

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE) RESOLUTION NO. 03-3324
CHIEF OPERATING OFFICER TO PURCHASE) Introduced by Michael Jordan, Chief
THE HEWITT PROPERTY IN THE CLEAR) Operating Officer with the concurrence of the
CREEK CANYON TARGET AREA) Council President Bragdon

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 May 23, 1996, via resolution 96-2332, the Metro Council adopted a refinement plan for the Clear Creek Canyon target area, which included a confidential tax-lot specific map identifying priority properties for acquisition; and

WHEREAS, the Clear Creek Canyon target area refinement plan identified property owned by Ivan and Marie Hewitt ("the Hewitts") as a Tier I acquisition; and

WHEREAS, the Hewitts own 28 acres and have offered to sell the Property to Metro as described in the attached Exhibit A, conditional on Metro Council approval; and

WHEREAS, the 28-acre Hewitt property and an adjacent 44-acre parcel previously purchased by Metro in 2000 may be utilized in part by the Oregon Zoo; and

WHEREAS the Oregon Zoo Foundation has agreed to contribute \$100,000 toward the acquisition of the Hewitt Property; and

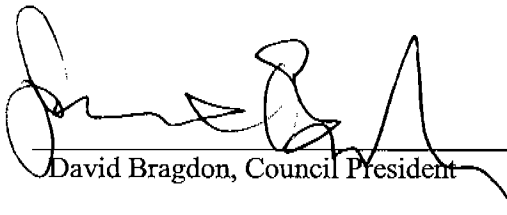
WHEREAS, on September 27, 2001, the Metro Council approved Resolution 01-3106 ("For The Purpose of Modifying The Open Spaces Implementation Work Plan and Open Spaces Acquisition Regional Target Area Refinement Plans To Direct Future Acquisitions Of Properties That Satisfy Specific Identified Criteria"), 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 343-acre goal established for the Clear Creek Canyon target area, and therefore purchasing the Hewitt Property requires formal Metro Council authorization pursuant to Council Resolution 01-3106; and

WHEREAS, the acquisition of the Hewitt Property meets the required criteria set forth in Council Resolution No. 01-3106 as follows: 1) the Hewitt Property is located between two Metro owned properties and is a key remaining parcel necessary to accomplish the assemblage of a regional scale natural area, consistent with the specific target area goals and objectives as set forth in the existing approved Refinement Plan for the Clear Creek target area; and 2) the acquisition of the Hewitt Property will have a significant financial contribution from the Oregon Zoo Foundation; now therefore,

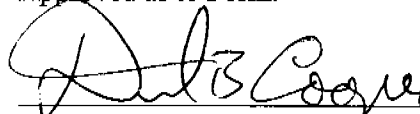
BE IT RESOLVED that the Metro Council authorizes the Chief Operating Officer to purchase the Property from Mr. and Mrs. Hewitt subject to the terms of a Purchase and Sale Agreement executed between Metro and the Sellers.

ADOPTED by the Metro Council this 22 day of May, 2003.

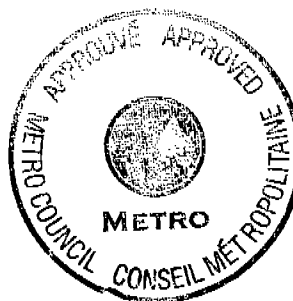


David Bragdon, Council President

Approved as to Form:



Daniel B. Cooper, Metro Attorney



RESOLUTION NO. 03-3324

Exhibit A
Property Description

That portion of the Russell T. Delashmutt Donation Land Claim No. 58 in Section 32, Township 2 South, Range 3 East, of the Willamette Meridian, County of Clackamas, State of Oregon, more particularly described as follows:

Commencing at a point on the West line of said Delashmutt Donation Land Claim, that is 41 rods South of the No N.W. Corner thereof; thence East 53 rods to a point; thence South to the center of Clear Creek; thence following the center line of said creek to the Westerly line of said Delashmutt Donation Land Claim; thence North along the Westerly line of Donation Land Claim to the point of beginning.

EXCEPT THEREFROM a roadway 16 feet in width which begins at the Northeast corner of the hereinabove described tract and extending West along the North line thereof a distance of 30 rods.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 03-3324, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO PURCHASE THE HEWITT PROPERTY IN THE CLEAR CREEK CANYON TARGET AREA

Date: May 1, 2003

Prepared by: Jim Desmond
Nancy Chase

BACKGROUND

Resolution No. 03- 3324 requests authorization for Metro to purchase the 28-acre Hewitt property ("the Property") in the Clear Creek Canyon target area, as described in Exhibit A.

This resolution proposes to authorize the purchase of the Hewitt Property subject to the terms of a Purchase and Sale Agreement executed between Metro and the Seller. Authorization from Council is needed because Metro has exceeded the minimum 343-acre goal established by the Clear Creek Canyon target area refinement plan.

The Property is in Tier I of the adopted Clear Creek Target Area Refinement Plan and has approximately 1,867 feet of frontage along the north and east sides of Clear Creek and an additional 785 feet of frontage along the west side of the Creek. The Property is situated between two properties previously purchased by Metro (one of which is the Clear Creek Ranch) and represents a significant "gap" in Metro's ownership along the Creek.

Clear Creek is an important tributary to the Clackamas River and supports a variety of fish including cutthroat trout, rainbow trout, steelhead and coho salmon. Approximately 12 acres of the Property consist of an upland bench on which the Hewitts' personal residence is located. The remaining 18 acres of the Property form a lowland riparian plain that is forested with mature western red cedar trees plus additional stands of Douglas fir, western hemlock, red alder and bigleaf maple.

This acquisition fulfills the Clear Creek refinement plan goal of establishing a natural preserve area within Clear Creek's lower basin, to protect the lower basin's unique natural features, including the creek's water quality, fish habitat, upland and riparian wildlife habitat. It also satisfies the refinement plan Tier I objective of acquiring additional acreage contiguous to Clear Creek Ranch for protection of anadromous fish habitat, creek-side riparian areas, and adjacent uplands.

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”) authorized the Executive Officer to purchase property within the Council-approved target area refinement plan maps.

Via Resolution 96-2332 (“For The Purpose Of Approving A Refinement Plan For the Clear Creek Canyon 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 Clear Creek Canyon target area. Through that resolution, the Metro Council also approved the target area refinement plan tax-lot specific map, which includes the Property as a Tier I priority.

On September 27, 2001, the Metro Council approved 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”), 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.

Metro has exceeded the minimum 343-acre goal established for the Clear Creek Canyon target area, and therefore purchasing the Hewitt Property requires formal Metro Council authorization pursuant to Council Resolution 01-3106.

The acquisition of the Hewitt Property meets two of the required criteria set forth in Council Resolution No. 01-3106, as follows:

- The Hewitt Property is located between two Metro owned properties (one of which is Clear Creek Ranch) and is a *key remaining parcel necessary to accomplish the assemblage of a regional scale natural area, consistent with the specific Target Area goals and objectives as set forth in the existing approved Refinement Plans for the target area*; and
- The acquisition of the Hewitt Property *will have a significant financial contribution from a local government or other outside partner* (Oregon Zoo Foundation).

3. Anticipated Effects

Acquisition of this Property will allow greater protection and restoration of important fish and wildlife habitat in the Clear Creek Canyon and will leverage \$100,000 in non-Bond Measure funds through the Oregon Zoo Foundation's contribution to the acquisition.

4. Budget Impacts

Open Spaces bond measure funds will supply initial acquisition funding with the Oregon Zoo Foundation reimbursing \$100,000 to the Open Spaces bond measure account at a later date.

RECOMMENDED ACTION

The Chief Operating Officer recommends passage of Resolution No. 03-3324.