

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE) RESOLUTION NO. 07-3752
CHIEF OPERATING OFFICER TO PURCHASE)
PROPERTY IN THE EAST BUTTES / BORING) Introduced by Chief Operating Officer
LAVA DOMES TARGET AREA) Michael J. Jordan with the
concurrence of Council President
David Bragdon

WHEREAS, in July 1992, Metro completed the Metropolitan Greenspaces Master Plan which identified a desired system of natural areas interconnected with greenways and trails; and

WHEREAS, at the election held on May 16, 1995, the Metro area voters approved the Open Spaces, Parks and Streams bond measure (Ballot Measure 26-26) which authorized Metro to issue \$135.6 million in general obligation bonds to finance land acquisition and capital improvements; and

WHEREAS, via Resolution 96-2361 (“For the Purpose of Approving a Refinement Plan For the East Buttes and Boring Lava Domes Target Area as Outlined in the Open Space Implementation Work Plan”) the Metro Council adopted a refinement plan for the East Buttes / Boring Lava Domes regional target area, which included a confidential tax-lot specific map identifying priority properties for acquisition; and

WHEREAS, the East Buttes / Boring Lava Domes target area refinement plan identified property owned by Ronald and Virginia Davidson (“the Davidsons”) as a Tier I acquisition; and

WHEREAS, the Davidsons own 1.4 acres and have offered to sell the Property to Metro as described in the attached Exhibit A, conditional on Metro Council approval; and

WHEREAS, on September 27, 2001, the Metro Council approved Resolution 01-3106 (“For The Purpose of Modifying The Open Spaces Implementation Work Plan and Open Spaces Acquisition Regional Target Area Refinement Plans To Direct Future Acquisitions Of Properties That Satisfy Specific Identified Criteria”), modifying the Open Spaces Implementation Work Plan and Open Spaces Acquisition regional target area refinement plans to require Metro Council approval of all acquisitions in target areas where minimum acreage goals have been met; and

WHEREAS, Metro has exceeded the minimum 545-acre goal established for the East Buttes / Boring Lava Domes regional target area, and therefore purchasing the Davidson Property requires formal Metro Council authorization pursuant to Council Resolution 01-3106; and

WHEREAS, the acquisition of the Davidson Property meets the required criteria set forth in Council Resolution No. 01-3106 as follows: 1) the Davidson property is located in an existing identified gap in public ownership in a critical wildlife corridor identified in the bond measure, and 2) the Davidson property is adjacent to existing Metro owned property, and is a key remaining parcel necessary to accomplish the assemblage of a regional scale natural area, consistent with specific Target Area goals and objectives as set forth in existing approved Refinement Plan for the East Buttes / Boring Lava Domes target area.

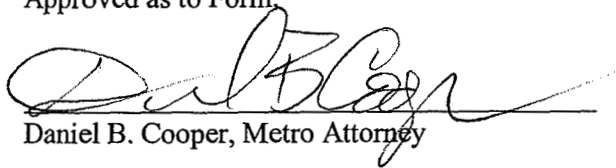
BE IT RESOLVED that the Metro Council authorizes the Chief Operating Officer to purchase the Property from Mr. and Mrs. Davidson subject to the terms of a Purchase and Sale Agreement executed between Metro and the Sellers.

ADOPTED by the Metro Council this 4th day of January 2007



David Bragdon, Council President

Approved as to Form:



Daniel B. Cooper, Metro Attorney

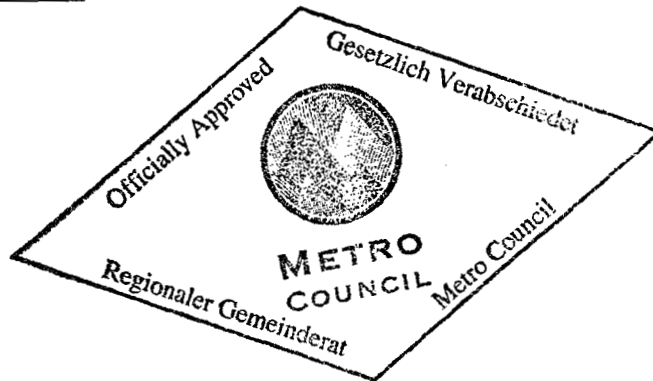


Exhibit A
Resolution No. 07-3752
Property Legal Description

Real property in the County of Multnomah , State of Oregon, described as follows:

A TRACT OF LAND IN SECTION 21, TOWNSHIP 1 SOUTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF GRESHAM, COUNTY OF MULTNOMAH AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE HALF SECTION LINE RUNNING NORTH AND SOUTH THROUGH SECTION 21, TOWNSHIP 1 SOUTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, WHERE SAID LINE INTERSECTS THE CENTER LINE OF THE COUNTY ROAD 588; RUNNING THENCE NORTH ALONG SAID HALF SECTION LINE 13 RODS; THENCE NORTH 83°02'20" WEST 17 RODS; THENCE SOUTH 17.5 RODS TO THE CENTRE LINE OF COUNTY ROAD NO.588; THENCE EASTERLY ALONG THE CENTER LINE OF SAID ROAD NO. 588, 17 RODS, MORE OR LESS, TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM A PORTION OF SAID LAND LYING WITHIN THE LIMITS OF S.E BUTLER ROAD.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 07-3752, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO PURCHASE PROPERTY IN THE EAST BUTTES / BORING LAVA DOMES TARGET AREA

Date: January 4, 2007

Prepared by: William Eadie

BACKGROUND

Resolution No. 07- 3752 requests authorization for Metro to purchase the 1.4-acre Davidson property (“the Property”) in the East Buttes / Boring Lava Domes target area, as described in Exhibit A. This resolution proposes to authorize the purchase of the Davidson Property subject to the terms of a Purchase and Sale Agreement executed between Metro and the Seller. Authorization from Council is needed because Metro has exceeded the minimum 545-acre goal established by the East Buttes / Boring Lava Domes target area refinement plan.

Acquisition of the Property is recommended because:

- (a) The acquisition of the Property would meet two of the criteria set forth in Resolution 01-3106:
 - 1) the Property is located in an existing identified gap in public ownership in a critical wildlife corridor identified in the bond measure, and
 - 2) the Property is adjacent to existing Metro owned property, and is a key remaining parcel necessary to accomplish the assemblage of a regional scale natural area, consistent with specific Target Area goals and objectives as set forth in the existing approved Refinement Plan for the East Buttes / Boring Lava Domes target area.

Using City of Gresham open space on Gresham Butte as a northern anchor and Metro’s sixty-acre acquisition atop Burt Butte as a southern anchor, Metro has assembled a broad forested corridor of natural area with the intent of protecting a viable wildlife habitat area to buffer against urban encroachment. To date, Metro has acquired approximately 439 acres in this area, including some of the most valuable property in the region, both from a natural area perspective as well as from a development perspective. Metro has solidified public ownership on Gresham Butte, the northern anchor of the wildlife habitat corridor and has acquired most of the large blocks of land between Gresham Butte and Burt Butte.

However Metro’s 439 acres currently do not comprise a completely viable wildlife habitat corridor because several key, privately owned parcels interrupt Metro’s ownership. If cleared and developed, these parcels could become obstacles within the natural area corridor and prevent Metro from achieving the target area plan goals.

The Property represents one of these privately owned parcels that interrupt Metro’s ownership. It is located along the north side of SW Butler Road in Tier I of the adopted East Buttes / Boring Lava Domes Target Area Refinement Plan. Adjacent to the east, north, and west sides of the property is Metro owned natural area, and additional Metro owned natural area is located across SW Butler Road from the

Property. The property is zoned for residential use and is currently listed for sale. If not purchased by Metro, this property will likely be developed with a single-family residence.

ANALYSIS/INFORMATION

1. Known Opposition

None

2. Legal Antecedents

In May 1995, Metro area voters approved the Open Spaces, Parks and Streams Bond Measure that authorized Metro to issue \$135.6 million in general obligation bonds to finance land acquisition and certain park-related capital improvements. Metro Code 2.04.026 (a) (3) requires that the Executive Officer obtain the authorization of the Metro Council prior to executing any contract for the purchase of real property. The Open Spaces Implementation Work Plan, adopted by the Metro Council via Resolution 96-2424 (“For The Purpose Of Authorizing The Executive Officer To Purchase Property With Accepted Acquisition Guidelines As Outlined In The Amended Open Spaces Implementation Work Plan”) established acquisition parameters that authorize the Executive Officer to purchase property, within the Council-approved target area refinement plan maps. Via Resolution 96-2361 (“For The Purpose Of Approving A Refinement Plan For the East Buttes/Boring Lava Domes Target Area, As Outlined In The Open Space Implementation Work Plan”), the Metro Council adopted a refinement plan, which outlined a land protection strategy for the East Buttes/Boring Lava Domes. Through that resolution, the Metro Council also approved the target area refinement plan tax-lot specific map, which includes the subject Property as a Tier I priority.

On September 27, 2001, the Metro Council adopted Resolution 01-3106, which modifies the Open Spaces Implementation Work Plan. Section B of Resolution 01-3106 requires Metro Council approval of new acquisitions in target areas where minimum acreage goals (as established in the bond measure) have been met.

This resolution proposes to authorize the purchase of the Property subject to the terms of Purchase and Sale Agreement to be executed by the Property owners and Metro. The proposed acquisition satisfies more than one of the listed criteria set forth in Section A of Resolution 01-3106, but because Metro has exceeded the minimum acreage goal established for the target area, Resolution 01-3106 requires that the purchase of the Property be authorized by the Metro Council prior to acquisition.

This authorization assumes that the purchase will meet the terms of the Acquisition Parameters of the Open Spaces Implementation Work Plan on matters such as appraisal review, environmental audit and title matters. This authorization does not cover any such “unusual circumstances” and to the extent any “unusual circumstances” arise during the negotiation of a Purchase and Sale Agreement or during Metro’s due diligence process, further Council review and authorization will be required.

3. Anticipated Effects

Acquisition of the Property will allow greater protection of a broad forested corridor of natural area with the intent of protecting a viable wildlife habitat area to buffer against urban encroachment.

4. Budget Impacts

If approved, this property is anticipated to close prior to the end of the 2006-07 fiscal year. Adequate budgetary authority and bond proceeds exist within the Open Spaces Fund (1995 Bond issue) to pay for the acquisition of this property. Future management costs will be the responsibility of Metro.

RECOMMENDED ACTION

Staff recommends passage of Resolution No. 07-3752.