

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING ) RESOLUTION NO. 01-3135  
THE EXECUTIVE OFFICER TO SELL )  
METRO REAL PROPERTY IN THE FANNO) Introduced by Mike Burton  
CREEK REGIONAL TARGET AREA ) Executive Officer

WHEREAS, in June of 1997, Metro acquired a residence and underlying 6.8-acre parcel of land on Fanno Creek in Tigard, identified and described in the attached Exhibit A (the "Lowery Property"), pursuant to the Metro Council's Fanno Creek Greenway Target Area Resolution No. 96-2331 and the Open Spaces, Parks and Streams Ballot Measure 26-26 ("Open Spaces Bond Measure"); and

WHEREAS, a portion of the Lowery Property, including the residence and a 0.25-acre home site identified and described in Exhibit A (the "Residence Property"), is located outside the Fanno Creek flood plain and riparian area, is unsuitable as wildlife habitat, and has no passive recreation or trail corridor potential; and

WHEREAS, the Residence Property is incapable of serving the purposes of the Open Spaces Bond Measure and is not necessary to achieve the acquisition, preservation and protection goals of the Fanno Creek Greenway target area; and

WHEREAS, access to the Residence Property is over an approximately 30-foot wide existing driveway on the Lowery Property from SW Katherine Street and is required for use as a residence; and

WHEREAS, Metro's Regional Parks and Greenspaces Department recommends that the Residence Property be declared "not needed for public use," be sold at no less than appraised fair market value with an access easement over the existing driveway from SW Katherine Street, and the proceeds of the sale be returned to Metro's Open Spaces Acquisition Division account; now therefore,

BE IT RESOLVED,

That the Metro Council declares that the Residence Property described in Exhibit A is "not needed for public use," hereby authorizes the sale of the Residence Property at no less than appraised fair market value, to include an approximately 30-foot access easement over the existing driveway from SW Katherine Street, and approves the entry by the Executive Officer into an agreement accomplishing said sale and easement.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

Withdrawn  
David Bragdon, Presiding Officer

Approved as to Form:

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

SEE MAP IS 1 88CC

NW 1/4 NW 1/4 SECTION 2 T2S R1W W.M.

WASHINGTON COUNTY OREGON

SCALE 1"=100'

S.W.

KATHERINE STREET

KAROL COURT

GREENBURG

17

14

HEIGHTS

ADDITION

KAROL COURT

COURT

22

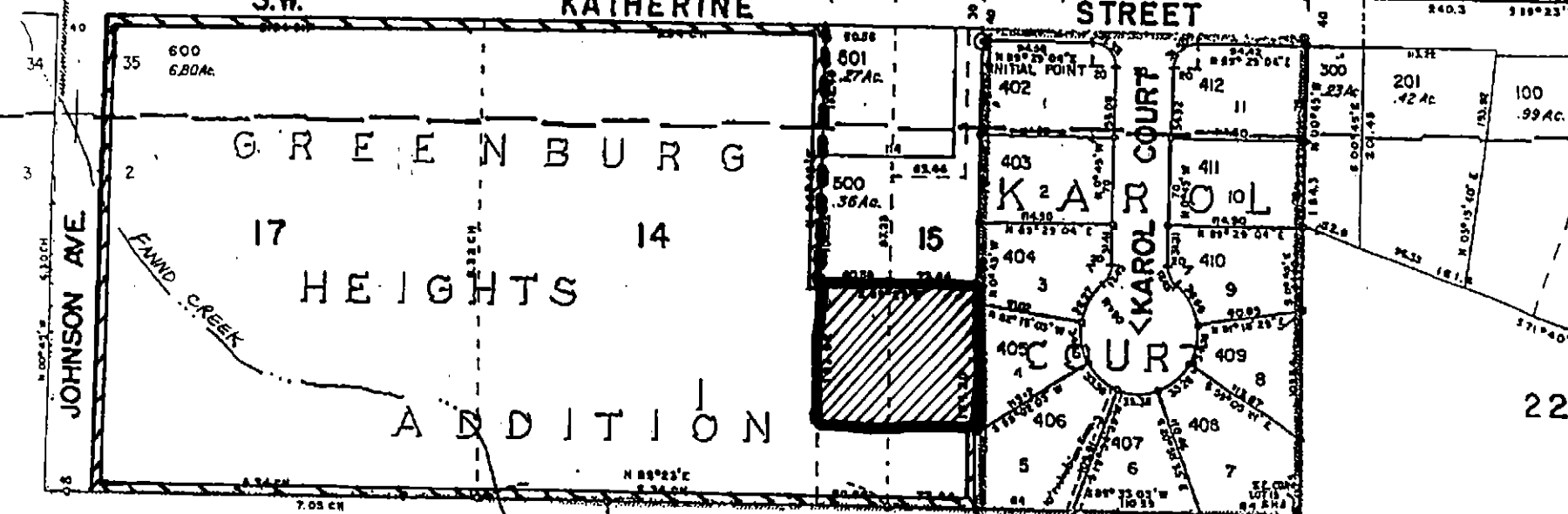
NORTH TIGARD VILL

23-74

BROOKSIDE

ADDITION

AMENDED



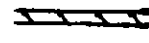


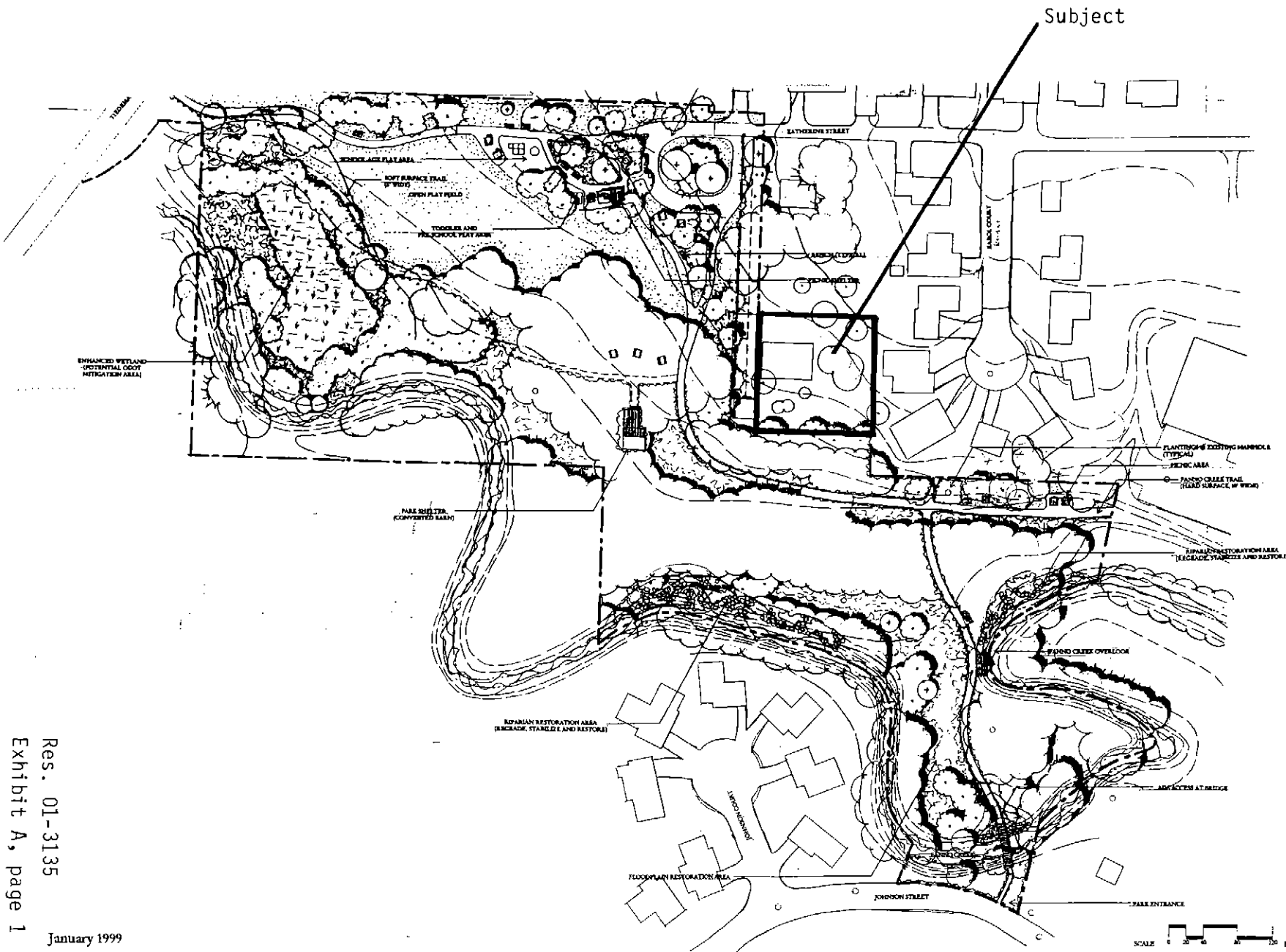
-  The Lowery Property  
Metro's 6.8-acre property
-  The Residence  
Property proposed for resale
-  Driveway easement  
(approx. 30 feet wide)  
across Metro property

EXHIBIT A  
Resolution No. 01-5135

**Plat Map**

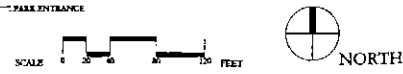


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Exhibit A, page 1

January 1999



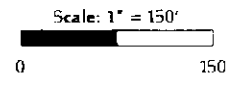
# WOODARD PARK CONCEPTUAL PLAN



City of Tigard  
13125 SW Hall Blvd



**Metro Open Spaces, Parks & Streams Bond Measure  
Proposed Lowery Partition**



## STAFF REPORT

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### IN CONSIDERATION OF RESOLUTION 01-3135 FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO SELL REAL PROPERTY IN THE FANNO CREEK TARGET AREA

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Date: November 23, 2001

Presented by: Charles Ciecko  
Jim Desmond

#### DESCRIPTION

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Resolution No. 01-3135 requests authorization for the Executive Officer to sell Metro real property purchased with Open Spaces Bond Measure proceeds.

#### Existing Law

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Oregon Revised Statutes (ORS) 271.310 vests power in the governing body of any political subdivision to sell real property owned by the political subdivision that is "not needed for public use." 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 sale of real property owned by Metro. For granting an easement, Metro Code 2.04.026(a)(2) requires Metro Council authorization prior to the transfer of any interest in real property.

#### Background

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In 1995, voters approved the Open Spaces, Parks and Streams bond measure, Ballot Measure 26-26, ("Open Spaces Bond Measure"), authorizing Metro to purchase property for the protection of open spaces, parks and streams. In 1996, the Metro Council passed the Fanno Creek Greenway target area refinement plan via Resolution No. 96-2331, adopting target area boundaries and objectives and authorizing Metro to purchase certain lands along Fanno Creek. Accordingly, in June of 1997, Metro acquired a 6.8-acre parcel of land on Fanno Creek in Tigard, identified and described in Exhibit A attached to the accompanying Council Resolution (the "Lowery Property"). The Lowery Property included a residence that was subsequently stabilized by the Metro Open Spaces Division and then leased to residential tenants. Once a former horse pasture, the open space portion of the Lowery Property became the subject of wetland restoration efforts performed by Oregon Department of Transportation (ODOT) in 1999, as mitigation for the loss of wetlands due to expansion of the Interstate 5/State Highway 217 interchange. Most of the Lowery Property now consists of regionally significant Fanno Creek wetlands, floodplain and forested riparian area. However, the residence and its immediately surrounding 0.25-acre home site, depicted in Exhibit A (the "Residence Property"), is situated outside the Fanno Creek floodplain and riparian area, has limited potential for restoration as wildlife habitat, and has no passive recreation or trail corridor potential. A 30-foot wide gravel driveway from SW Katherine Street along the edge of Metro's property provides access to the Residence Property.

The remaining 6.5 acres of the Lowery Property has been incorporated in the Woodard Park Concept Plan adopted by the city of Tigard via Resolution No. 99-13. The plan incorporates the 6.5-acre portion of the Lowery Property excluding the house and adjacent 0.25 acres. Portions of the plan have been implemented in the 6.5 acres, along with the construction of a wetland enhancement project.

At the time of purchase, the condition of the house required a moderate investment to elevate it to Metro's minimum acceptable condition for renting. Since that time, normal deterioration, age and the inferior construction of the house have resulted in a current condition where structural failure has possibly occurred. A significant long-term investment (\$45,000 - \$55,000) in the house is now needed to insure compliance with the Oregon landlord-tenant laws. The house is currently unoccupied due to its questionable structural integrity. Based on the fair market rental rate for similar houses in that area, approximately nine to 10 years of rental income minus maintenance costs and taxes is needed to recover this investment. Given that the house is not needed to implement the master plan developed for the site, any additional house repair or improvement at this time would not be prudent. The sale of the Residence Property will relieve Metro of maintenance obligations and taxes for the residence.

The Residence Property is not necessary to achieve the acquisition, preservation and protection goals of the Fanno Creek Greenway target area. The trail system planned by the city of Tigard lies within the Lowery property exclusive of the Residence Property. The Residence Property is outside the Title 3 area. Consequently, Metro's Regional Parks and Greenspaces Department recommends that the Residence Property be sold, and the proceeds of the sale be returned to Metro's Open Spaces Acquisition Division account. To accomplish the sale, Metro must submit an application to the city of Tigard and perform a property line adjustment, severing the 0.25-acre Residence Property from the remainder of the Lowery Property. The sale of the property would include a driveway access easement of approximately 30 feet wide over the existing driveway on Metro property. This easement would continue the existing access to the Residence Property from SW Katherine Street, and, since it is on the border of Metro's property, would not hinder natural resource and park use of the remainder of the Lowery Property.

At their December 4, 2001 meeting, the Regional Parks and Greenspaces Advisory Committee will consider staff's recommendation that the Council declare the Residence Property surplus, and not needed for public use, and authorize the Executive Officer to sell the Residence Property for no less than appraised fair market value and grant a driveway easement for access to the Residence Property.

## **Findings**

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A Metro Council declaration that the Residence Property is surplus, and not needed for public use and a resolution authorizing the Executive Officer to sell the Residence Property for no less than the appraised fair market value is recommended, based on the following:

- The Residence Property is located outside the Fanno Creek floodplain and riparian area, Title 3 area, has limited potential for restoration as wildlife habitat, and has no passive recreation or trail corridor potential.
- The public ownership of the Residence Property is not necessary to achieve the acquisition, preservation and protection goals of the Fanno Creek Greenway target area, and the

residence is unlikely to be part of any future master plan for the Lowery Property or Fanno Creek Greenway.

- The house requires a significant long-term capital improvement to insure compliance with Oregon landlord-tenant laws.
- The sale of the Residence Property will relieve Metro of maintenance obligations and property taxes for the residence.
- The 6.5 acres of the Lowery Property outside of the Residence Property has been incorporated in the Woodard Park Concept Plan adopted by city of Tigard by Resolution No. 99-13 and excludes the Residence Property.
- The cash realized from the sale of the Residence Property will be placed back in the Open Spaces Acquisition Division account, where it will be available to fund continuing acquisition efforts in the Fanno Creek Greenway target area and elsewhere in the region.
- The access easement of the Residence Property is appropriate and will not threaten or degrade the remainder of the Lower Property.

### **Budget Impact**

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Maintaining the Residence Property house as a revenue-generating unit will require a considerable investment. The capital investment in the house needed to insure compliance with the Oregon landlord-tenant laws is estimated to be \$45,000-\$55,000, dependent on additional needs identified after inspection of the internal structure. Based on the fair market rental rate for houses of similar size in that area, Metro would need approximately nine to 10 years of rental income minus maintenance costs and property taxes to recover this investment. To sell the Residence Property, Metro must pay the application and survey fees required to perform the property line adjustment. Real estate brokerage fees and sale closing costs, such as title insurance and escrow fees, will be paid out of the proceeds of the sale.

### **Outstanding Questions**

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None.

### **Executive Officer's Recommendation**

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The Executive Officer recommends adoption of Resolution No. 01-3135.