for the Joint Use of Portland Public Schools and Portland Parks & Recreation Facilities between PPS and the City. The agreement established use "by PPS staff and visitors as well as Grant Park visitors and the general public". Ownership, operation and management, maintenance and repair, improvements, and all utilities associated with the parking lot was stated to be the responsibility of PPS.

As part of the PPS Bond construction to modernize Grant High School, PPS is required to reconstruct and expand the Grant parking lot. The expansion required further encroachment into Grant Park, in large part because of the addition of City mandated storm water treatment facility and a vehicular turnaround to meet fire code. Portland Parks and Recreation (PP&R) agreed to the expansion.

PP&R is requiring a Reciprocal Parking and Access Easement Agreement (the Easement) for the expanded use of Grant Park land. The easement will grant PPS non-exclusive access and parking rights on the portions of the parking lot built on Grant Park land. In exchange for the expanded use of its land, PP&R requires PPS to grant the City the same non-exclusive access on the portions of the parking lot built on PPS property, creating shared use of the Grant parking lot. PP&R also requires that PPS repair and maintain the parking lot for the next fifteen years, at which time the intensity of use and cost coverage by parties will be reevaluated. Staff has asked PPR several times to share in the cost of these improvements as well as repair and maintenance, but PPR has declined. As PPS needs PPR property for the design for the parking lot and fire access, PPS has no leverage with which to counter PPR's refusal to share in costs.

II. RELATED POLICIES/BEST PRACTICES

The Collaboration Agreement for the Joint Use of Portland Public Schools and Portland Parks & Recreation Facilities states that PPS and PP&R will “explore opportunities to reduce their collective costs for facility management through cooperative agreements.” The party making improvements or changing an existing use is responsible to take the lead in obtaining land use approvals and facilitating community involvement.

III. ANALYSIS OF SITUATION

The parties agreed to expand the use of Grant Park land for the new Grant HS parking lot. In exchange for the expanded use, PP&R requires a reciprocal easement of PPS land. The City also required that PPS take responsibility for the utilities, maintenance and repairs for the parking lot for fifteen years. The drafted Easement is subject to approval by the school board because of the value of the easement and by the City of Portland.

IV. FISCAL IMPACT

PPS has responsibility for the maintenance, repairs, and utilities associated with the new parking lot for a period of fifteen years.

Staff estimates that the size of each parties' easement is roughly equal and that the value of the land (zoned R2) associated with the easement that PPS is granting to the City is approximately \$230,000.

V. COMMUNITY ENGAGEMENT (IF APPLICABLE)

The Grant HS Bond Project engaged the Grant community during the design development. No objections were made to the changes in the parking lot.

VI. TIMELINE FOR IMPLEMENTATION/EVALUATION

The Easement will be in effect when both parties approve and sign the Easement document. Because the Easement is required by the City of Portland to ensure the fire access is intact, it must be recorded by both PPS and the City of Portland in order for a certificate of occupancy to be issued. The Office of School Modernization has targeted July 31, 2019 as the target date for issuance of a certificate of occupancy so that staff may begin to move into the building.

VII. BOARD OPTIONS WITH ANALYSIS


The Reciprocal Easement includes the following changes:

- Joint Use: The Grant Easement will provide PPS and PP&R joint use of the Grant parking lot.
- Termination flexibility: None.
- Responsibility for Maintenance and Repair: PPS will be required to solely maintain and repair, improve, and pay utilities associated with the parking lot for fifteen years.

VIII. STAFF RECOMMENDATION

Staff recommends the Board adopt the Reciprocal Parking and Access Easement Agreement associated with the new parking lot at Grant High School.

IX. I have reviewed this staff report and concur with the recommendation to the Board.


Guadalupe Guerrero
Superintendent
Portland Public Schools

February 21, 2019
Date

ATTACHMENTS

- A. Resolution
- B. Depiction of Reciprocal Easements

PPS District Priorities FY 2018-19

1. *Set a clear Vision and Strategic Plan*
 2. *Create equitable opportunities and outcomes for all students*
 3. *Build management and accountability systems and structures*
 4. *Allocate budget, funding and resources focused on improving outcomes for students*
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**Attachment A:
RESOLUTION No.**

Grant a Reciprocal Parking and Access Easement to Portland Parks and Recreation at Grant High School for the Construction of the a New Parking Lot for the Grant Modernization Project

RECITALS

- A. In 1956, a new gymnasium was added to the Grant High School campus which required off street parking. The resulting parking lot encroached on a 12 foot by 565 foot portion of the City of Portland land in Grant Park directly to the north of the high school. Portland City Council passed Ordinance No. 104405 to grant the District a revocable permit to use the property for the parking lot with the condition that the general public could also use the area for parking. Since then, the parking lot has been owned, maintained and operated by the District and remained open to the public. It is most actively used by the Grant High School staff during the school year and by the public in the summer when Portland Parks and Recreation's Grant Pool is open.

- B. As part of the District's Bond construction to modernize Grant High School, the District is required to expand the Grant parking lot. The expansion requires further encroachment into Grant Park to accommodate a storm water treatment facility and a vehicular turnaround. Portland Parks and Recreation agreed to the expansion and was a joint applicant on the Land Use Application for the Grant High School modernization.

- C. In order to accommodate the parking lot and expansion into Grant Park, Portland Parks and Recreation will grant the District a non-exclusive access and parking rights easement on the portion of the parking lot on Grant Park land. In exchange, Portland Parks and Recreation requires the District to grant it the same non-exclusive access on the portion of the parking lot built on Grant High School property. This Reciprocal Easement creates the shared use of the new Grant parking lot. Portland Parks and Recreation also requires that PPS repair and maintain the parking lot for the next fifteen years, at which time the cost coverage by parties will be reevaluated.

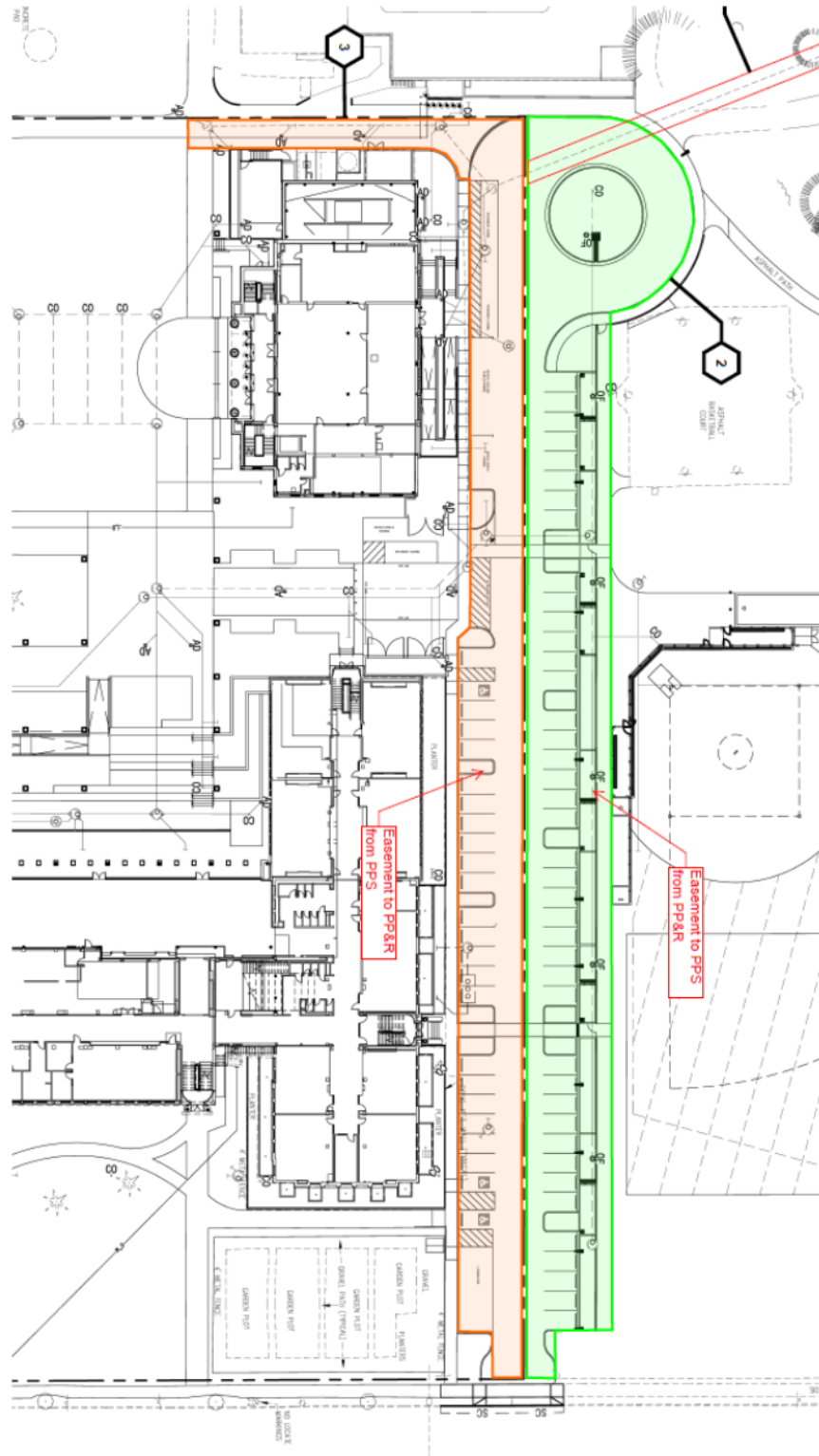
- D. The Superintendent recommends to the Board that the Parking and Access Easement be granted to Portland Parks and Recreation in exchange for an Easement on land in Grant Park needed for the construction of the new Grant High School parking lot.

RESOLUTION

1. The Board finds that an easement on and over a portion of Portland Parks and Recreation Grant Park is required for the construction of the new Grant High School parking lot and agrees that Portland Parks and Recreation be granted a reciprocal easement on and over the portion of PPS Grant High School parking on PPS property under Board Policy 8.70.040-P.
2. The Board authorizes the Superintendent or his designee to grant the easement to Portland Parks and Recreation. The Board further authorizes the Deputy Clerk to enter into and execute such agreements in a form approved by General Counsel.

Claire Hertz / Sara King

Attachment B: Depiction of Reciprocal Easements



Red area = PPS ownership, reciprocal privileges to PPR
Green area = PPR ownership, reciprocal privileges to PPS