

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING)	RESOLUTION NO. 02-3201
THE EXECUTIVE OFFICER TO)	
PURCHASE THE ACKERMAN)	Introduced by Mike Burton,
PROPERTY IN THE ROCK CREEK)	Executive Officer
GREENWAY TARGET AREA)	

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 96-2301, the Metro Council adopted a refinement plan for the Rock Creek Greenway regional target area, which included a confidential tax-lot specific map identifying priority properties for acquisition; and

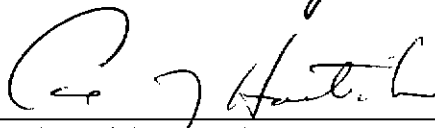
WHEREAS, Edwin and Sara Ackerman have agreed to sell and Metro has agreed to buy an approximately 5.6-acre parcel that lies in Tier I of the Rock Creek Greenway target area, as described in the attached Exhibit A, subject to an Estate for Years held by the Ackermans; and

WHEREAS, Edwin and Sara Ackerman will only agree to sell the Property to Metro at a price supported by Metro's appraisal but not discounted for the Estate for Years; now therefore,

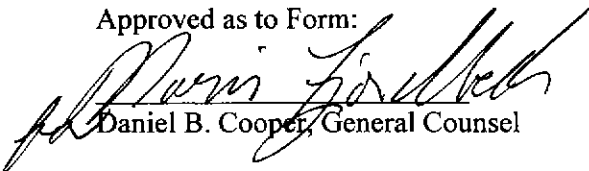
BE IT RESOLVED,

That the Metro Council authorizes the Metro Executive Officer to purchase the Ackerman Property as identified in Exhibit A, without discounting the price for the Estate for Years.

ADOPTED by the Metro Council this 11th day of July, 2002.



 Carl Hosticka, Presiding Officer

Approved as to Form:

 Daniel B. Cooper, General Counsel

Resolution No. 02-3201

Exhibit A

Property Description

Parcel I:

Beginning at a point on the South line of the Gladys Sinclair property, more particularly described in Deed Book 281, page 666, the point of beginning being 330 feet West of the Southeast corner of said property; thence Westerly on the South line of said property 200 feet; thence Northerly and parallel with the East line of said property to the North line of said property; thence East on the North line of said property to the Northeast corner of said property and thence South to the Place of beginning, in Section 3, Township 1 South, Range 2 West, Willamette Meridian, in Washington County, Oregon.

Parcel II:

The South 345.00 feet of the West 80.00 feet of that tract of land described in Deed to William R. Benedict per Document No. 81-29106, Washington County Deed Records, located in the Northwest one quarter of Section 3, Township 1 South, Range 2 West, Willamette Meridian, in the City of Hillsboro, Washington County, Oregon.

Said described parcel of land abuts the East line of that tract of land described in Deed to Charles W. Sinclair, et ux, in Book 281, Page 666, said Deed Records, and its Southwest corner is the Northwest corner of that tract of land described in Deed to Henry Abderholder, et ux, in Book 508, Page 181, said Deed Records.

Parcel III:

A 12' wide Access and a 15' wide Sanitary Sewer Easement upon, over, under and across those portions of Tract "A" of MANDY PARK, as created on the plat of MANDY PARK, a duly recorded plat in the City of Hillsboro, County of Washington, State of Oregon.

Staff Report

CONSIDERATION OF RESOLUTION NO. 02-3201 FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO PURCHASE THE ACKERMAN PROPERTY IN THE ROCK CREEK GREENWAY TARGET AREA

Date: June 3, 2002

**Presented by: Charles Ciecko
Jim Desmond**

BACKGROUND

Resolution No. 02-3201 requests authorization for the Executive Officer to purchase the 5.6-acre Ackerman property ("the Property") in the Rock Creek Greenway target area.

Metro has entered into an agreement with the current owners, Edwin and Sara Ackerman, to purchase approximately 5.6 acres located along Drake Lane in Hillsboro, Oregon. The Property is a pocket of unincorporated Washington County that is surrounded by residential subdivisions of the City of Hillsboro. The Property is zoned for single-family residential development and could support approximately 24 housing units. It is composed of two tax parcels. The Ackermans' residence is on a 1.6-acre forested parcel that has approximately 150 feet of frontage along Rock Creek. The forest surrounding the house site is primarily Douglas fir and abounds with other native plants, many of which the Ackerman's have planted themselves. Mrs. Ackerman is particularly fond of trilliums and has planted a multitude of these flowering native plants throughout the forest. The second lot, which is approximately 4 acres, supports the Ackerman's small blueberry farm. Over 90 percent of the Property is upland adjacent to the Rock Creek floodplain.

This site is the last major acquisition in the Drake Lane area and is contiguous to five other Metro Open Spaces properties that abut Rock Creek. Acquiring the Property is key to assembling a publicly-owned and regionally significant natural area, totaling approximately 34 acres. The Property also represents a gap in public ownership in creating a trail, wildlife and hydrological corridor along Rock Creek in the Drake Lane area.

ANALYSIS/INFORMATION

1. Known Opposition

None. The City of Hillsboro is highly supportive of acquiring this Property.

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 95-2228A (and amended via Resolution 96-2424) established acquisition parameters that authorize the Executive Officer to purchase property, within the Council-approved target area refinement

plan maps. Purchases that do not meet these criteria or have “unusual circumstances,” as that term is defined in the Work Plan, require specific Council approval. Via Resolution 96-2301, (and amended by Resolution 96-2377) the Metro Council adopted a refinement plan, which outlined a land protection strategy for the Rock Creek target area. 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.

Acquiring the Property meets the first Tier I objective of the Rock Creek Greenway target area refinement plan. More specifically the plan states in part:

- [Acquire] key upland sites adjacent to the Rock Creek floodplain within the UGB, with an emphasis on sites at creek confluence areas.

Moreover, the acquisition of this Property would meet three of the criteria set forth in 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”).

- “Complete the acquisition of existing public ownership gaps in trails and greenways identified in the bond measure.” The purchase of this site would connect the Rock Creek greenway property owned by the City of Hillsboro to the north with the Metro owned parcels to the west.
- “Acquire key remaining parcels adjacent to parcels already acquired by Metro or other parks or conservation entities... consistent with the specific goals and objectives set forth in the refinement plan for that target area.” As stated above, this site is contiguous to five other Metro Open Spaces properties that abut Rock Creek and is important to assembling a publicly owned and regionally significant natural area, totaling approximately 34 acres. Furthermore, the Property is a Tier I objective in the refinement plan for the target area.
- Achieve, wherever possible, the minimum acreage goals established in the bond measure for each target area, subject to the “willing seller” nature of the program. Metro is below its acreage goal in the target area. Metro has acquired 100 acres, while the bond measure stated a minimum acreage goal of 300 acres.

This resolution proposes to approve an unusual circumstance purchase and authorize the purchase of the Property subject to the terms of the Purchase and Sale Agreement, executed by Metro and the landowners. Since Metro has not exceeded the minimum 300-acre goal established for the Rock Creek target area, purchase of the Property does not require Metro Council authorization pursuant to Resolution 01-3106.

3. Unusual Circumstances

There is one unusual circumstance regarding the transaction for which Council approval is sought:

- The purchase price for the Property will not be discounted for the value of an Estate for Years granted to the Seller’s Edwin and Sara Ackerman.

The Ackermans have lived on the Property since the early 1960s. In fact, Mr. Ackerman built the residence himself. They also operate a U-pick blueberry farm on the Property and have a number of farm animals. The Ackerman's support the Open Spaces program and wish to convert their land into a natural area for public use. However, they desire to remain living on the premises and continue farming until they either voluntarily vacate the premises, are incapacitated in a hospital, or until their deaths. This was an express condition of sale for the Ackermans. Edwin Ackerman is 67 years old and Sara Ackerman is 70 years old. Under the Estate for Years, the Ackermans will pay no rent, but will be responsible for taxes, liability insurance, and all expenses associated with maintaining the Property.

The purchase price for the Property was based on the appraised value that was not reduced as a result of the proposed estate for years.

4. Anticipated Effects

Acquisition of this Property is key to assembling a publicly-owned natural area in Hillsboro, totaling approximately 34 acres.

5. Budget Impacts

Bond funds will supply Metro's share of the acquisition money. The City of Hillsboro will manage the land under the terms of the existing Intergovernmental Agreement. Moreover, the Estate for Years agreement requires that the Ackermans pay for the taxes, insurance and upkeep of the Property while they remain on the premises.

6. Outstanding Questions

A specific condition of the Purchase and Sale Agreement is that Metro will not issue a press release stating that Metro has purchased the Property. This provision does not prevent Metro from notifying the public about the purchase of the Property through other means of distribution such as brochures, reports, web pages and public meetings. The purpose of the condition is to help protect the Ackermans' privacy after the sale of the Property. The City of Hillsboro has also been notified about this condition of sale as well.

FINDINGS

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

- This Property lies in Tier I of the Rock Creek Greenway target area and fulfills the goals of the Rock Creek Greenway refinement plan.
- The Property has significant natural resource value, including approximately 150 feet of Rock Creek frontage and 5 acres of upland adjacent to the Rock Creek floodplain.
- The Property lies entirely within the urban growth boundary and fills a key gap in creating a critical wildlife corridor, trail and greenway along Rock Creek in Hillsboro.

- The Property is adjacent to existing Metro ownership and is a key remaining parcel necessary to accomplish the assemblage of a regional scale natural area, consistent with the goals and objectives as set forth in the Rock Creek Greenway target area refinement plan.
- Metro is below its goal of acquiring 300 acres in the Rock Creek target area.
- The Open Spaces Acquisition Committee met and recommended that the Property be purchased by Metro on the conditions set forth in the Purchase and Sale Agreement.

RECOMMENDED ACTION

The Executive Officer recommends passage of Resolution No. 02-3201.