

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE) RESOLUTION NO. 02-3187
OFFICER TO CONTRIBUTE TOWARD THE PURCHASE)
OF PROPERTY ON HOGAN BUTTE IN THE) Introduced by Mike Burton,
EAST BUTTES/BORING LAVA DOMES TARGET AREA) Executive Officer
Carl Hosticka, Presiding Officer
Rod Park, Councilor

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, 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, Bryan Freeman, et al., are the owners of an approximate 49-acre parcel that lies in Tier I of the East Buttes/Boring Lava Domes target area (“the Property” or “the Freeman Property”), as described in the attached Exhibit A, and the owners have agreed to negotiate an Agreement of Purchase and Sale with Metro and/or the Trust for Public Land and/or the City of Gresham; and

WHEREAS, federal funding is being sought for a majority of the purchase price, and Metro is being asked to contribute \$500,000 towards the acquisition, which represents 20% of the purchase price, with Metro taking title to at least 20% and up to 100% of the Property; and

WHEREAS, acquisition of the Freeman Property will be conditioned on the City of Gresham agreeing to the following conditions: (1) the City of Gresham shall transfer title or permanent preservation rights to Metro on the 29-acre piece of property the City of Gresham owns near Regner Road (“Regner Road Property”) which is located near the Freeman Property; (2) the City of Gresham shall provide or require public trail access from the Freeman Property to connect through to the Regner Road Property; and (3) the City of Gresham shall agree to manage the Freeman Property pursuant to an Intergovernmental Agreement with Metro; 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 545-acre goal established for the East Buttes/Boring Lava Domes target area, and therefore contributing toward the purchase of the Freeman property requires formal Metro Council authorization pursuant to Council Resolution 01-3106;

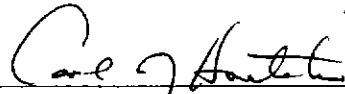
NOW THEREFORE:

BE IT RESOLVED,

1. That the Metro Council authorizes the Metro Executive Officer to contribute \$500,000 toward the purchase of the Freeman Property as identified in Exhibit A, subject to the securing of federal or other funds by November 1, 2002 for the remainder of the purchase price above \$500,000, so that Closing can occur by March 15, 2003; and


2. That the Metro Council also authorizes the Metro Executive Officer to direct Metro Parks and Greenspaces and Office of General Council staff to negotiate an Agreement of Purchase and Sale with the Freeman Property owners and close the transaction in accordance with the parameters set forth in the Open Spaces Implementation Work Plan, subject to the conditions that (1) the City of Gresham shall transfer title or permanent preservation rights to Metro for open space and/or park purposes on the 29-acre piece of property the City of Gresham owns near Regner Road ("Regner Road Property") which is located near the Freeman Property; (2) the City of Gresham shall make a good faith effort to provide or require public trail access (off-street) from the Freeman Property to connect through to the Regner Road Property; and (3) the City of Gresham shall agree to manage the Freeman Property pursuant to an Intergovernmental Agreement with Metro.

ADOPTED by the Metro Council this 2nd day of May, 2002.



Carl Hosticka, Presiding Officer

Approved as to Form:



Daniel B. Cooper, General Counsel

Exhibit A

to Resolution No. 02-3187

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PROPERTY VESTING

Parcel I: Brian J Freeman, Eugene O. White, Martha O'Grady, Patrick E. O'Grady, Lola Bessey, Vincent J. Cooney Jr., Kathleen L. Cooney as tenants in common;

Parcel II: Ann K. White;

Parcel III: Brian J. Freeman and Anne Marie Freeman as tenants by the entirety;

Parcel IV: Brian J. Freeman and Anne Marie Freeman as tenants by the entirety, as to an undivided one-half interest and Barry A. Freeman and Janice Freeman, as tenants by the entirety, as to an undivided one-half interest;

Parcel V: Brian J. Freeman and Anne Marie Freeman as tenants by the entirety, as to an undivided one-half interest and Barry A. Freeman and Janice Freeman, as tenants by the entirety, as to an undivided one-half interest;

Parcel VI: Lola A. Bessey, formerly known as Lola A. Duby, as to an undivided 220/842 interest, Patrick E. O'Grady and Martha O'Grady, as tenants by the entirety, as to an undivided 215/842 interest, Brian J. Freeman and Anne Marie

Freeman, as tenants by the entirety, as to an undivided 150/842 interest, Eugene O. White, as to an undivided 176/842 interest, and Vincent J. Cooney Jr. and Kathleen L. Cooney, as tenants by the entirety, as to an undivided 81/842 interest.

Exhibit A

to Resolution No. 02-3187

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Parcel I:

Lot 16, Persimmon, in the City of Gresham, Multnomah County, Oregon.

Parcel II:

A tract of land in Section 22, Township 1 South, Range 3 East of the Willamette Meridian, in the City of Gresham, Multnomah County, Oregon, described as follows:

Beginning at the West quarter corner of Section 22; thence North $88^{\circ}44'10''$ East along the South line of the Northwest quarter of Section 22, a distance of 990.0 feet; thence North 490.0 feet to the true point of beginning; thence South $88^{\circ}27'50''$ West, 883.25 feet to the Easterly line of Regner Road No. 1275; thence North $83^{\circ}14'$ East along said Easterly line of Regner Road, 135.74 feet; thence continuing along said Easterly line of Regner Road on the arc of a 507.50 foot radius curve to the left (the long chord bears North $53^{\circ}55'$ East 164.43 feet) an arc distance of 164.94 feet; thence North $44^{\circ}36'$ East along the Easterly line of Regner Road 78.41 feet; thence South $83^{\circ}50'40''$ East leaving the Easterly line of said road 232.52 feet; thence North $30^{\circ}59'30''$ East 141.18 feet; thence North $75^{\circ}28'32''$ East 272.25 feet; thence South $82^{\circ}08'52''$ East 155.48 feet; thence South $21^{\circ}21'04''$ East 193.65 feet; thence South $20^{\circ}01'45''$ East 162.22 feet; thence West 273.67 feet to the true point of beginning.

Excepting therefrom that portion described as follows:

The true point of beginning being the center of Section 22, Township 1 South, Range 3 East of the Willamette Meridian, Multnomah County, Oregon; thence North $89^{\circ}59'18''$ West along the South line of said Northwest quarter, establishing this as the basis of bearing, 1620.66 feet, to the East line of the property conveyed to Urban Peier by deed recorded March 10, 1900 in Book 265, Page 115; thence North $01^{\circ}16'18''$ East along said Peier property 440.00 feet to the Northeast corner thereof; thence South $89^{\circ}43'46''$ West along the North line of said Peier property, 953.40 feet, to the Easterly line of Regner Road; thence right along a curve, with a radius of 256.48 feet, delta angle of $19^{\circ}34'57''$, a chord distance of 87.23 feet, and an arc distance of 87.66 feet to the point of beginning; thence North $64^{\circ}33'47''$ East, 135.74 feet; thence South $25^{\circ}26'13''$ East, 63.78 feet; thence South $89^{\circ}43'46''$ West back along the South line of Tax Lot 32 a distance of 149.98 feet to the point of beginning.

Parcel III:

Beginning at the West quarter corner of Section 22, Township 1 South, range 3 East of the Willamette Meridian, Multnomah County, Oregon; thence North $85^{\circ}44'10''$ East along the South line of the Northwest quarter of Section 22 a distance of 1523.55 feet; thence North 478.23 feet to the true point of beginning; thence West 259.75 feet; thence North $20^{\circ}01'45''$ West 162.22 feet; thence North $21^{\circ}21'04''$ West 193.65 feet; thence North $82^{\circ}08'52''$ West 155.48 feet; thence South $75^{\circ}28'32''$ West 272.25 feet; thence South $30^{\circ}59'30''$ West 141.18 feet; thence North $83^{\circ}50'40''$ West 232.52 feet to the Easterly line of Regner Road (No. 1275); thence Northeasterly along said Easterly line of Regner Road North $44^{\circ}36'$ East 190.29 feet; thence continuing along said Easterly line of Regner Road on the arc of an 848.60 foot radius curve to the left (the long chord bears North $40^{\circ}13'23''$ East 129.53 feet) an arc distance of 129.66 feet to a point, said point bears Southwesterly along the East line of Regner Road a distance of 520.0 feet from the intersection with the East line of Regner Road and the South side line of a 50 foot roadway easement given to Louis E. Nelson recorded September 6, 1966 in Book 525, Page 396, Deed Records, Multnomah County, Oregon; thence East leaving the Easterly line of Regner Road 890.0 feet; thence South 419.02 feet to

Exhibit A

the true point of beginning.

to Resolution No. 02-3187

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Parcel IV:

The following property located in Section 22, Township 1 South, Range 3 East of the Willamette Meridian, Multnomah County, Oregon:

Beginning at the Southeast corner of the Northwest quarter of said Section 22; thence West along the South line of said Northwest quarter, 1650.0 feet, more or less, to the East line of the property conveyed to Urban Peier by deed recorded March 10, 1900 in Book 265, Page 115; thence North along said Peier property 440 feet to the Northeast corner thereof; thence West along the North line of said Peier property to the Easterly line of Regner Road; thence Northerly along the Easterly line of Regner Road to a point, said point bearing Southwesterly along the East line of Regner Road a distance of 520.0 feet from the intersection with the East line of Regner Road and the South side line of the 50 foot roadway easement given to Louis E. Nelson et ux recorded September 8, 1966 in Deed Book 525, Page 396, said point being also the true point of beginning of the tract to be herein described; thence East 350.0 feet; thence North parallel with the Easterly line of Regner Road, 250.0 feet; thence West 350.0 feet to a point in the Easterly line of Regner Road; thence Southerly along the Easterly line of Regner Road 250 feet to the true point of beginning of the tract herein described.

Parcel V:

The following property located in Section 22, Township 1 South, Range 3 East of the Willamette Meridian, Multnomah County, Oregon:

Beginning at the Northeast corner of the Northwest quarter of said Section 22; thence West along the North line of said Section 22 to its intersection with the East side line of Regner Road No. 1275; thence Southerly along the Easterly side line of Regner Road to a point, said point being the intersection of Regner Road and the South side line of that certain 50.0 foot roadway easement given to Louis E. Nelson et ux recorded September 6, 1966 in Deed Book 525, Page 396, said point being also the true point of beginning of the tract to be herein described; thence Southerly along the Easterly side line of Regner Road 270.0 feet; thence East 350.0 feet; thence Northerly parallel to the Easterly side line of Regner Road to a point 50.0 feet South of the South side line of the 50.0 foot roadway easement given to Louis E. Nelson et ux as stated above; thence Easterly parallel to the South side line of the 50.0 foot roadway easement above mentioned a distance of 235.00 feet; thence North 50.0 feet to the South side line of the 50.0 foot roadway easement herein mentioned; thence Westerly along the South side line of said 50.0 foot roadway easement to the true point of beginning.

Parcel VI:

Beginning at the Northeast corner of the Northwest quarter of said Section 22; thence West 210 feet to the true point of beginning; thence South parallel with the North-South centerline of said Section 22, a distance of 350.0 feet; thence West 440.0 feet; thence South 243.0 feet; thence East 268.2 feet to a point, said point being a Northwest corner of that parcel contracted to Louis E. Nelson et ux recorded January 10, 1967 in Deed Book 542, Page 1022; thence South parallel to the North-South centerline of said Section 22 for a distance of 1157.0 feet; thence East 381.8 feet; thence South along the East line of the Northwest quarter of said Section 22 to the Southeast corner of said Northwest quarter; thence West along the South line of said Northwest quarter, 1650.0 feet, more or less, to the East line of the property conveyed to Urban Peier by deed recorded March 10, 1900 in Book 265, Page 115; thence along said Peier property 440 feet to the Northeast corner thereof; thence West along the North line of said Peier property to the Easterly line of Regner Road; thence Northerly along the Easterly line of Regner Road to a point, said point bearing Southwesterly along the East line of Regner Road a distance of 520.0 feet from the intersection with the East line of Regner

Road and the South side line of the 50-foot roadway easement given to Louis E. Nelson et ux recorded September 6, 1966 in Deed Book 525, Page 396; thence East 350.0 feet; thence Northerly parallel to the East line of Regner Road, to a point 50 feet South of the South side line of the 50-foot roadway easement given to Louis E. Nelson et ux as stated above; thence Easterly parallel to the South side line of the 50-foot roadway easement above mentioned a distance of 235.0 feet; thence North 50 feet to the South side line of the 50 foot roadway easement herein mentioned; thence Westerly along the South side line of said 50 foot roadway easement to its intersection with the East line of Regner Road; thence Northerly along the Easterly line of Regner Road to the South line of the property conveyed to August Wabbles by deed recorded June 26, 1900 in Book 288, Page 170; thence East along the South line of said Wabbles property to its Southeast corner; thence North along the East line of said property 614 feet, more or less, to the North line of the Northwest quarter of said Section 22; thence East along said North line to the true point of beginning.

Excepting therefrom that portion described as follows:

The true point of beginning being the center of Section 22, Township 1 South, Range 3 East of the Willamette Meridian, Washington County, Oregon; thence North $89^{\circ}59'18''$ West along the South line of said Northwest quarter, establishing this as the basis of bearing, 1620.66 feet, to the East line of the property conveyed to Urban Peier by deed recorded March 10, 1900, in Book 265, Page 115; thence North $01^{\circ}16'16''$ East along said Peier property 440.00 feet to the Northeast corner thereof; thence South $89^{\circ}43'46''$ West along the North line of said Peier property, 953.40 feet, to the Easterly line of Regner Road; thence right along a curve, with a radius of 256.48 feet, delta angle of $19^{\circ}34'57''$, a chord distance of 87.23 feet, and an arc distance of 87.66 feet; thence North $64^{\circ}33'47''$ East, 135.74 feet; thence South $25^{\circ}26'13''$ East, 63.78 feet; thence North $89^{\circ}43'46''$ East, 733.27 feet to the South corner of Tax Lots 32 and 39; thence South $88^{\circ}43'28''$ East, 393.46 feet; thence South $01^{\circ}16'32''$ West, 33.04 feet; thence left along a curve, with a radius of 30.00 feet, delta angle of $121^{\circ}31'29''$ a chord distance of 52.44 feet and an arc distance of 63.80 feet; thence North $59^{\circ}25'03''$ East, 110.87 feet to the Southeast corner of Tax Lot 31; thence North $01^{\circ}16'32''$ East, 419.02 feet to the Northeast corner of Tax Lot 31 and continuing along the same line a distance of 480.98 feet to the Northwest corner of Tax Lot 23; thence South $88^{\circ}43'28''$ East, 370.00 feet; thence South $30^{\circ}43'28''$ East, 240.00 feet; thence South $59^{\circ}36'32''$ East, 236.35 feet; thence South $01^{\circ}11'57''$ West, 180.00 feet to the Southwest corner of Tax Lot 2; thence South $88^{\circ}48'03''$ East, 381.80 feet to the Southeast corner of Tax Lot 2; thence South $01^{\circ}11'57''$ West, 856.23 feet to the true point of beginning.

Also excepting therefrom that portion described in deeds to Ann K. White recorded August 6, 1988 in Book 1926, Page 2588 and to Brian J. Freeman et ux recorded in Book 818, Page 537 and to Brian J. Freeman, et ux, recorded in Book 2201, Page 2226.

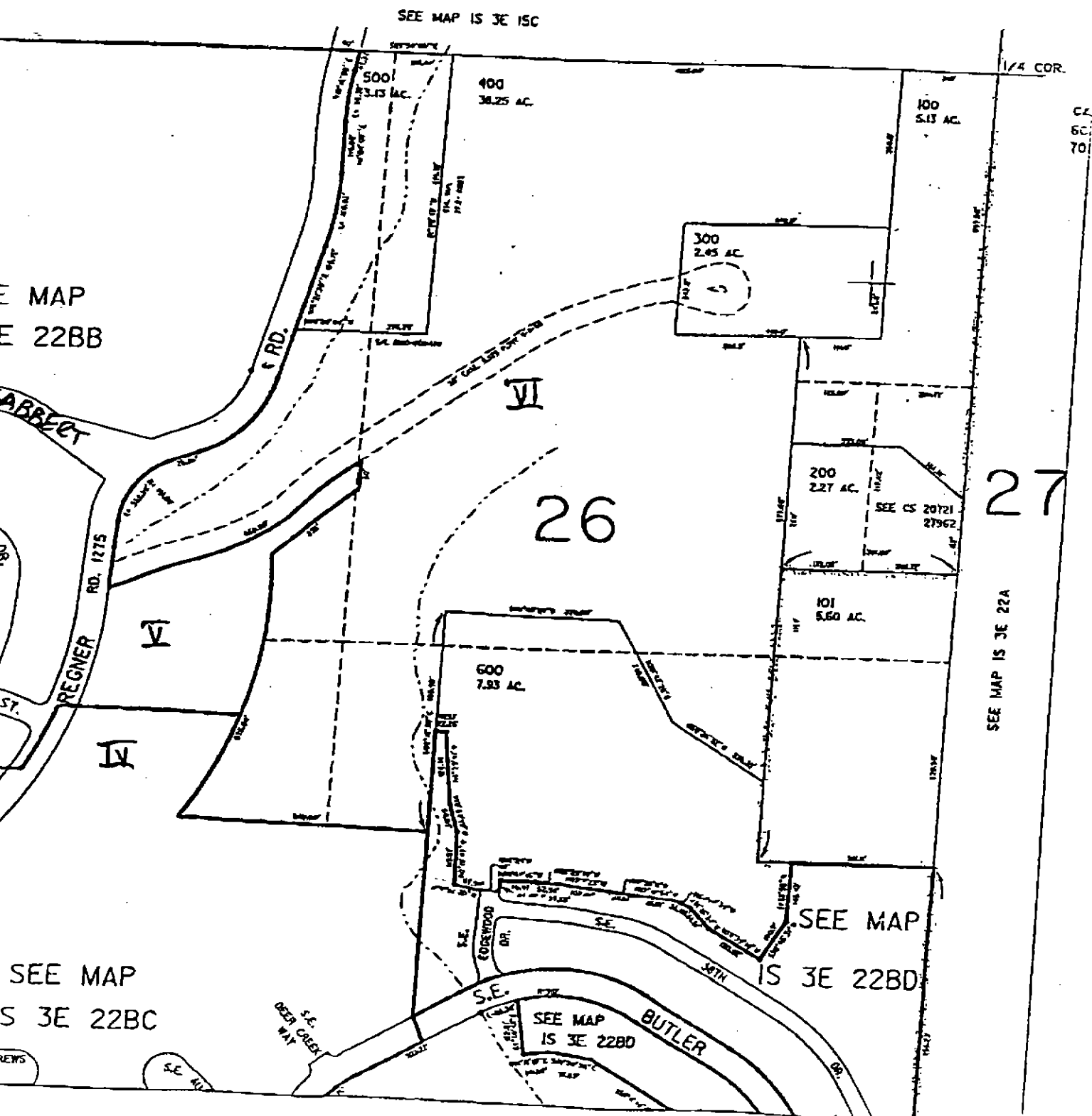


Fidelity National Title Company of Oregon

Map # IS3E22B 400



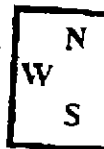
The sketch below is made solely for the purpose of assisting in locating said premises and the Company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey.



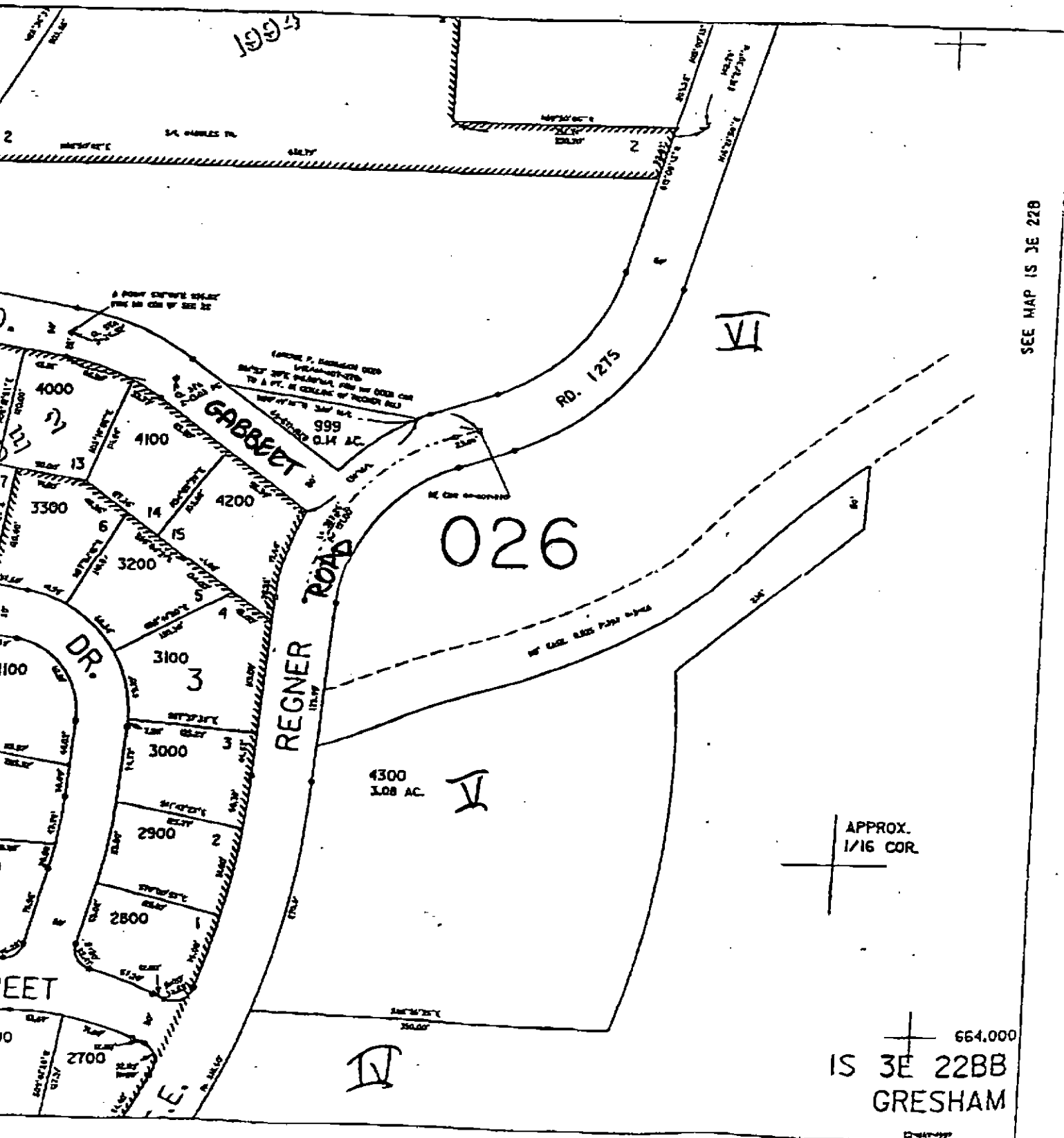


to Resolution No. 02-3187
Fidelity National Title Company of Oregon

Map # 1S3E22BB 4300



The sketch below is made solely for the purpose of assisting in locating said premises and the Company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey.



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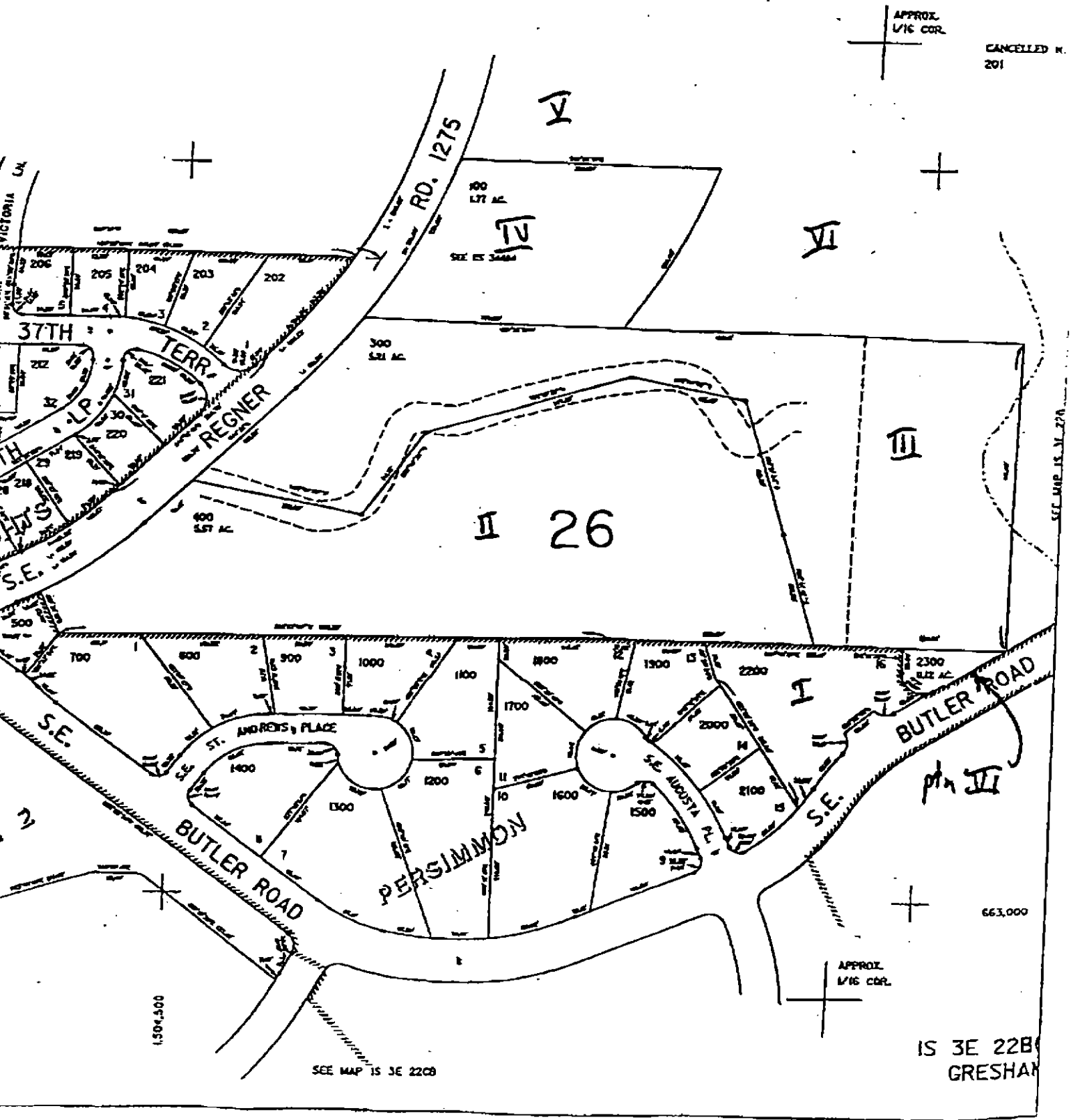
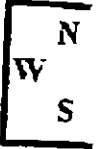


Fidelity National Title Company of Oregon

Map # 1S3E22BC 300, 400, 100

2200, 2300

The sketch below is made solely for the purpose of assisting in locating said premises and the Company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey.



METRO NATURAL RESOURCES COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 02-3187, FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO CONTRIBUTE TOWARD THE PURCHASE OF PROPERTY ON HOGAN BUTTE IN THE EAST BUTTES/BORING LAVA DOMES TARGET AREA

Date: May 10, 2002

Presented by: Councilor Park

Committee Action: At its May 1, 2002 meeting, the Metro Natural Resources Committee voted 4-0 to recommend Council adoption of Resolution 02-3187. Voting in favor: Councilors Atherton, Hosticka, Park and McLain.

Background: Resolution 02-3187 authorizes Metro to participate in the purchase of a 49 acre site, south of Gresham in the East Buttes/Boring Lava Dome target area. Metro's contribution of \$500,000 will assist in possible leveraging of \$2,000,000 from the federal government towards this purchase.

The site is in a tier 1 designated area, and would not normally need additional Council approval for this action. However, since East Buttes/Boring Lava Domes target area acquisitions have surpassed their minimum acreage goals, Council approval must be sought.

Certain conditions are put forward in this resolution, to which the City of Gresham has until November 1, 2002 to agree. One condition includes the transfer of 29 city owned acres to Metro, to be retained and managed as open space. In addition, if the transaction is successfully concluded, Gresham agrees to manage the 49-acre site that is the focus of this resolution.

- Existing Law: Measure 26-26 passed by voters in 1995, authorizing the \$135.6 million bond measure. Metro code 2.04.026(a) requiring Council authorization for Metro Executive purchase of real property. Resolution 01-3106 modifying the Open Spaces Implementation Work Plan and establishing conditions for purchase of certain open spaces sites.
- Budget Impact: Reserves \$500,000 of remaining Open Spaces Acquisition bond funds towards the purchase of the site, conditioned on the availability of federal funds and agreement by the City of Gresham to conditions in this resolution.

Committee Issues/Discussion: Mike Burton, Metro Executive Officer made the presentation to committee, and strongly urged committee recommendation. Jim Desmond, Open Spaces Acquisition manager, clarified that Trust for Public Lands currently has the option on this property, and would be the purchaser, should federal funds materialize. Those federal funds would flow to Gresham and account for 80% of the purchase price, with Metro providing 20%, providing for the ownership to transfer from Trust for Public Lands to Gresham and Metro.

There was positive public testimony on this issue.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 02-3187 FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO CONTRIBUTE TOWARDS THE PURCHASE OF PROPERTY ON HOGAN BUTTE IN THE EAST BUTTES/BORING LAVA DOMES TARGET AREA

Date: April 26, 2002

Presented by: Charles Ciecko
Jim Desmond

BACKGROUND

Resolution No. 02-3187 requests authorization for the Executive Officer to contribute towards the purchase of the 49-acre Freeman property (hereafter referred to as "the Property") in the East Buttes/Boring Lava Domes target area.

This resolution proposes to authorize the purchase of the Property subject to the terms of a Purchase and Sale Agreement to be executed by Metro, the Property owners and/or The Trust for Public Land and/or the City of Gresham or other partners. 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 545-acre goal established for the target area.

Acquisition of the Property is recommended because:

- (a) The acquisition of this Property would meet two of the criteria set forth in Resolution 01-3106.
 - "Complete the acquisition of existing public ownership gaps in trails and greenways identified in the bond measure." The purchase of this site would connect two parcels owned by the city of Gresham.
 - "Within existing target areas and parcels that meet the objectives otherwise set forth in this resolution, particular emphasis should be given to acquisitions that would either (a) have a significant financial contribution from a local government or other outside partner or ..." The financial contribution by local governments or other partners is significant, as Metro is being asked to contribute 20% of the purchase price.
- (b) The Property was identified as a "Tier I" acquisition priority in the confidential tax lot map approved in connection with the adoption of the refinement plan for the East Buttes/Boring Lava Domes target area, which outlined the land protection strategy for the target area, all pursuant to 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").
- (c) The opportunity to leverage significant federal funding to the Metro region, specifically the East Buttes/Boring Lava Domes target area.

The Property is a heavily forested hillside adjacent to the developing area north of the Persimmon Golf Club. Its ecological value is high due to the relatively large, high native plant species diversity in all vegetative layers (tree, mid-story and shrub) at the site. The forest is dominated by Douglas fir, western

red cedar, big-leaf maple and red alder. Two streams, which are unnamed tributaries of Johnson Creek, flow through the Property.

The passage of Resolution 01-3106 in September 2001 limits the ability of the Metro Executive to contribute towards the purchase of this Property because Metro has previously exceeded the minimum acreage goal established for the East Buttes/Boring Lava Domes target area, and that resolution specifically requires Metro Council approval of any such transactions.

This action confirms a contribution of \$500,000 towards the purchase, provided that federal funding in the amount of \$2,000,000 is subsequently confirmed and obtained. This commitment to contribute funds shall expire on November 1, 2002, unless Congress in its final budget for 2003 approves a \$2,000,000 appropriation for this purchase. If such federal appropriation is made, it is expected that the funds will be available and the closing can occur on or about March 15, 2003.

As conditions to the contribution of \$500,000 by Metro towards this purchase, the City of Gresham shall agree to the following in writing on or before November 1, 2002:

1. Gresham shall transfer title to Metro of the 29-acre piece of property it owns near the Freeman site and directly west of Regner Road to be held for open space and park purposes.
2. As part of its approval of the proposed Deer Glen subdivision, on land purchased in part by the developer from the City of Gresham, Gresham shall make a good faith effort to obtain public trail access (off street) from the Freeman parcel (north edge of parcel) through the Deer Glen parcel to connect to and allow reasonable and feasible trail access to the 29-acre parcel currently owned by the City west of Regner Road.
3. Gresham shall agree to manage the Freeman parcel pursuant to an Intergovernmental Agreement with Metro.

FINDINGS

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

- The Property lies in Tier I of the East Buttes/Boring Lava Domes target area.
- The Property has significant natural and scenic resource values.
- The appropriation of funds by Metro will assist in leveraging significant federal funding to the region, and in particular, the East Buttes/Boring Lava Domes target area.
- The Property represents a link in the gap between existing sites owned by the City of Gresham.
- While the overall minimum acreage goal of the target area has been exceeded, the acquisition of this Property is desirable due to its natural area features, opportunity for restoration and its proximity to the City of Gresham.
- The City of Gresham strongly supports this acquisition.

- Stabilization, landbanking and restoration costs will not be borne by Metro, as the Property will be managed by the City of Gresham.

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 Freeman 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, title matters, etc... 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 this Property will allow greater protection of important forested butte resources in the East Buttes/Boring Lava Domes target area and leverage a significant amount of federal funding to the region.

4. Budget Impacts

These funds (\$500,000) shall be reserved and taken from the remaining regional acquisition funds, which as of the date hereof equal approximately \$8.5 million.

Landbanking and future management costs will be borne by the City of Gresham.

RECOMMENDED ACTION

The Executive Officer recommends passage of Resolution No. 02-3187.