

**AN ORDINANCE RELATING TO THE ACQUISITION OF PROPERTY
AMENDING BEAVERTON CITY CODE CHAPTER 3.10**

WHEREAS, Oregon State Law ORS 271.390 and 280.425, and Chapter 2, Section 4 of the City of Beaverton Charter authorize the City of Beaverton to acquire real estate for public purpose; and

WHEREAS, the City's Real Estate Committee provides strategic and consistent advice to the Mayor regarding the City's real estate activities, including all City property acquisition; and

WHEREAS, Beaverton City Code ("BC") Chapter 3.10 addresses real property acquisition and does not address condemnation, non-possessory interests in real estate, real estate leasing, disposition of real estate, real estate management, and construction; and

WHEREAS, the City of Beaverton City Council seeks to establish new requirements relating to the acquisition of real estate; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The title of BC Chapter 3.10 is amended to read "Acquisition of Property."

Section 2. BC 3.10.010 is amended to read:

3.10.010 Property Acquisition Generally. The City may acquire real property as needed for public purposes or as desirable to guide the development of the City, at times in partnership with the Beaverton Urban Redevelopment Agency or with other public and private entities. The Mayor, the City Council and City staff may develop procedures that result in the selection of property for acquisition on advantageous terms, subject to Council scrutiny.

Section 3. BC 3.10.015 is amended to read:

3.10.015 Reports to Council.

- A. City staff will provide City Council semi-annual updates regarding real estate acquisition activities, opportunities, and priorities.
- B. In addition to the updates described in Section A, City staff will discuss specific property acquisition activity with the City Council as needed to keep the Council informed.

Section 4. BC 3.10.020 is amended to read:

3.10.020 Authority to Execute Purchase and Sale Agreements and Option Agreements. The Mayor is authorized to execute purchase and sale agreements and option agreements without specific Council authorization, so long as such agreements include a statement that without Council approval within a specified period prior to closing, the agreement will terminate without further obligation on the part of the City.

Section 5. BC 3.10.025 is amended to read:

3.10.025 Expenditure Limits. Absent Council's prior approval, the sum of site control expenditures and due diligence expenditures shall not exceed the amount specified in Beaverton Purchasing Code Section 46-0200.A.1 as the limit of the Mayor's contracting authority.

Section 6. BC 3.10.030 and BC 3.10.035 are hereby repealed.

Section 7. The sections and subsections of this ordinance are severable. If any part of this ordinance is held unconstitutional or otherwise invalid, the remaining parts shall remain in force unless:

- A. The remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional or invalid part that it is apparent that the remaining parts would not have been enacted without the unconstitutional or invalid part; or
- B. The remaining parts, standing alone, are incomplete and incapable of being executed according to the legislative intent.

First reading this 4th day of December, 2018.

Passed by the Council this 8th day of January, 2019

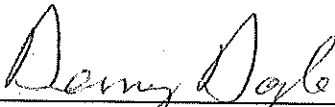
Approved by the Mayor this 9th day of January, 2019

ATTEST:



CATHERINE JANSEN, City Recorder

APPROVED:



DENNY DOYLE, Mayor