

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE ) RESOLUTION NO. 10-4199  
CHIEF OPERATING OFFICER TO ENTER INTO )  
INTERGOVERNMENTAL AGREEMENT WITH ) Introduced by Chief Operating Officer  
CLACKAMAS COUNTY REGARDING THE ) Michael J. Jordan, with the concurrence of  
SALE OF A 50% INTEREST IN AND ) Acting Council President Carlotta Collette  
MANAGEMENT OF A PROPERTY IN THE )  
CAZADERO TRAIL TARGET AREA UNDER )  
THE 2006 NATURAL AREAS BOND MEASURE )

WHEREAS, at the general election held on November 7, 2006, the voters of the Metro region approved the 2006 Natural Areas Bond Measure, authorizing Metro to sell \$227.4 million in general obligation bonds to fund natural area acquisition and water quality protection;

WHEREAS, the Cazadero Trail Target Area was identified in the 2006 Natural Areas Bond Measure as one of 27 regional target areas for land acquisition;

WHEREAS, on September 13, 2007, the Metro Council adopted Resolution No. 07-3854 "Approving The Natural Areas Acquisition Refinement Plan For The Cazadero Trail Target Area" authorizing the Chief Operating Officer to acquire properties in the Cazadero Trail Target Area consistent with the Council-approved Acquisition Parameters and Due Diligence Guidelines of the Natural Areas Implementation Work Plan;

WHEREAS, on May 19, 2010, Metro acquired approximately 24.6 acres of real property from the Oregon State University Foundation Property, located along Bakers Ferry Road south of Highway 224 and north of Barton Park in the County of Clackamas, State of Oregon, commonly known as Tax Lots 100, 501, and 502 in Section 23B, Township 2 South, Range 3 East, and Tax Lot 1200 in Section 23A, Township 2 South, Range 3 East, of the Willamette Meridian and more particularly described in the attached Exhibit A (the "Property");

WHEREAS, the Property is within the Cazadero Trail regional target area, as identified in the 2006 Natural Areas Bond Measure and was identified as an acquisition priority in the target area "Refinement Plan" and the corresponding confidential tax lot specific map approved by the Metro Council by its adoption of Resolution No. 07-3854 on September 13, 2007;

WHEREAS, Metro acquired the Property to achieve the Refinement Plan Tier II Objective to "establish a southern trail head" for the segment of the Cazadero Trail between Boring and Barton Park;

WHEREAS, the County owns land adjacent to the Property, including Barton Park, which is a campground and picnic facility that borders the Clackamas River;

WHEREAS, Metro paid THREE HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$325,000.00) for the Property;

WHEREAS, all of the Property's 24.6 acres are not necessary to achieve Metro's Tier II objective under the Refinement Plan of acquire property to establish a trail head;

WHEREAS, the County approached Metro prior to the purchase of the Property and expressed interest in acquiring an undivided one-half interest in the Property from Metro for the expansion of Barton Park and to provide trail head services to the Cazadero Trail;

WHEREAS, the County is now willing and prepared to purchase an undivided 50% interest in the Property from Metro for ONE HUNDRED SIXTY TWO THOUSAND FIVE HUNDRED DOLLARS (\$162,500.00);

WHEREAS, Metro and the County wish to enter into this IGA to provide for the responsibilities and obligations of the parties with respect to the acquisition, allowable uses, maintenance, and operation of the Property;

BE IT RESOLVED that the Metro Council hereby authorizes the Chief Operating Officer to enter into an intergovernmental agreement with Clackamas County in substantially the form attached hereto as Exhibit B.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**WITHDRAWN**

\_\_\_\_\_  
Carlotta Collette, Acting Council President

Approved as to Form:

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 10-4199, AUTHORIZING THE CHIEF OPERATING OFFICER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH CLACKAMAS COUNTY REGARDING THE SALE OF A 50% INTEREST IN AND MANAGEMENT OF CERTAIN PROPERTY IN THE CAZADERO TRAIL TARGET AREA UNDER THE 2006 NATURAL AREAS BOND MEASURE

Date: October XX, 2010

Prepared by: Kathleen Brennan-Hunter

## BACKGROUND

On May 17, 2010, Metro purchased an approximate 24.6 acre property from the Oregon State University Foundation in the Cazadero Trail Target Area under the 2006 Natural Areas Bond Measure, which property is more specifically described on Exhibit A attached to the Resolution (the "Property"). The Property is located in the unincorporated area of Barton, south of Highway 224 and immediately north of Clackamas County's Barton Park. The Property borders the Cazadero Trail that is owned by the Oregon Parks and Recreation Department. The acquisition goal for the target area as identified in the Refinement Plan is to "acquire lands necessary to complete the Cazadero Trail between Boring and Barton Park. The Property met the Tier II objective of the Refinement Plan "to acquire property just south of Hwy 224 ... to establish a southern trail head outside of Barton Park."

Resolution 10-4199 (the "Resolution") requests authorization for Metro to enter into an intergovernmental agreement (the "IGA") with Clackamas County (the "County") to allow the County to (1) purchase an undivided 50% interest in the Property as a tenant in common and (2) assume management responsibilities for the Property. The proposed form of IGA is attached as Exhibit B to the Resolution. Since Metro purchased the Property for \$325,000, the County would pay Metro \$162,500 for a 50% undivided interest.

The Property is relatively level and provides excellent access to the Cazadero Trail, which runs approximately 1500 feet along the eastern boundary of the Property. Although all of the Property's 24.6 acres are not necessary for a trail head to meet the Tier II objectives under the Refinement Plan, Metro acquired the entire Property because it was one legal lot of record and the Oregon State University Foundation refused to sell anything less than the entire lot. Prior to acquiring the Property, the County and Metro met to discuss possible joint ownership and the parties informally agreed that Metro would close on the property and that the County would then either raise or reallocate the necessary funds at a later date to acquire a one-half interest. The County has since raised the necessary money and now is prepared to acquire an undivided 50% interest as a tenant in common with Metro.

The Property is upland forest habitat that was logged in 2005 and replanted in 2006. Tree survival after the reforestation has been substandard due to invasive weeds, vole damage, and poor soils. The stabilization staff is remedying this situation by reducing invasives and restoring native plant communities. Several patches of larger Douglas-fir leave trees are scattered across the site as well. Native plants observed on site include snowberry, hazelnut, Indian plum, poison oak, big leaf maple, spring beauty and very healthy stands of tall Oregon grape.

Selling a 50% interest in the Property is mutually beneficial to both Metro and the County and recommended by staff because (1) Metro does not need to utilize the entire property to fulfill its Refinement Plan objectives for a trail head, (2) finding an agency partner to manage and develop the Property as a trail head significantly leverages Metro resources, (3) the County already owns and manages the adjacent Barton Park, (4) the County would like to expand Barton Park to include trail head services including possible equestrian and bicycle camping for the Cazadero Trail, (5) the Property provides level access to the Cazadero Trail, while the existing Barton Park and the adjacent County Road Works property do not, and (6) Barton Park often reaches capacity, especially in the summer months, and a portion of the Property could serve as overflow parking and picnicking areas for people using the park, such as rafters and fishers on the Clackamas River.

The IGA outlines the responsibilities and obligations of the parties with respect to the allowable uses,

improvements, management, maintenance, restoration, and operation of the Property. Under the IGA, Metro will manage the Property through the Stabilization Period, which period will end May 19, 2013. Thereafter, the County will be responsible for the ongoing management, maintenance, security, and operation of the Property at all times, in accordance with its intended use as a natural area, with the primary goals being protection of the Property's natural resources, enhancement and protection of wildlife habitat, and passive public recreation such as a trail head parking, hiking and biking trails, picnicking, camping, and similar facilities. The County's responsibilities shall also include management, maintenance, security, and operation of any facilities, projects, or improvements (e.g. fences, gates, removal of invasive plants, replanting of native plants, etc.) made by Metro as part of the stabilization of the Property. By accepting management responsibility for the Property, the County agrees to be responsible for funding the operation and maintenance of the Property, including, but not limited to payment of taxes and assessments, with the County's own financial and staffing resources. Metro shall periodically visit the Property and review the County's management activities to ensure that management is in accordance with this IGA.

The IGA requires that the County make a good faith effort to develop a management and master plan for the Property, in consultation with Metro, by December 2015. In the interim, the Property will be managed as an upland mixed conifer-deciduous forest with native understory.

The proceeds generated by the sale to the County will return to the pool of regional 2006 Natural Areas Bond Measure funds to be available for other acquisitions.

## **ANALYSIS/INFORMATION**

### **1. Known Opposition**

None.

### **2. Legal Antecedents**

Resolution No. 06-3672B, "For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisitions and Water Quality Protection," was adopted on March 9, 2006.

The voters' approved Metro's 2006 Natural Areas Bond Measure at the general election held on November 6, 2006.

Resolution No. 07-3854, "Approving the Natural Areas Acquisition Refinement Plan for the Cazadero Trail Target Area" was adopted by Metro Council on September 13, 2007.

### **3. Anticipated Effects**

Metro will co-own the Property with the County. The County will manage the Property after the Stabilization Period and will coordinate with Metro to prepare a Master Plan to develop the Property as an expansion of the adjacent Barton Park that includes a trail head and public access to the Cazadero Trail.

### **4. Budget Impacts**

Stabilization costs will be borne by Metro through May 19, 2013. Thereafter, the County will be responsible for the management, maintenance, and operation of the Property as described in the IGA. Metro staff will continue to be available for consultation as needed with the County for the management of the Property.

The County will pay Metro \$162,500 to buy a 50% interest in the Property and in return Metro will deed to the County an undivided 50% interest in the Property. The purchase funds will return to the bond measure regional share fund for acquisition of additional properties.

**RECOMMENDED ACTION**

The Chief Operating Officer recommends passage of Resolution No. 10-4199

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