

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO. 02-3222
THE EXECUTIVE OFFICER TO PURCHASE) Introduced by Mike Burton,
A 31-ACRE PARCEL OWNED BY THE) Executive Officer
RAMSEY FAMILY IN THE FOREST PARK)
TARGET AREA)

WHEREAS, in July 1992, Metro completed the Metro 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 certain park-related capital improvements; and

WHEREAS, in November 1995 the Metro Council adopted the Open Space Implementation Work Plan, which provided for Early Acquisition; and

WHEREAS, the Metro Council authorized the Executive Officer on December 14, 1995, via Resolution 95-2255, to purchase two separate parcels of land consisting of 73 and 50 acres, and owned by the Ramsey family (collectively "the Ramsey Properties"), subject to the terms and conditions of the proposed Purchase and Sale Agreement drafted at that time; and

WHEREAS, on February 15, 1996, via Resolution 96-2274A, the Metro Council adopted a refinement plan for the Forest Park regional target area, which included a confidential tax-lot specific map identifying priority properties for acquisition; and

WHEREAS, the Forest Park target area refinement plan identifies the Ramsey Properties as Tier 1A properties for acquisition; and

WHEREAS, in April 1999, Metro acquired the 73-acre portion of the Ramsey Properties as specifically authorized by Resolution 99-2757 ("For the Purpose of Authorizing the Executive Officer to Purchase Properties in the Forest Park Expansion Target Area"); and

WHEREAS, on June 11, 2002, Metro and the Ramsey Family members executed an Agreement of Purchase and Sale (the "Agreement"), subject to approval of the Metro Council, whereby Metro would purchase 31-acres (as described in Exhibit A hereto) out of the 50 acres originally contemplated by Resolution 95-2255, subject to the terms and provisions of the Agreement; and

WHEREAS, the Open Spaces Implementation Work Plan was amended by the Metro Council on January 9, 1997, via Resolution 96-2424; and

WHEREAS, the purchase of land with terms or provisions that vary from those required in the amended Open Spaces Implementation Plan creates an "unusual circumstance" for Metro's proposed acquisition of the site; and

WHEREAS, the Agreement of Purchase and Sale to purchase the 31-acre Ramsey Property includes certain "unusual circumstances"; and

WHEREAS, the Open Spaces Implementation Work Plan requires Metro Council's specific approval for acquisitions which involve an "unusual circumstance"; and

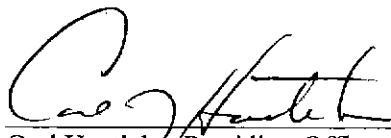
WHEREAS, on September 27, 2001, the Metro Council approved Resolution 01-3106, modifying the Open Spaces Implementation Work Plan to require specific Metro Council approval of all acquisitions in target areas where minimum acreage goals have been met; and

WHEREAS, Metro has exceeded the minimum 320-acre goal established for the Forest Park target area, and therefore purchase of the 31-acre Ramsey Property requires 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 31-acre Ramsey Property in the Forest Park target area, as identified in Exhibit A, subject to the terms and conditions of the Agreement of Purchase and Sale.

ADOPTED by the Metro Council this 19th day of September, 2002.



Carl Hosticka, Presiding Officer

Approved as to Form:


Daniel B. Cooper, General Counsel



EXHIBIT "A"
Legal Description
Resolution No. 02-3222

AMENDED LEGAL DESCRIPTION:

A portion of Parcel 3, PARTITION PLAT 1997-221, lying in Sections 3, 4, 9 and 10, Township 1 North, Range 1 West of the Willamette Meridian, in the County of Multnomah and State of Oregon, being more particularly described as follows:

Beginning at the Northeast corner of Parcel 3, PARTITION PLAT 1997-221, Multnomah County Records; thence South 60°00'05" West along the North line of said Parcel 3, a distance of 2,167.80 feet to the Northwest corner thereof; thence South 17°35'53" West along the Westerly line of Parcel 3, a distance of 126.04 feet to a 5/8 inch iron rod with a yellow plastic cap marked "KEENON LAND SERVICES INC."; thence leaving said Westerly line North 60°00'05" East 571.71 feet to a 5/8 inch iron rod with a yellow plastic cap marked "KEENON LAND SERVICES INC."; thence South 30°07'05" East 560.15 feet to a 5/8 inch iron rod with a yellow plastic cap marked "L. JERRY KEENON PLS 1080" at the Northeast corner of that tract of land described in Deed Book 1999, Page 1594, Multnomah County Deed Records and recorded April 27, 1987; thence continuing South 30°07'05" East 150.00 feet to a 5/8 inch iron rod with a yellow plastic cap marked "L. JERRY KEENON PLS 1080" at the Southeast corner of said tract of land described in Deed Book 1999, Page 1594, Multnomah County Deed Records, said point being the most Southerly Southwest corner of said Parcel 3; thence North 59°52'55" East along the Southerly line of said Parcel 3, a distance of 1603.24 feet to the Southeast corner thereof; thence North 23°54'40" West 796.30 feet to the point of beginning.

METRO NATURAL RESOURCES COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 02-3222 FOR THE PURPOSE OF
AUTHORIZING THE EXECUTIVE OFFICER TO PURCHASE A 31-ACRE PARCEL
OWNED BY THE RAMSEY FAMILY IN THE FOREST PART TARGET AREA

Date: September 19, 2002

Presented by: Councilor Burkholder

Committee Action: At its September 18, 2002 meeting, the Metro Natural Resources Committee voted 3-0 to recommend Council adoption of Resolution 02-3222. Voting in favor: Councilors Hosticka, Park and McLain.

Background: This parcel represents an inholding in Forest Park that has been subject of negotiations with the Ramsey family for many years. It is a Tier 1 property in the Forest Park Refinement Plan. The property is part of a 43-acre tax lot. Metro's purchase will be aggregated with an adjoining 50-acre parcel owned by the City of Portland, via a lot-line adjustment process. The resulting 81-acre parcel will be jointly owned by Metro and the City of Portland, and managed and maintained by Portland. The remaining 12 acres (of the 43-acre Ramsey tax lot)) will be retained by the Ramsey family.

Several unusual circumstances require Council approval of this purchase, consistent with Open Space Bond Measure provisions and subsequent Council revisions to the Work Plan.

- Existing Law: Open Spaces Implementation Work Plan, and revisions.
- Budget Impact: Acquisition costs will come from budget Open Spaces Bond Measure funds.

Committee Issues/Discussion: Jim Desmond gave the staff presentation, after an Executive Session called by the Chair.

Staff Report

CONSIDERATION OF RESOLUTION NO. 02-3222 FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO PURCHASE A 31-ACRE PARCEL OWNED BY THE RAMSEY FAMILY IN THE FOREST PARK TARGET AREA

Date: September 5, 2002

Presented by: Dan Cooper
Charles Ciecko
Jim Desmond

Description

Resolution No. 02-3222 requests authorization for the Executive Officer to purchase the 31-acre property owned by the Ramsey family ("the Property") in the Forest Park target area.

Existing Law

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.

On December 14, 1995, via Resolution 95-2255 ("For the Purpose of Authorizing the Executive Officer to Enter a Purchase and Sale Agreement to Purchase Property within the Forest Park Regional Target Area"), the Metro Council authorized purchase of properties in the Forest Park target area owned by the Ramsey family. These properties are inholdings in Forest Park, and were authorized for purchase as Early Acquisition Opportunities under the adopted Open Spaces Implementation Plan and prior to adoption of the Forest Park refinement plan. The properties were two tax lots (73 acres and 50 acres) totaling approximately 123 acres. Metro acquired the 73-acre piece on April 19, 1999, which acquisition was specifically authorized by Council Resolution 99-2757 ("For the Purpose of Authorizing the Executive Officer to Purchase Properties in the Forest Park Expansion Target Area").

On February 9 1996, via Resolution 96-2274A ("For the Purpose of Approving a Refinement Plan for the Forest Park Target Area as Outlined in the Open Space Implementation Work Plan"), the Metro Council adopted a refinement plan that outlined a land protection strategy for the Forest Park regional target area. One objective of the plan is to protect inholdings in Forest Park and the Ramsey properties were identified as Tier 1 acquisitions.

An agreement with the Ramsey family to purchase the Property was not reached in 1995, nor in 1999, and Metro has continued to negotiate with the Ramsey family throughout the past seven years. Now the Ramsey family is a willing seller for 31 acres and Metro has negotiated a signed Agreement of Purchase and Sale for the Property.

On September 27, 2001, the Metro Council adopted Resolution 01-3106, which modifies the Open Spaces Implementation Work Plan and requires that the Metro Council formally authorize all acquisitions in target areas where minimum acreage goals, established in the bond measure, have been met.

The Resolution proposes to approve an unusual circumstance purchase, and to authorize the purchase of the Property subject to the terms of the Agreement of Purchase and Sale executed by the Property owners and Metro. Moreover, since Metro has exceeded the minimum 320-acre goal established for the Forest Park target area, the purchase of the Property also 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").

Background and Unusual Circumstances

Metro has entered into an Agreement with the owner, members of the Ramsey family, to purchase the Property, which consists of 31 acres out of the larger acreage originally discussed, east of Skyline Road and surrounded on three sides by Forest Park in northwest Portland.

The Property has significant stands of marketable timber and, from a location and habitat perspective, is an integral part of Forest Park, although privately owned.

The Property is currently part of a larger 43-acre tax lot. The 31-acre Property will be segregated into a new separate legal tax lot pursuant to a lot line adjustment into the City of Portland's adjacent 50-acre parcel, thus creating an 81-acre tax lot.

While Metro will be paying all of the purchase price for the Property, Metro and the City of Portland will share title to the newly created 81-acre tax lot with Metro holding a 31/81 interest in the combined 81-acre piece and the City of Portland owning a 50/81 interest in the combined 81-acre piece. Metro did not pay any portion of the purchase price for the 50-acre piece held by the City.

The Property and the 50-acre parcel currently owned by the city would both be operated and managed by the City as part of Forest Park. This shared title arrangement to effect the lot line adjustment may constitute an "unusual circumstance" under the Open Spaces Work Plan.

The additional "unusual circumstance" is that the appraisal for the Property is out of date. The Property was appraised in November 1997. The purchase price in the Agreement is 39% higher than the appraised value from five years ago, representing an annual increase of slightly less than 5%. Assuming a 5% annual increase would be consistent with general market trends for vacant land in northwest Portland, according to Metro's review appraiser Craig Zell. The current owners would not be a willing seller at any price less than the negotiated purchase price; therefore, staff did not deem it advisable to purchase a current appraisal, which could be obtained only at a significant cost to the public.

The Property includes high quality habitat and as a major inholding in Forest Park, has long been considered one of the highest acquisition priorities anywhere within the City of Portland. Acquisition of the Property would meet various Tier 1 objectives of the Forest Park target area refinement plan.

Resolution 99-2757 authorized the purchase of the Property, but, at that time, the unusual circumstances were not anticipated and it was intended that Metro would obtain a conservation easement over approximately 19 additional acres to be retained by the sellers. Council approval is, therefore, now required to reflect the terms of the current Agreement.

Findings

Acquisition of the Property in the Forest Park target area is recommended based on the following:

- The Ramsey property, along with the other holdings of the Ramsey family, are identified in the Forest Park refinement plan as Tier 1 properties.

- These acquisitions have extraordinary public support, including that of the Friends of Forest Park and the City of Portland.
- The Ramsey family is a willing seller.
- This acquisition, on these terms, was recommended by the Real Estate Acquisition Committee, which met in September 2002.

Budget Impact

Bond funds would supply acquisition money. Landbanking costs are expected to be zero, since the properties will be managed by the City of Portland under an intergovernmental agreement.

Outstanding Questions

None

Executive Officer's Recommendation

The Executive Officer recommends passage of Resolution No. 02-3222.