

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE) RESOLUTION NO. 02-3162
EXECUTIVE OFFICER TO PURCHASE THE SHO)
INTERNATIONAL PROPERTY IN THE WILLAMETTE)
NARROWS SECTION OF THE WILLAMETTE) Introduced by Mike Burton,
RIVER GREENWAY TARGET AREA) Executive Officer

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, on March 14, 1996, via Resolution 96-2307, the Metro Council adopted a refinement plan for the Willamette Narrows section of the Willamette River Greenway regional target area, which included a confidential tax-lot specific map identifying priority properties for acquisition; and

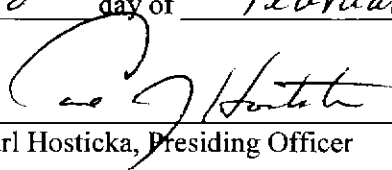
WHEREAS, Sho International has agreed to sell and Metro has agreed to buy an approximately 30-acre parcel that lies in Tier I of the Willamette Narrows target area, as described in the attached Exhibit A, conditional on Metro Council approval; and

WHEREAS, on September 27, 2001, the Metro Council approved Resolution 01-3106, 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 75-acre goal established for the Willamette Narrows Section of the Willamette River Greenway target area, and therefore purchase of the Sho International property requires formal Metro Council authorization pursuant to Council Resolution 01-3106; now therefore

BE IT RESOLVED that the Metro Council authorizes the Metro Executive Officer to purchase the Sho International Property as identified in Exhibit A, in accordance with the terms and conditions set forth in the Agreement of Purchase and Sale for this Property.

ADOPTED by the Metro Council this 28th day of February, 2002.



Carl Hosticka, Presiding Officer

Approved as to Form:


Daniel B. Cooper, General Counsel

Exhibit A

A parcel of land in the Southeast one-quarter of Section 3 and the Northeast one-quarter of Section 10, Township 3 South, Range 1 East of the Willamette Meridian, and in the Mahlan Brock Donation Land Claim No. 55, in the County of Clackamas and State of Oregon, said parcel being more particularly described as follows:

Beginning at the most Northerly corner of Partition Plat 1993-166 Parcel I; thence South 66°32'45" West, 729.92 feet; thence South 44.26 feet; thence South 23°57'25" East, 52.95 feet; thence South 14°01'58" East, 22.17 feet; thence South 05°11'35" East, 79.19 feet; thence South 32°36'44" East, 53.19 feet; thence South 25°24'07" East, 79.36 feet; thence South 06°03'39" East, 147.54 feet; thence South 39°07'28" West, 187.58 feet; thence South 16°58'28" East, 36.17 feet; thence South 17°33'15" West, 60.47 feet; thence South 56°19'51" West, 317.19 feet; thence South 00°10'09" East, 48.35 feet; thence South 06°34'43" East, 60.90 feet; thence South 13°27'07" West, 289.51 feet; thence North 86°54'28" West, 116.10 feet (from this point, the Northeast corner of the Mahlan Brock Donation Land Claim No. 55 bears South 00°23'14" West, 64.22 feet); thence continuing North 86°54'28" West, 720.88 feet; thence South 00°14'50" West, 115.57 feet; thence North 88°27'04" East, 22.27 feet; thence South 89°49'44" East, 210.14 feet; thence South 79°52'15" East, 59.86 feet; thence North 88°05'24" East, 63.17 feet; thence South 33°40'42" East, 37.95 feet; thence South, 12°40'30" East, 86.32 feet; thence South 42.11 feet; thence South 29°31'40" West, 72.59 feet; thence South 03°21'54" West, 35.86 feet; thence South 39°16'37" East, 59.84 feet; thence South 63°25'29" East, 42.36 feet; thence North 83°24'54" East, 55.08 feet; thence North 45°41'41" East, 120.58 feet; thence North 27°32'32" East, 54.62 feet; thence North 105.28 feet; thence East 71.56 feet; thence South 73°00'07" East, 79.23 feet; thence South 18°25'36" West, 93.21 feet; thence South 06°17'28" West, 288.09 feet; thence South 38°11'55" West, 125.92 feet; thence South 23°47'47" West, 352.31 feet; thence South 42°48'49" West, 265.93 feet; thence South 14°15'09" West, 215.91 feet; thence South 64°47'17" West, 235.47 feet; thence South 09°17'26" West, 85.26 feet; thence South 43°38'33" East, 107.83 feet; thence South 17°21'07" West, 87.98 feet; thence South 67°26'24" West, 142.24 feet; thence South 05°50'32" West, 221.67 feet; thence South 19°02'40" West, 54.67 feet; thence South 04°37'55" West, 34.88 feet; thence South 15°28'21" West, 185.51 feet; thence South 04°51'39" East, 86.14 feet; thence South 01°58'24" West, 158.97 feet; thence South 09°27'18" East, 33.32 feet; thence South 09°44'01" West, 28.11 feet; thence South 23°04'12" West, 83.00 feet; thence South 04°57'58" West, 57.81 feet; thence South 22°49'07" West, 51.61 feet; thence South 04°18'46" West, 66.54 feet; thence South 21°00'19" West, 121.44 feet; thence South 34°41'41" West, 57.48; thence South 12°07'00" West, 13.47 feet; thence South 07°16'27" West, 77.02 feet; thence South 71°51'07" East, 31.54 feet to a point on the Westerly line of that parcel described in Deed Fee No. 76-21330 as recorded in the Clackamas County Deed Records on June 25, 1976; thence Northeasterly tracing said Westerly line the following courses and distances; North 18°08'13" East, 173.58 feet; thence North 15°32'45" East, 1371.75 feet; thence North 38°05'37" East, 945.66 feet to a point on the East line of the Mahlan Brock Donation Land Claim No. 55; thence North 00°23'14" East, along said East line, 437.48 feet to the Southerly Southwest corner of Lot 1 of Section 10, Township 3 South, Range 1 East, of the Willamette Meridian; thence leaving said East line along the South line of said Lot 1, South 89°45'10" East, 885.67 feet to a point on the left bank of the Willamette River; thence downstream, tracing said left bank the following courses and distances; North 05°09'51" East, 457.00 feet; thence North 32°26'55" East, 372.06 feet; thence leaving said left bank, North 60°56'50" West, 535.51 feet; thence North 26°31'54", 1047.86 feet to the point of beginning.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 02-3162 FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO PURCHASE THE SHO INTERNATIONAL PROPERTY IN THE WILLAMETTE NARROWS SECTION OF THE WILLAMETTE RIVER GREENWAY TARGET AREA

Date: February 11, 2002

Presented by: Charles Ciecko
Jim Desmond

BACKGROUND

Resolution No. 02-3162 requests authorization for the Executive Officer to purchase the 30-acre Sho International property (hereafter referred to as "the Property") in the Willamette Narrows section of the Willamette River Greenway.

This resolution proposes to authorize the purchase of the Property subject to the terms of Purchase and Sale Agreement executed by the Property owners and Metro. The purchase of the Property requires Metro Council authorization pursuant to 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") because Metro has previously exceeded the minimum 75-acre goal established for the target area.

Acquisition of the property is recommended because:

- (a) the Property meets the specific criteria identified in Resolution 01-3106;
- (b) the Property was identified as an acquisition necessary for the completion of the target area at the discussions held in connection with the adoption of Resolution 01-3106; and
- (c) the Property was identified as a "Tier 1" acquisition priority in the confidential tax lot map approved in connection with the adoption of the refinement plan for the Willamette Narrows target area, which outlined a land protection strategy for target area, all pursuant to Resolution 96-2307 ("For The Purpose Of Approving A Refinement Plan For The Willamette Narrows Section Of The Willamette River Greenway, As Outlined In The Open Space Implementation Work Plan").

Metro has entered into an agreement with the owner, Sho International, to purchase approximately 30 acres located below the Oregon Golf Course, adjacent to the Willamette River, just south of West Linn, Oregon. The Property comprises a number of tax parcels that are zoned for forest use and contains 947 feet of Willamette River frontage. An adjacent 3-acre parcel, formerly owned by Sho International, was foreclosed for property taxes by Clackamas County and may be available to Metro in the future. The parcels also contain easements for golf course use, however the property is still essential for open space purposes. This site provides a critical connection between existing Metro properties, is a key connection for a trail and wildlife corridor along the Willamette River and is highly visible to recreation users on the river. The site has been harvested for timber in the past but still contains stands of oak and madrone with scattered Douglas fir. Of special interest is a logging road that bisects the Property and could serve as an informal trail.

Currently, the Property represents a gap in public ownership in the Willamette Narrows target area. Metro owns other parcels immediately adjacent to the Property on the north and south. Because the Property is located amidst Metro lands, it remains key to the assemblage of the regional scale natural area contemplated by the target area refinement plan. The acquisition of this 30-acre parcel would result in total assemblage of 231 contiguous acres under the ownership of Metro or State Of Oregon Parks.

Acquiring the Property meets two Tier I objectives of the target area refinement plan:

- “Acquire the steeply sloped areas north of the state parcel that are undergoing timber harvesting.”
- “Acquire large blocks of contiguous wooded area for habitat value, including remnant areas of oak on the south facing slopes.”

FINDINGS

Acquisition of the Property with the above-stated terms is recommended based on the following:

- The Property lies in Tier I of the Willamette Narrows section of the Willamette River Greenway target area and fulfills the goals of the refinement plan.
- The Property has significant natural and scenic resource values, including approximately 947 feet of frontage on the Willamette River and oak and madrone habitat.
- The Property bordered on the north and south by existing Metro ownership and is one of the last key parcels necessary to accomplish the assemblage of a regional scale natural area, consistent with the goals and objectives as set forth in the target area refinement plan.
- While the overall minimum acreage goal of the target area has been exceeded, the acquisition of this Property is highly desirable from a regional perspective due to its natural area features, connectivity to previously acquired Metro Open Space sites, Willamette River frontage, opportunity to preserve important woodland habitat, and its proximity to the rapidly growing West Linn area.

ANALYSIS/INFORMATION

1. Known Opposition

None.

2. Legal Antecedents

In May 1995, the 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 96-2307 (“For The Purpose Of Approving A Refinement Plan For the Willamette Narrows Section Of The Willamette River Greenway, As Outlined In The Open Space Implementation Work Plan”), the Metro Council adopted a refinement plan, which outlined a land protection strategy for the Willamette Narrows. Through that

resolution, the Metro Council also approved the target area refinement plan tax-lot specific map, which includes the subject Sho International 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 A of that resolution requires that the Metro Council formally authorize all acquisitions that do not satisfy at least one of six criteria, including two criteria that would apply to this acquisition, as a result of the Property being “located in existing identified gaps in public ownership in critical wildlife corridors, trails or greenways identified in the bond measure,” and the Property being “adjacent to existing Metro or other public ownership or conservation group-owned properties, and are key remaining parcels necessary to accomplish the assemblage of a regional scale natural area...” 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.

During the consideration of Resolution 01-3106, the Property was specifically identified by staff as one that Metro had been trying to acquire because it was considered essential to the completion of the target area. Staff was in fact engaged in negotiations to purchase the Property for a long period prior to the adoption of Resolution 01-3106.

This resolution proposes to authorize the purchase of the Property subject to the terms of Purchase and Sale Agreement executed by the Property owners and Metro. The proposed acquisition satisfies more than one of the listed criteria set forth in Resolution 01-3106(A), but because Metro has exceeded the minimum 75-acre goal established for the target area, Resolution 01-3106(B) requires that the purchase of the Property be authorized by the Metro Council prior to acquisition.

3. Anticipated Effects

Acquisition of this property will achieve contiguous ownership of public properties, and is a key connection for future trail access.

4. Budget Impacts

After the acquisition of this Property, approximately \$9,331,515 will remain of unrestricted regional bond funds.

RECOMMENDED ACTION

The Executive Officer recommends passage of Resolution No. 02-3162.