

Metro | Agenda

Meeting: Metro Council
Date: Thursday, August 2, 2012
Time: 2 p.m.
Place: Metro, Council Chamber

CALL TO ORDER AND ROLL CALL

1. **INTRODUCTIONS**
2. **CITIZEN COMMUNICATION**
3. **CONSIDERATION OF THE MINUTES FOR JULY 19, 2012**
4. **ORDINANCES - FIRST READ**
- 4.1 **Ordinance No. 12-1282**, For the Purpose of Annexing to the Metro District Boundary Approximately 78 Acres in the North Bethany Area of Washington County.
5. **ORDINANCES - SECOND READ**
- 5.1 **Ordinance No. 12-1281**, For the Purpose of Amending the FY 2012-13 Budget and Appropriations Schedule Recognizing New Grants and Appropriation for the Removal of a Derelict Barge. **Burkholder**
Public Hearing
6. **RESOLUTIONS**
- 6.1 **Resolution No. 12-4360**, For the Purpose of Authorizing the Chief Operating Officer to Grant an Easement and Dedicate Right of Way, and Enter into an Intergovernmental Agreement with the City of Troutdale for Trail Construction and Long Term Management of Property to be Known as College Nature Park at Beaver Creek. **Craddick**
7. **CHIEF OPERATING OFFICER COMMUNICATION**
8. **COUNCILOR COMMUNICATION**

ADJOURN

Television schedule for August 2, 2012 Metro Council meeting

<p>Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 30 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Thursday, August 2</p>	<p>Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 <i>Date:</i> Sunday, August 5, 7:30 p.m. <i>Date:</i> Monday, August 6, 9 a.m.</p>
<p>Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 <i>Date:</i> Monday, August 6, 2 p.m.</p>	<p>Washington County Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Saturday, August 4, 11 p.m. <i>Date:</i> Sunday, July 22, 11 p.m. <i>Date:</i> Tuesday, August 7, 6 a.m. <i>Date:</i> Wednesday, August 8, 4 p.m.</p>
<p>Oregon City, Gladstone Channel 28 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.</p>	<p>West Linn Channel 30 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.</p>

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.

Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read. Documents for the record must be submitted to the Regional Engagement Coordinator to be included in the decision record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement Coordinator. For additional information about testifying before the Metro Council please go to the Metro web site www.oregonmetro.gov and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 503-797-1804 or 503-797-1540 (Council Office).

Agenda Item No. 3.0

Consideration of the Minutes for July 19, 2012

Metro Council Meeting
Thursday, August 2, 2012
Metro, Council Chamber

Agenda Item No. 4.1

Ordinance No. 12-1282, For the Purpose of Annexing to the Metro District Boundary Approximately 78 Acres in the North Bethany Area of Washington County.

Ordinances – First Reading

Metro Council Meeting
Thursday, August 2, 2012
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING TO THE) Ordinance No. 12-1282
METRO DISTRICT BOUNDARY APPROXIMATELY)
78 ACRES IN THE NORTH BETHANY AREA OF) Introduced by Chief Operating Officer
WASHINGTON COUNTY) Martha Bennett with the Concurrence
) of Council President Tom Hughes

WHEREAS, West Hills Development, has submitted a complete application for annexation of 78 acres (“the territory”) in the North Bethany area to the Metro District; and

WHEREAS, the Metro Council added the North Bethany area to the UGB, including the territory, by Ordinance No. 02-987A on December 5, 2002; and

WHEREAS, Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan requires annexation to the district prior to application of land use regulations intended to allow urbanization of the territory; and

WHEREAS, Metro has received consent to the annexation from the owners of all the land in the territory; and

WHEREAS, the proposed annexation complies with the requirements of Metro Code 3.09.070; and

WHEREAS, the Council held a public hearing on the proposed amendment on August 9, 2012; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- 1. The Metro District Boundary Map is hereby amended, as indicated in Exhibit A, attached and incorporated into this ordinance.
- 2. The proposed annexation meets the criteria in section 3.09.070 of the Metro Code, as demonstrated in the Staff Report dated July 23, 2012, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this 9th day of August, 2012.

Tom Hughes, Council President

Attest:

Approved as to form:

Kelsey Newell, Regional Engagement Coordinator

Alison Kean Campbell, Metro Attorney

Exhibit A
Metro District Boundary Map Amendment
North Bethany Expansion
(Placeholder)

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 12-1282, FOR THE PURPOSE OF ANNEXING INTO THE METRO DISTRICT BOUNDARY APPROXIMATELY 78 ACRES IN THE NORTH BETHANY AREA OF WASHINGTON COUNTY

Date: July 23, 2012

Prepared by: Tim O'Brien
Principal Regional Planner

BACKGROUND

CASE: AN-0112, Annexation to Metro District Boundary

PETITIONER: West Hills Development
735 SW 158th Avenue
Beaverton, OR 97006

PROPOSAL: The petitioner requests annexation of nine properties to the Metro District boundary following the Metro Council's addition of the property to the Urban Growth Boundary (UGB) in 2002. The applicant is currently in the process of annexing the subject properties to the necessary service districts in Washington County.

LOCATION: The nine properties are located in the North Bethany Area of Washington County, north of NW Springville Road and west of NW Kaiser Road and total approximately 78 acres. A map of the area can be seen in Attachment 1.

ZONING: The properties are zoned for residential use (R6 NB, R9 NB, R15 NB, R24 NB and R25+ NB) as well as institutional (INST NB) by Washington County.

The proposal consists of nine tax lots. The land was added to the UGB in 2002 and is part of the North Bethany Subarea Plan that was recently adopted by Washington County. The land needs to be annexed into the Metro District for urbanization to occur.

APPLICABLE REVIEW CRITERIA

The criteria for an expedited annexation to the Metro District Boundary are contained in Metro Code Section 3.09.070.

3.09.070 Changes to Metro's Boundary

(E) The following criteria shall apply in lieu of the criteria set forth in subsection (d) of section 3.09.050. The Metro Council's final decision on a boundary change shall include findings and conclusions to demonstrate that:

- 1. The affected territory lies within the UGB;*

Staff Response:

The subject parcel was brought into the UGB in 2002 through the Metro Council's adoption of Ordinance No. 02-987A.

- 2. The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services; and*

Staff Response:

The conditions of approval for Ordinance No. 02-987A include a requirement that Washington County apply interim protection measures for areas added to the UGB as outlined in Urban Growth Management Functional Plan Title 11: Planning for New Urban Areas. Title 11 requires that new urban areas be annexed into the Metro District Boundary prior to urbanization of the area. Washington County also requires the land to be annexed into the appropriate sanitary sewer, water, park and road service districts prior to urbanization occurring. The applicant is currently moving forward with the necessary annexation requirements with Washington County. These measures ensured that urbanization would occur only after annexation to the necessary service districts is completed.

3. *The proposed change is consistent with any applicable cooperative or urban service agreements adopted pursuant to ORS Chapter 195 and any concept plan.*

Staff Response:

The properties proposed for annexation are part of Washington County's North Bethany County Service District, established by the County Board of Commissioners on June 7, 2011. The proposed annexation is consistent with that agreement and is required by Washington County as part of a land use application. The inclusion of these properties within the Metro District is consistent with all applicable plans.

ANALYSIS/INFORMATION

Known Opposition: There is no known opposition to this application.

Legal Antecedents: Metro Code 3.09.070 allows for annexation to the Metro District boundary.

Anticipated Effects: This amendment will add approximately 78 acres to the Metro District. The land is currently within the UGB in unincorporated Washington County. Approval of this request will allow for the urbanization of these parcels to occur consistent with the North Bethany Subarea Plan.

Budget Impacts: The applicant was required to file an application fee to cover all costs of processing this annexation request, thus there is no budget impact.

RECOMMENDED ACTION

Staff recommends adoption of Ordinance No. 12-1282.

Agenda Item No. 5.1

Ordinance No. 12-1281, For the Purpose of Amending the FY 2012-13 Budget and Appropriations Schedule Recognizing New Grants and Appropriation for the Removal of a Derelict Barge.

Ordinances – Second Reading

Metro Council Meeting
Thursday, August 2, 2012
Metro, Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2012-13 BUDGET AND) ORDINANCE NO. 12-1281
APPROPRIATIONS SCHEDULE RECOGNIZING)
NEW GRANTS AND APPROPRIATION FOR THE) Introduced by Martha Bennett, Chief
REMOVAL OF A DERELICT BARGE) Operating Officer, with the concurrence of
) Council President Tom Hughes

WHEREAS, the Metro Council has reviewed and considered the need to increase appropriations within the FY 2012-13 Budget; and

WHEREAS, Oregon Budget Law ORS 294.338 allows for the expenditure in the year of receipt of grants, gifts, bequests, and other devices received by a municipal corporation in trust for a specific purpose; and

WHEREAS, the need for the increase of appropriation has been justified; and

WHEREAS, adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 2012-13 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of recognizing new grants from the Oregon State Marine Board, transferring appropriation from the General Fund contingency to Parks and Environmental Services, and providing new appropriation for the removal of a derelict barge.
2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this _____ day of _____ 2012.

Tom Hughes, Council President

Attest:

Approved as to Form:

Kelsey Newell, Recording Secretary

Alison Kean Campbell, Metro Attorney

Exhibit A
Ordinance No. 12-1281

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Total Resources							
<u>Resources</u>							
<i>BEGBAL</i>	<i>Beginning Fund Balance</i>						
	Beginning Fund Balance						
3400	* Undesignated		8,797,000		0		8,797,000
3400	* Reserved for CAP Adjustments		731,194		0		731,194
3261	* Prior period adjustment: TOD		2,060,195		0		2,060,195
3400	* Project Carryover		426,597		0		426,597
3400	* Reserve for Future One-Time Expenditures		1,313,255		0		1,313,255
3303	* Reserved for Local Gov't Grants (CET)		3,342,369		0		3,342,369
3403	* Reserve for Future Debt Service		2,682,093		0		2,682,093
3400	* Reserved for Metro Export Initiative		75,000		0		75,000
3405	* Reserved for Community Investment Initiativ		1,072,000		0		1,072,000
3400	* Reserved for Future Planning Needs		502,546		0		502,546
3400	* Reserved for Future Election Costs		0		0		0
3400	* Reserve for Future Natural Areas Operations		204,460		0		204,460
3415	* Prior year PERS Reserve		6,267,764		0		6,267,764
	<i>Subtotal Beginning Fund Balance</i>		27,621,707		0		27,621,707
<u>General Revenues</u>							
<i>EXCISE</i>	<i>Excise Tax</i>						
4050	Excise Taxes		15,639,971		0		15,639,971
4055	Construction Excise Tax		1,760,000		0		1,760,000
<i>RPTAX</i>	<i>Real Property Taxes</i>						
4010	Real Property Taxes-Current Yr		11,729,132		0		11,729,132
4015	Real Property Taxes-Prior Yrs		352,000		0		352,000
<i>INTRST</i>	<i>Interest Earnings</i>						
4700	Interest on Investments		31,000		0		31,000
	<i>Subtotal General Revenues</i>		29,512,103		0		29,512,103
<u>Department Revenues</u>							
<i>GRANTS</i>	<i>Grants</i>						
4100	Federal Grants - Direct		2,859,471		0		2,859,471
4105	Federal Grants - Indirect		4,941,774		0		4,941,774
4110	State Grants - Direct		709,595		54,375		763,970
4120	Local Grants - Direct		2,227,743		0		2,227,743
<i>LGSHRE</i>	<i>Local Gov't Share Revenues</i>						
4135	Marine Board Fuel Tax		69,201		0		69,201
4139	Other Local Govt Shared Rev.		469,886		0		469,886
<i>GVCNTB</i>	<i>Contributions from Governments</i>						
4145	Government Contributions		2,929,628		0		2,929,628
4150	Contractor's Business License		380,000		0		380,000
<i>CHGSVC</i>	<i>Charges for Service</i>						
4165	Boat Launch Fees		158,622		0		158,622
4180	Contract & Professional Service		594,837		0		594,837
4230	Product Sales		164,558		0		164,558
4280	Grave Openings		257,524		0		257,524
4285	Grave Sales		240,728		0		240,728
4500	Admission Fees		6,597,002		0		6,597,002
4501	Conservation Surcharge		144,900		0		144,900
4502	Admission Fees - Memberships		1,773,100		0		1,773,100
4503	Admission Fees - Special Concerts		1,405,152		0		1,405,152

Exhibit A
Ordinance No. 12-1281

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
4510	Rentals		768,552		0		768,552
4550	Food Service Revenue		5,637,726		0		5,637,726
4560	Retail Sales		2,270,408		0		2,270,408
4580	Utility Services		2,056		0		2,056
4610	Contract Revenue		686,095		0		686,095
4620	Parking Fees		931,960		0		931,960
4630	Tuition and Lectures		1,084,844		0		1,084,844
4635	Exhibit Shows		381,200		0		381,200
4640	Railroad Rides		729,330		0		729,330
4645	Reimbursed Services		257,600		0		257,600
4650	Miscellaneous Charges for Service		15,075		0		15,075
4760	Sponsorships		260,282		0		260,282
<i>DONAT</i>	<i>Contributions from Private Sources</i>						
4750	Donations and Bequests		500,927		0		500,927
<i>MISCRV</i>	<i>Miscellaneous Revenue</i>						
4170	Fines and Forfeits		25,000		0		25,000
4890	Miscellaneous Revenue		148,881		0		148,881
<i>LOANRV</i>	<i>Interfund Loan - Resource</i>						
4960	Interfund Loan - Principal						
	* from MERC Fund		220,000		0		220,000
4965	Interfund Loan - Interest						
	* from MERC Fund		11,000		0		11,000
<i>EQTREV</i>	<i>Fund Equity Transfers</i>						
4970	Transfer of Resources						
	* from Risk Management Fund		295,207		0		295,207
<i>INDTRV</i>	<i>Interfund Reimbursements</i>						
4975	Transfer for Indirect Costs						
	* from MERC Operating Fund		2,498,424		0		2,498,424
	* from Zoo Bond Fund		288,252		0		288,252
	* from Natural Areas Fund		1,280,235		0		1,280,235
	* from Solid Waste Revenue Fund		4,524,896		0		4,524,896
<i>INTSRV</i>	<i>Internal Service Transfers</i>						
4980	Transfer for Direct Costs						
	* from Zoo Bond Fund		1,638		0		1,638
	* from MERC Operating Fund		161,056		0		161,056
	* from Natural Areas Fund		492,945		0		492,945
	* from Smith & Bybee Lakes Fund		104,841		0		104,841
	* from Solid Waste Revenue Fund		3,284,623		0		3,284,623
<i>Subtotal Department Revenues</i>			<i>52,786,774</i>		<i>54,375</i>		<i>52,841,149</i>
TOTAL CURRENT YEAR REVENUES			\$82,298,877		\$54,375		\$82,353,252
TOTAL RESOURCES			\$109,920,584		\$54,375		\$109,974,959

Exhibit A
Ordinance No. 12-1281

ACCT	DESCRIPTION	Current		Revision		Amended	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Parks & Environmental Services							
Total Personnel Services		38.10	\$3,917,283	0.00	\$0	38.10	\$3,917,283
<i>Materials & Services</i>							
<i>GOODS Goods</i>							
	5201 Office Supplies		106,756		0		106,756
	5205 Operating Supplies		126,751		0		126,751
	5210 Subscriptions and Dues		6,129		0		6,129
	5214 Fuels and Lubricants		73,026		0		73,026
	5215 Maintenance & Repairs Supplies		201,652		0		201,652
	5225 Retail		13,000		0		13,000
<i>SVCS Services</i>							
	5240 Contracted Professional Svcs		595,849		80,000		675,849
	5250 Contracted Property Services		147,081		0		147,081
	5251 Utility Services		431,068		0		431,068
	5255 Cleaning Services		169,886		0		169,886
	5260 Maintenance & Repair Services		353,309		0		353,309
	5265 Rentals		59,845		0		59,845
	5280 Other Purchased Services		61,585		0		61,585
<i>IGEXP Intergov't Expenditures</i>							
	5300 Payments to Other Agencies		116,347		0		116,347
	5310 Taxes (Non-Payroll)		263,556		0		263,556
<i>OTHEXP Other Expenditures</i>							
	5450 Travel		5,290		0		5,290
	5455 Staff Development		33,412		0		33,412
Total Materials & Services			\$2,764,542		\$80,000		\$2,844,542
TOTAL REQUIREMENTS		38.10	\$6,681,825	0.00	\$80,000	38.10	\$6,761,825

Exhibit A
Ordinance No. 12-1281

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
General Expenses							
Total Interfund Transfers			\$7,721,525		\$0		\$7,721,525
<i>Contingency & Unappropriated Balance</i>							
<i>CONT</i>	<i>Contingency</i>						
5999	Contingency						
	* Contingency		3,331,000		(25,625)		3,305,375
	* Opportunity Account		440,000		0		440,000
<i>UNAPP</i>	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Stabilization Reserve		2,430,861		0		2,430,861
	* PERS Reserve		4,613,474		0		4,613,474
	* Reserve for Future One-Time Expenditures		1,758,931		0		1,758,931
	* Reserved for Community Invest. Initiative		393,000		0		393,000
	* Reserved for Local Gov't Grants (CET)		2,128,369		0		2,128,369
	* Reserved for Cost Allocation Adjustments		382,035		0		382,035
	* Reserved for Future Planning Needs		13,756		0		13,756
	* Reserved for Metro Export Initiative		50,000		0		50,000
	* Reserved for Capital		26,000		0		26,000
	* Reserved for Web Project		225,005		0		225,005
	* Reserve for Future Debt Service		639,414		0		639,414
Total Contingency & Unappropriated Balance			\$16,431,845		(\$25,625)		\$16,406,220
TOTAL REQUIREMENTS		448.75	\$109,920,584	0.00	\$54,375	448.75	\$109,974,959

Exhibit B
Ordinance 12-1281
Schedule of Appropriations

	<u>Current</u> <u>Appropriation</u>	<u>Revision</u>	<u>Revised</u> <u>Appropriation</u>
GENERAL FUND			
Communications	2,601,585	0	2,601,585
Council Office	3,964,829	0	3,964,829
Finance & Regulatory Services	4,218,275	0	4,218,275
Human Resources	2,167,032	0	2,167,032
Information Services	3,640,353	0	3,640,353
Metro Auditor	708,748	0	708,748
Office of Metro Attorney	1,927,172	0	1,927,172
Oregon Zoo	30,862,025	0	30,862,025
Parks & Environmental Services	6,681,825	80,000	6,761,825
Planning and Development	14,477,196	0	14,477,196
Research Center	3,880,935	0	3,880,935
Sustainability Center	4,086,762	0	4,086,762
Former ORS 197.352 Claims & Judgments	0	0	0
Special Appropriations	4,896,187	0	4,896,187
Non-Departmental			
Debt Service	1,654,290	0	1,654,290
Interfund Transfers	7,721,525	0	7,721,525
Contingency	3,771,000	(25,625)	3,745,375
<i>Total Appropriations</i>	97,259,739	54,375	97,314,114
Unappropriated Balance	12,660,845	0	12,660,845
Total Fund Requirements	\$109,920,584	\$54,375	\$109,974,959

All other appropriations remain as previously adopted

STAFF REPORT

FOR THE PURPOSE OF AMENDING THE FY 2012-13 BUDGET AND APPROPRIATIONS SCHEDULE RECOGNIZING NEW GRANTS AND APPROPRIATION FOR THE REMOVAL OF A DERELICT BARGE

Date: July 9, 2012

Prepared by: Brian Kennedy, 503-797-1908

BACKGROUND

Since the adoption of the budget one item has been identified that necessitates an amendment to the budget. On March 22, 2012, the US Coast Guard worked with the Tidewater Tug Sundial to push a derelict floating home to the M. James Gleason Boat Ramp. Since that date, Metro staff have been working with the US Coast Guard, the Oregon State Marine Board, and the Multnomah County Sheriff to remove the barge from Metro property.

Metro has awarded a contract for approximately \$80,000 to a marine salvage firm for removal and demolition of the barge. Staff anticipates the barge will be removed and demolished in the next 4-6 weeks. The Oregon State Marine Board will reimburse Metro at least \$54,375 for the cleanup and removal of the barge. If the Marine Board has available funding, they will reimburse Metro an additional \$5,625 of eligible expenses.

After the reimbursement, the net expense to the General Fund will be \$25,625. In the event the Marine Board is able to reimburse up to \$60,000, the General Fund impact will be \$20,000 or less.

ANALYSIS/INFORMATION

- 1. Known Opposition:** None Known
- 2. Legal Antecedents:** ORS 294.463 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction. ORS 294.338 allows for the expenditure in the year of receipt of grants, gifts, bequests, and other devices received by a municipal corporation in trust for a specific purpose
- 3. Anticipated Effects:** This action increases expenditure authority in the Parks and Environmental Services budget for FY 2012-13 to remove and demolish the derelict barge as described above.
- 4. Budget Impacts:** Adds \$80,000 to the materials and services budget for Parks and Environmental Services. Funding will be provided by recognition of new grants from the Oregon State Marine Board and a transfer from contingency in the General Fund.

RECOMMENDED ACTION

The Chief Operating Office recommends adoption of this Ordinance.

Agenda Item No. 6.1

Resolution No. 12-4360, For the Purpose of Authorizing the Chief Operating Officer to Grant an Easement and Dedicate Right of Way, and Enter into an Intergovernmental Agreement with the City of Troutdale for Trail Construction and Long Term Management of Property to be Known as College Nature Park at Beaver Creek.

Resolutions

Metro Council Meeting
Thursday, August 2, 2012
Metro, Council Chamber

BEFORE THE METRO COUNCIL

AUTHORIZING THE CHIEF OPERATING) RESOLUTION NO. 12-4360
OFFICER TO GRANT AN EASEMENT AND)
DEDICATE RIGHTS OF WAY, AND ENTER) Introduced by Chief Operating Officer
INTO AN INTERGOVERNMENTAL) Martha Bennett, with the concurrence of
AGREEMENT WITH THE CITY OF) Council President Tom Hughes
TROUTDALE FOR TRAIL CONSTRUCTION)
AND LONG TERM MANAGEMENT OF)
PROPERTY TO BE KNOWN AS COLLEGE)
NATURE PARK AT BEAVER CREEK)

WHEREAS, pursuant to 1995 Metro Ballot Measure 26-26 (“Metro Open Spaces Bond Measure”) and 2006 Metro Ballot Measure 26-80 (“Metro Natural Areas Bond Measure”), Metro has acquired property (the “Property”) within the City of Troutdale (the “City”) that Metro and the City wish to manage as a nature park in accordance with the Metro Greenspaces Master Plan; and

WHEREAS, the City wishes to use a portion of its Local Share allocation to construct a nature park and trail through the Property and to call the Property the “College Nature Park at Beaver Creek”; and

WHEREAS, in order to provide safe public access to the Property, Multnomah County is requesting that Metro grant rights of way and a perpetual easement to Multnomah County for the construction and on-going maintenance of half-street improvements adjacent to the Property; and

WHEREAS, Metro and the City have agreed to enter into an agreement for the management of this nature park with the primary goals being protection and enhancement of the Property’s natural resources and wildlife habitat, and the provision of access to nature; and

WHEREAS, the intergovernmental agreement will supersede any prior oral or written agreements or representations relating to management of the Property; and

WHEREAS, the Troutdale City Council approved the intergovernmental agreement at its July 10, 2012, meeting; now therefore

BE IT RESOLVED that the Metro Council hereby authorizes the Chief Operating Officer to: (1) Grant easement and rights of way, in the form approved by the Office of Metro Attorney and attached hereto as Exhibit A, and execute associated ancillary documents, as necessary for the project; and (2) execute an intergovernmental agreement with the City of Troutdale, substantially in the form attached hereto as Exhibit B, and otherwise approved by the Office of Metro Attorney, to authorize the City of Troutdale to name and manage the Property and construct the trail and nature park

ADOPTED by the Metro Council this _____ day of _____, 2012

Tom Hughes, Council President

Approved as to Form:

Alison Kean Campbell, Metro Attorney

Grantor:
METRO
Parks Department
600 NE Grand Avenue
Portland, OR 97232

Troutdale Road, County Road No. 1570
Item No. 2012-01
February 29, 2012

After recording return to:
Patrick Hinds
Land Use & Transportation Division, Bldg. #425

**Until a change is requested,
tax statements shall be sent to Grantee:**
Multnomah County Transportation Division
1620 SE 190th Ave
Portland, Oregon 97233

EASEMENT FOR ROAD PURPOSES

METRO, a municipal corporation and political subdivision of the State of Oregon, "**Grantor**", grants to **MULTNOMAH COUNTY**, a Political Subdivision of the State of Oregon, "**Grantee**", for road purposes only the property identified as Parcel 1 and as more particularly described in the attached Exhibit A; Grantor further grants to Grantee a perpetual easement under, on, over and across the real property identified as Parcel 2, a perpetual easement for the purpose of slope, drainage, utility, sidewalk, landscaping and traffic control devices, more particularly described in the attached Exhibit A. These grants are free of encumbrances except Conditions, Restrictions, Restrictive Covenants, and Easements of Record if any.

Grantor represents and warrants that he/she has the authority to do this grant. Grantor shall not grant or allow any subsequent uses or activities in the easement area described in Exhibit A which would interfere with the Grantee's use of said easements.

The true consideration paid for this grant stated in terms of dollars is \$0.00, but consists of other value given, which is the whole consideration.

Dated this _____ day of _____, 2012

For METRO:

Martha Bennett, Chief Operating Officer

STATE OF OREGON)
) ss
County of Multnomah)

This instrument was acknowledged before me on _____, 2012, by Martha Bennett, Chief Operating Officer, authorized to execute the instrument. IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Notary Public for Oregon
My Commission Expires: _____

REVIEWED:
By Jenny M. Morf, Acting County Attorney
For Multnomah County, Oregon

By: _____
Assistant County Attorney

The described property is accepted for use in conjunction with Troutdale Road, County Road No. 1570, on behalf of the Board of County Commissioners of Multnomah County, Oregon, pursuant to Ordinance No. 619 and Executive Order No. 199.

Dated this _____ day of _____, 2012

By _____
Brian S. Vincent, P.E., County Engineer for Multnomah County, Oregon

EXHIBIT "A"

Exhibit "A" Page 1 of 2

PARCEL 1

FOR ROAD PURPOSES:

A portion of that tract of land described as Parcel I in that warranty deed to METRO recorded on February 14, 2006 in Document No. 2006-027920, Multnomah County Deed Records, situated in the Northwest One-quarter of Section 1, Township 1 South, Range 3 East, W.M., City of Troutdale, Multnomah County, Oregon, more particularly described as follows:

That portion of said Parcel I which lies easterly of a line that is 45.00 feet westerly of, when measured at right angles to and parallel with, the centerline of S. Troutdale Road, County Road No. 1570.

Containing 9,258 square feet more or less.

PARCEL 2

PERPETUAL EASEMENT FOR THE PURPOSES OF SLOPE, DRAINAGE, UTILITY, SIDEWALK, LANDSCAPING AND TRAFFIC CONTROL DEVICES INCLUDING BUT NOT LIMITED TO THE CONSTRUCTION OR INSTALLATION OF SAID FACILITIES AS DETERMINED BY GRANTEE FOR THE MAINTENANCE AND OPERATION OF THE PUBLIC RIGHT-OF-WAY UNDER, ON, OVER AND ACROSS THE REAL PROPERTY DESCRIBED AS FOLLOWS:

A portion of that tract of land described as Parcel I in that warranty deed to METRO recorded on February 14, 2006 in Document No. 2006-027920, Multnomah County Deed Records, situated in the Northwest One-quarter of Section 1, Township 1 South, Range 3 East, W.M., City of Troutdale, Multnomah County, Oregon, more particularly described as follows:

That portion of said METRO Parcel I which lies easterly of a line that is 50.00 feet westerly of, when measured at right angles to and parallel with, the centerline of S. Troutdale Road, County Road No. 1570. Excluding herefrom the aforescribed Parcel 1.

Containing 3,171 square feet more or less.

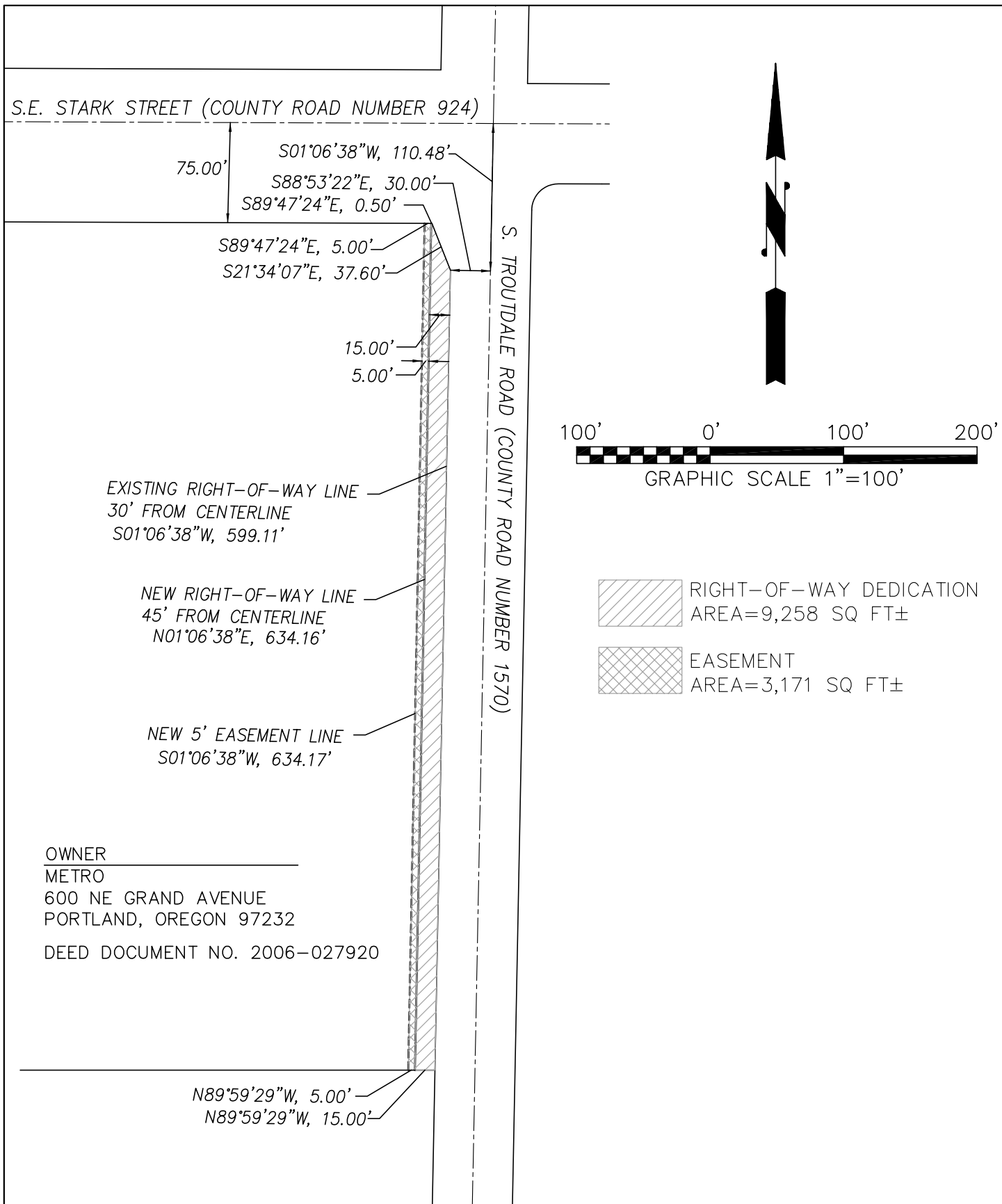
REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JUNE 30, 1997
JAMES S. CLAYTON
2832

RENEWAL DATE: 1/1/2014

As shown on the attached EXHIBIT MAP, herein made a part of this document. In the event of a conflict or discrepancy between the map as shown on the EXHIBIT MAP and the written legal description, the written legal description shall prevail.



OWNER
 METRO
 600 NE GRAND AVENUE
 PORTLAND, OREGON 97232
 DEED DOCUMENT NO. 2006-027920

TROUTDALE ROAD, MT HOOD GREENWAY PROJECT
 TAX LOT 300, RIGHT-OF-WAY AND EASEMENT EXHIBIT
 NW 1/4 SECTION 1, T13, R3E, W.M.
 MULTNOMAH COUNTY OREGON

CITY OF TROUTDALE



INTERGOVERNMENTAL AGREEMENT

College Nature Park Property, City of Troutdale

This Intergovernmental Agreement (“Agreement”) dated this ___ day of _____, 2012, is by and between Metro, a metropolitan service district organized under the laws of the state of Oregon and the 1992 Metro Charter, located at 600 Northeast Grand Avenue, Portland, Oregon 97232-2736 (“Metro”), and the City of Troutdale, located at 104 SE Kibling, Troutdale, Oregon 97060 (the “City”).

RECITALS:

WHEREAS, pursuant to the Metro Open Spaces, Parks and Streams 1995 Ballot Measure 26-26 (“Metro Open Spaces Bond Measure”) on 16 July, 2004, Metro purchased approximately 62.6 acres of real property, including 4,832 feet of frontage along Beaver Creek, formerly a part of the Mt. Hood Community College campus and known as “Mt. Hood Community College Property” (the “Property”), located at 3200 Troutdale Road in Troutdale, Oregon, and more particularly described in Exhibit A attached hereto and incorporated herein;

WHEREAS, the Property is within the Sandy River Target Area identified pursuant to the Metro Open Spaces Bond Measure, and is also identified as a regionally significant open space and natural area in the Metro Greenspaces Master Plan;

WHEREAS, the Property has been identified as a significant natural area in the Troutdale Parks Master Plan;

WHEREAS, the City previously managed the Property as open space pursuant to an intergovernmental land management agreement dated April 5, 2000, which agreement has now expired;

WHEREAS, the City designated a portion of the City’s Local Share allocation of the 2006 Natural Areas bond measure to restoration and improvement of the area of the Property closest to Stark Street and Troutdale Road including trail construction, wetland viewing area, and interpretive signage, which trail and all other improvements on the Property, are collectively referred to herein as the “Trail” (*Metro contract #927850*);

WHEREAS, on July 10, 2012, the City Council authorized the City to enter into this Agreement;

WHEREAS, Metro and the City wish to enter into this Agreement to provide for the responsibilities and obligations of the parties with respect to the construction of the Trail and the use, maintenance, management, and operation of the Property;

Now, therefore, the parties agree as follows:

A. Construction

The City will construct the Trail on the Property in accordance with the design plans attached as Exhibit B to this Agreement, and shall have sole responsibility for arranging, paying for, and managing the construction of the Trail, including all labor and materials costs. The City will obtain at its expense, all local, state or federal permits necessary to construct the Trail.

B. Maintenance, Management, and Operation

1. Maintenance Plan.

- (a) The City shall be responsible for the ongoing maintenance, repair, management, and operation of the Property, including any replacements of any improvements, in accordance and in a manner consistent with this Agreement, the Metro Greenspaces Master Plan, the City's Parks Master Plan, the City's adopted Park Rules, and the City's Type B site, Level 2 Maintenance Standards, attached hereto as Exhibit C (the "Maintenance Standards").
- (b) Metro shall designate at least one staff member to participate in the development of the Maintenance Plan. The parties shall meet and walkthrough the Property following completion of construction of the Trail to review the Maintenance Standards and confer regarding any particular maintenance actions on the Property that may be desired by the parties. The Maintenance Standards, along with any additional maintenance actions agreed upon by the parties, shall constitute the maintenance plan for the Property (the "Maintenance Plan").
- (c) The Maintenance Plan shall ensure that the Property is maintained as a publicly-accessed park and natural area, with the primary goals being protection of the Property's natural resources, enhancement and protection of wildlife habitat, and public recreation consistent with the foregoing. The parties shall meet from time to time to update or revise the Maintenance Plan, in a manner acceptable to both parties.
- (d) Metro hereby grants the City the right to open the Property to the public provided that public use of the Property shall not begin until formal opening of the nature park and/or completion of construction of the Trail. The City has proposed to call the nature park "College Nature Park at Beaver Creek," and Metro does not object to this name. The City shall not change the name without Metro's prior written consent, which consent will not be unreasonably withheld.

2. Limitations. Other than as approved as part of the design for the Trail or as part of the Maintenance Plan, no improvements or trails shall be constructed on the Property and no alteration of water or timber resource shall occur without Metro's prior written approval. Except as incidental to the authorized use of the Property, no hazardous substances may be used, handled, stored or transported on, to or from the Property by the City.

3. Security. The City shall maintain security of the Property, and shall provide additional fencing, gates, signage, and other measures as the City may deem necessary to increase safety on the Property, and to deter improper public use of the Property, prior to and after adoption of the Maintenance Plan. During the interim period, the City shall respond to neighborhood or citizen complaints regarding improper use or noise on the Property.

4. Assessments. To the extent that the City's management actions cause any taxes or assessments against the Property, the City shall be responsible for such taxes or assessments.

5. Permits; Coordination.

- (a) The City shall be responsible for obtaining any permits necessary for maintenance, management, or operation of the Property.
- (b) Any permits granted by the City to users of the Property shall comply with the terms and limitations set forth in this Agreement and in the Maintenance Plan for the Property.
- (c) The City shall be responsible for contacting and coordinating with other local or state agencies regarding any and all maintenance, management, or operation issues that may arise with respect to the Property.

6. Easements. All requests for easements, rights of way, and leases on or affecting the Property shall be submitted to Metro in accordance with the Metro Easement Policy, Resolution No. 97-2539B, passed by the Metro Council on November 6, 1997, attached hereto as Exhibit D.

C. General Provisions

1. Term. The term of this Agreement shall be ten (10) years from the effective date of this Agreement, automatically renewing every ten (10) years for an additional ten (10) year period, unless terminated by either party by written notice to the other party, at least one (1) month prior to the renewal of any additional ten (10) year term.

2. Right of Entry: Metro grants to the City, its agents and contractors, the right to enter the Property for the purpose of performing all activities reasonably necessary for the maintenance, management, and operation of the Property and for the fulfillment of the City's duties under this Agreement and the Maintenance Plan.
3. Indemnification. The City, to the maximum extent permitted by law and subject to the limitations of the Oregon Tort Claims Act, ORS Chapter 30, and the Oregon Constitution , shall defend, indemnify and save harmless Metro, its officers, employees, and agents from and against any and all liabilities, damages, claims, demands, judgments, losses, costs, expenses, fines, suits, and actions, whether arising in tort, contract, or by operation of any statute, including but not limited to attorneys' fees and expenses at trial and on appeal, relating to or resulting from the construction of the Trail, the maintenance, management or operation of the Property, or the City's actions under this Agreement. Metro, to the maximum extent permitted by law and subject to the limitations of the Oregon Tort Claims Act, ORS Chapter 30, and the Oregon Constitution , shall defend, indemnify and save harmless the City, its officers, employees, and agents from and against any and all liabilities, damages, claims, demands, judgments, losses, costs, expenses, fines, suits, and actions, whether arising in tort, contract, or by operation of any statute, including but not limited to attorneys' fees and expenses at trial and on appeal, relating to or resulting from Metro's actions under this Agreement.
4. Oregon Constitution and Tax Exempt Bond Covenants. The source of funds for the acquisition of this Property is from the sale of voter-approved general obligation bonds that are to be paid from ad valorem property taxes exempt from the limitations of Article XI, section 11(b), 11(c), 11(d) and 11(e) of the Oregon Constitution, and the interest paid by Metro to bond holders is currently exempt from federal and Oregon income taxes. The City covenants that it will take no actions that would cause Metro to be unable to maintain the current status of the real property taxes as exempt from Oregon's constitutional limitations or the income tax exempt status of the bond interest. In the event the City breaches this covenant, Metro shall be entitled to whatever remedies are available to either cure the default or to compensate Metro for any loss it may suffer as a result thereof.
5. Signage. The City shall recognize that funding to complete the project was provided from the Metro 1995 and 2006 Open Space and Natural Areas bond measures, respectively. Such project recognition shall be included in and on on-site documentation, any published final products and visual presentations, web site information, collateral materials, newsletters, and press releases. Other provisions for funding recognition included in the Intergovernmental Agreement pertaining to the City's Local Share (*Metro contract# 927850*) shall apply.
6. Unusual Circumstances. In the event of unforeseen circumstances, such as a change in funding status for park operation and maintenance, such that the City fails to receive funding, appropriations, or other expenditure authority sufficient to allow City, in the exercise of its reasonable discretion, to continue to perform its obligations under this Agreement, Metro and the City may review this Agreement and amend it as necessary. The parties may jointly terminate all or part of this Agreement based upon the circumstances as necessary or a determination that such action is in the public interest.
7. Termination for Cause. Either party may terminate this Agreement in full, or in part, at any time before the date of completion, whenever that party determines, in its sole discretion, that the other party has failed to comply with the conditions of this Agreement and is therefore in default. The terminating party shall promptly notify the other party in writing of that determination and document such default as outlined herein. The other party shall have thirty (30) days to cure the problem. Notwithstanding any termination for cause, both parties shall be entitled to receive payments for any work completed or for which that party is contractually obligated for, which completion or contractual obligation occurred prior to the effective date of the termination, provided that no party shall be obligated to make any payment except for work specifically provided for in this Agreement.
8. Laws of Oregon. This Agreement shall be governed by the laws of the state of Oregon, and the parties agree to submit to the jurisdiction of the courts of the state of Oregon. All applicable provisions of ORS chapter 279A, and all other terms and conditions necessary to be inserted into public contracts in the state of Oregon, are hereby incorporated as if such provisions were a part of this Agreement including but not limited to the public contracting provisions of ORS chapters 279A, 279B and 279C, and the recycling provisions of ORS 279B.025 to the extent those provisions apply to this Agreement. The City shall comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations including those of the Americans with Disabilities Act.
9. Waivers. No waiver made by Metro with respect to the performance, or manner or time thereof, of any obligation of the City or any condition inuring to Metro's benefit under this Agreement shall be considered a waiver of any other rights of the Metro. No waiver by Metro of any provision of this Agreement or any breach thereof shall be of any force or effect unless in writing; and no such waiver shall be construed to be a continuing waiver. No waiver made by the City with respect to the performance, or manner or time thereof, of any obligation of Metro or any condition inuring to the City's benefit under this Agreement shall be

considered a waiver of any other rights of the City. No waiver by the City of any provision of this Agreement or any breach thereof shall be of any force or effect unless in writing; and no such waiver shall be construed to be a continuing waiver.

10. Assignment. The parties may not assign any of its rights or responsibilities under this Agreement without prior written consent from the other party, except the parties may delegate or subcontract for performance of any of its responsibilities under this Agreement.
11. Notices. All notices or other communications required or permitted under this Agreement shall be in writing, and shall be personally delivered (including by means of professional messenger service) or sent by fax and regular mail.

To Metro: Metro
 Jim Desmond
 Director, Metro Sustainability Center
 600 N.E. Grand Avenue
 Portland, OR 97232

To City: City of Troutdale
 Rich Faith
 Director, Community Development
 104 SE Kibling
 Troutdale, OR 97060

12. Severability. If any covenant or provision in this Agreement shall be adjudged void, such adjudication shall not affect the validity, obligation, or performance of any other covenant or provision which in itself is valid, if such remainder would then continue to conform to the terms and requirements of applicable law and the intent of this Agreement.
13. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes any prior oral or written agreements or representations relating to this Property. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties.

IN WITNESS WHEREOF, the parties hereto have set their hands on the day and year set forth above.

CITY OF TROUTDALE

METRO

By: _____

By: _____

Title: _____

Title: _____

Approved as to Form:

Approved as to Form:

Exhibits:

Exhibit A - Legal Description

Exhibit B - City of Troutdale College Nature Park Design Plans

Exhibit C - City of Troutdale Maintenance Standards

Exhibit D - Metro Easement Policy and Metro Resolution No. 97-2539B

EXHIBIT A**Legal Description of the Property**

Revised Tax Lot 300, Map 1S3E1
 Description
 May 10, 2004

A tract of land in the west one-half of Section 1, Township 1 South, Range 3 East, Willamette Meridian, Multnomah County, Oregon, to wit:

Beginning at the intersection of the south line of S.E. Stark Street (County Road No. 924) with the northerly extension of the east line of the Wm. M. Taylor D.L.C. No. 59, which point bears S.89°49'00"E., 962.90 feet and S.00°18'46"W., 75.00 feet from the northwest corner of said Section 1; thence S.89°49'00"E. along the south line of S.E. Stark Street, 631.40 feet to the west line of S. Troutdale Road, County Road No. 1570; thence S.21°36'11"E. along said west line, 37.68 feet; thence continuing along said west line, S.01°05'05"W., 599.11 feet to a 5/8" iron rod; thence leaving said west line, West, 310.57 feet to a 5/8" iron rod; thence South, 355.88 feet to a 5/8" iron rod; thence S.52°18'20"W., 40.66 feet to a 5/8" iron rod; thence S.57°34'37"W., 142.29 feet to a 5/8" iron rod; thence S.68°19'02"W., 86.06 feet to a 5/8" iron rod; thence S.44°39'58"W., 99.59 feet to a 5/8" iron rod; thence S.32°54'43"W., 160.23 feet to a 5/8" iron rod; thence S.64°38'21"W., 141.91 feet to a 5/8" iron rod; thence S.05°12'55"W., 120.14 feet to a 5/8" iron rod; thence S.04°20'58"W., 169.56 feet to a 5/8" iron rod; thence S.02°50'29"E., 198.42 feet to a 5/8" iron rod; thence S.35°57'22"E., 125.12 feet to a 5/8" iron rod; thence S.55°18'44"W., 50.33 feet; thence N.76°29'45"W., 172.51 feet; thence N.00°01'13"E., 98.72 feet; thence N.80°53'12"W., 435.86 feet; thence N.23°53'12"W., 36.21 feet to the north line of said Taylor D.L.C.; thence S.89°06'48"W. along said north line, 116.95 feet; thence leaving said north line, N.20°43'07"E., 140.30 feet to a 5/8" iron rod; thence N.43°24'06"W., 121.51 feet to a 5/8" iron rod; thence N.05°55'01"E., 337.58 feet to a 5/8" iron rod and point of nontangent curvature; thence along the arc of a 328.01 foot radius curve left (the radius point of which bears N.12°18'05"W.) through a central angle of 59°51'09", 342.65 feet (chord bears N.47°46'20"E., 327.28 feet) to a 5/8" iron rod; thence N.17°37'08"E., 329.15 feet to a 5/8" iron rod; thence N.55°52'24"E., 356.01 feet to a 5/8" iron rod; thence N.43°16'39"E., 389.52 feet to the northerly extension of the east line of said Taylor D.L.C.; thence N.00°18'46"E., 196.21 feet to the Point of Beginning.

Contains 34.617 acres, more or less.

Revised Tax Lot 700, Map 1S3E2
Description
May 10, 2004

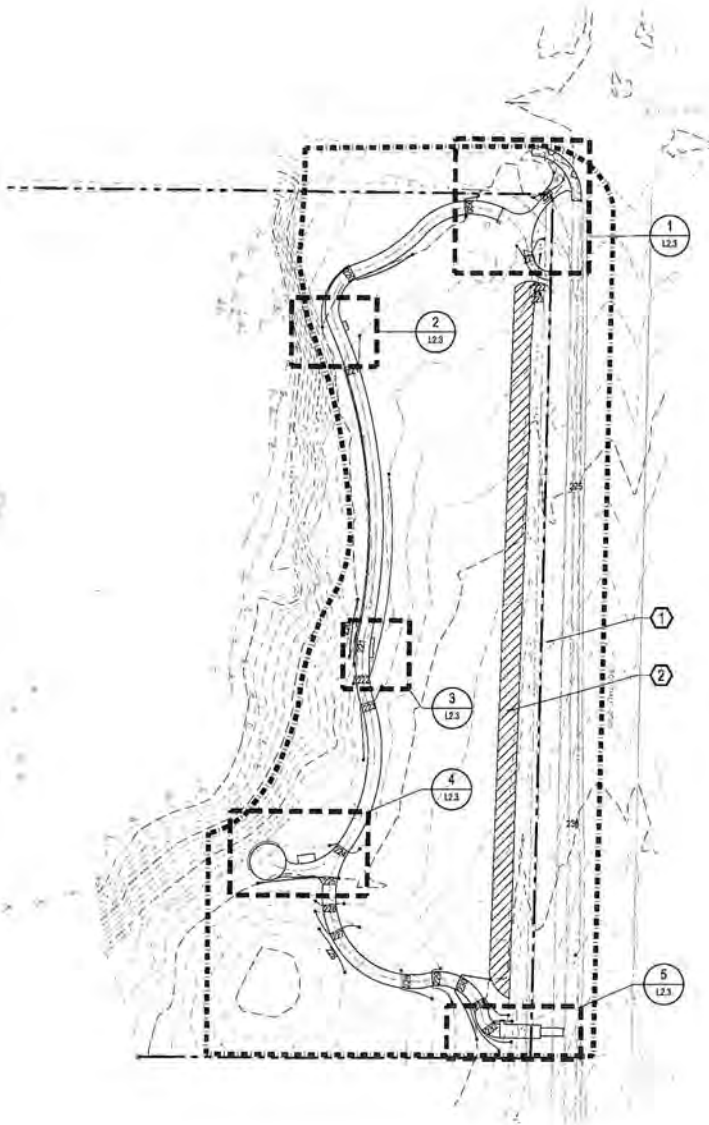
A tract of land in the west one-half of Section 1 and the east one-half of Section 2, Township 1 South, Range 3 East, Willamette Meridian, Multnomah County, Oregon, to wit:

Commencing at the easterly southwest corner of the John Lewellyn D.L.C. No. 60; thence S.00°03'47"W. along the west line of the William B. Jones D.L.C. No. 50, 208.35 feet to the **True Point of Beginning** of the tract herein described; thence leaving said west line, S.37°02'21"E., 222.47 feet to the north line of Cochran Road, County Road No. 789; thence S.88°35'03"W. along said north line, 94.44 feet; thence continuing along said north line, S.54°23'03"W., 48.99 feet to the west line of said Jones D.L.C.; thence N.00°03'47"E. along said west line, 2.54 feet to the north line of that certain tract of land described in Deed Book 963, Page 1458, recorded December 17, 1973, Multnomah County Deed Records; thence tracing the boundary of said Book 963, Page 1458 tract along the following courses and distances: S.88°35'03"W., 200.00 feet; thence S.57°24'03"W., 159.40 feet; thence S.00°29'27"E., 124.13 feet to the north line of said Cochran Road; thence S.65°31'03"W. along said north line, 118.67 feet; thence continuing along said north line, S.85°31'03"W., 177.31 feet; thence continuing along said north line, N.60°27'57"W., 67.97 feet; thence leaving said north line, N.35°32'52"E., 123.56 feet to a 5/8" iron rod; thence N.07°41'14"W., 177.00 feet to a 5/8" iron rod; thence N.61°23'09"W., 132.34 feet to a 5/8" iron rod; thence N.31°09'01"W., 160.74 feet to a 5/8" iron rod; thence N.58°16'18"W., 228.67 feet to a 5/8" iron rod; thence N.02°29'52"W., 418.97 feet to a 5/8" iron rod; thence N.13°59'31"W., 233.23 feet to a 5/8" iron rod; thence N.47°54'14"W., 80.86 feet; thence N.83°48'17"W., 265.91 feet to a 5/8" iron rod; thence N.12°22'10"E., 154.01 feet to a 5/8" iron rod; thence N.67°49'58"E., 311.29 feet to a 5/8" iron rod; thence S.64°08'09"E., 109.93 feet to a 5/8" iron rod; thence S.89°31'16"E., 68.72 feet to a 5/8" iron rod; thence N.36°00'55"E., 58.34 feet to a 5/8" iron rod; thence N.20°43'07"E., 11.55 feet to the north line of the Wm. M. Taylor D.L.C. No. 59; thence N.89°06'48"E. along said north line, 116.95 feet; thence leaving said north line, S.23°53'12"E., 36.21 feet; thence S.80°53'12"E., 435.86 feet; thence S.00°01'13"W., 98.72 feet; thence S.76°29'45"E., 172.51 feet; thence S.55°18'44"W., 96.96 feet to a 5/8" iron rod; thence S.00°01'13"W., 619.87 feet to a 5/8" iron rod; thence S.60°39'54"E., 130.95 feet to a 5/8" iron rod; thence S.37°02'21"E., 217.16 feet to the True Point of Beginning.

Contains 27.996 acres, more or less.

EXHIBIT B

City of Troutdale College Nature Park Design Plans



LEGEND

- PROPOSED CONTOUR MAJOR
- - - PROPOSED CONTOUR MINOR
- - - EXISTING CONTOUR MINOR
- - - EXISTING CONTOUR MAJOR
- - - PROPERTY LINE
- - - LIMIT OF WORK LINE
- - - PATH CENTERLINE

KEY NOTES:

- 1 REFER TO HALF STREET IMPROVEMENT PACKAGE.
- 2 ON SITE SPOILS AREA FROM STREET IMPROVEMENT WORK. ADDITIONAL SOIL SHALL BE ADDED TO THE WEST SIDE OF THE EXISTING BERM. NEW SOILS SHALL:
 - BE LEVEL WITH THE TOP OF THE EXISTING BERM.
 - HAVE A MAXIMUM SLOPE OF 3:1 ALONG THE WESTERN EDGE.
 - HAVE A MAXIMUM OVERALL WIDTH OF 10'
 CONTRACTOR TO RESEED ALL DISTURBED AND REGRADED AREAS WITH 'OPEN MEADOW SEEDING' MIX AS SHOWN ON PLANTING PLAN L4.0.

NOTES:

CRUSHED ROCK PATH AND CONCRETE PAVING GRADES SHALL NOT EXCEED 4%.



Project: College Nature Park Trail: Troutdale
 City of Troutdale
 10000 NE Oregon Street, Troutdale, Oregon 97060
 503.674.2281

Sheet Title: SITE GRADING PLAN

Date: 3-23-2012

Drawn By: DO
 Checked By: RT/WM
 Job No.: 109162.1
 Approved: DC

L2.2

EXHIBIT C

City’s Maintenance Standards

**Troutdale Parks
Maintenance Levels 05-06
Type B Sites
Community & Neighborhood Parks, Public Facilities, High Visibility Sites**

	Level 1	Metro	Level 2
Mowing	<u>Pedestrian Connectors only.</u> Weekly during growing season.	Level 2 OK	<u>Pedestrian Connectors only.</u> Under 6-inches (ornamental).
Aeration	None	Ok	None
Turf Edging	<u>Pedestrian Connectors only.</u> Hard edge minimum twice a season.	Ok	<u>Pedestrian Connectors only.</u> None
Sanitation Patrol	Once weekly all areas. Connectors.	Would need once weekly	1X weekly trail heads and pedestrian. 1X monthly natural areas/greenways.
Rule Enforcement		This could be done at the same time as Sanitation	(Enforce “No Dogs” rule and other park regulations on the property)
Park Restrooms	N/A	OK	N/A
Vandalism	24-hour response all sites.	OK	24-hour response all sites.
Safety Hazards	Immediate response all sites.	OK	Immediate response all sites.
Play Equipment	N/A	Ok	N/A
Wood Structures	Once weekly. Repair as needed.	OK	Once monthly. Repair as needed.
Planting Bed Weed Control	<u>Pedestrian Connectors only.</u> Post emergent as needed. No weed growth over 2-inches or seed head formation. No more than 3 weeds per square yard in established bed areas. Pre emergent in spring and fall (minimum). Mechanical weed control as needed.	OK	<u>Pedestrian Connectors only.</u> Post emergent as needed. No more than 10 weeds per square yard. Pre emergent in Fall. Mechanical control as needed.
Mulching	<u>Pedestrian Connectors only.</u> Once a year in established bed areas.	OK	<u>Pedestrian Connectors only.</u> None
Vegetation Control	Blackberries <5-feet in control areas. Reed Canary grass no seed heads in control areas. Invasive plants confined to City sites.	Would need Level 1 Maintenance in this category	As needed for public safety and site function.

Hard Surfaces & Picnic Tables	Pressure-wash once a year. Clean as needed.	OK	Clean as needed.
Turf Irrigation	<u>Pedestrian Connectors only.</u> Irrigate for fire hazard.	<u>OK</u>	<u>Pedestrian Connectors only.</u> None
Plant Irrigation	<u>Pedestrian Connectors only.</u> Hard irrigate trees and shrubs less than two years old a minimum of once a week.	<u>OK</u>	<u>Pedestrian Connectors only.</u> Hand irrigate trees and shrubs less than two years old a minimum of once a week.
Planting	<u>Pedestrian Connectors only.</u> Replacement plantings as needed.	<u>OK</u>	<u>Pedestrian Connectors only.</u> None
Pruning	Pruning in response to safety and vandalism activity.	OK	Safety and vandalism response only.
Rough Mowing	Less than 8-inches in height.	OK	Less than 14-inches in height.
Turf Fertilization	None	OK	None
Turf Weed Control	Once a year to all established ornamental turf only.	OK	None
Leaf Removal	<u>Pedestrian Connectors only.</u> As needed before negatively impacting turf or plantings beds. Mulch leaves and dispose on site where practical.	<u>OK</u>	<u>Pedestrian Connectors only.</u> Mulch in turf, remove bed leaves only if negative impact on plants.
Trail Maintenance	Inspect weekly. Repair as needed. Brush trails back 3 feet to keep vegetation from encroaching on trail. Resurface trails every three years. Leaf removal as needed to keep trails clear.	OK	Inspect monthly. Repair as needed. Brush trails back 3 feet to keep vegetation from encroaching on trail. Resurface for public safety only.

M:\susentr\Administration\Cntrcts-Grnts-IGAs--Easements\IGAs\MANAGEMENT IGA's--copies, maps, misc\city of Troutdale -- Maintenance Levels 05_06 Type B sites_specific to College Nature Park at Beaver creek.docx

EXHIBIT D

**Metro Easement Policy and
Metro Resolution No. 97-2539B**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING GENERAL)	RESOLUTION NO. 97-2539B
POLICIES RELATED TO THE REVIEW OF)	
EASEMENTS, RIGHT OF WAYS, AND LEASES)	
FOR NON-PARK USES THROUGH PROPERTIES)	
MANAGED BY THE REGIONAL PARKS AND)	Introduced by
GREENSPACES DEPARTMENT.)	Mike Burton, Executive Officer

WHEREAS, Metro currently owns and manages more than 6,000 acres of regional parks, open spaces, natural areas, and recreational facilities; and

WHEREAS, additional lands are being acquired through the Open Space, Parks, and Streams Bond Measure, approved by voters in May of 1995; and

WHEREAS, the primary management objectives for these properties are to provide opportunities for natural resource dependent recreation, protection of fish, wildlife, and native plant habitat and maintenance and/or enhancement of water quality; and

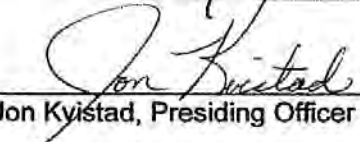
WHEREAS, Metro will be approached with proposals to utilize regional parks, open spaces, natural areas, and recreational facilities property for utility, transportation, and other non-park purposes; and

WHEREAS, Metro seeks to insure that these uses have no negative impact upon the primary management objectives of Metro Regional Parks and Greenspaces properties; and

WHEREAS, it would be in Metro's best interest to provide for the orderly evaluation and consideration of proposals to utilize portions of Metro Regional Parks and Greenspaces properties for utility, transportation and other non-park uses; NOW THEREFORE,

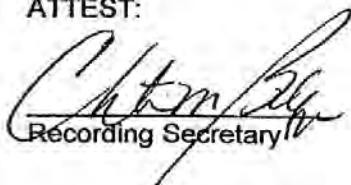
BE IT RESOLVED, that the Metro Council hereby adopts the policy attached as Exhibit "A" for any and all requests related to formal proposals for the use of Metro Regional Parks and Greenspaces properties for the purposes noted therein.

ADOPTED by the Metro Council this 6th day of November, 1997.



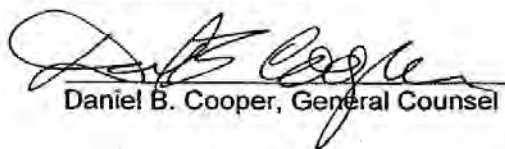
 Jon Kvistad, Presiding Officer

ATTEST:



 Recording Secretary

Approved as to Form:



 Daniel B. Cooper, General Counsel

Exhibit "A"

METRO POLICY RELATED TO THE REVIEW OF
EASEMENTS, RIGHT OF WAYS, AND LEASES
FOR NON-PARK USES

Metro owns and manages, either on its own or in partnership with other government and private entities, several thousand acres of regional parks, open spaces, natural areas and recreational facilities. These facilities are maintained to promote and preserve natural resources and recreational opportunities for the public consistent with the Greenspaces Master Plan adopted by the Metro Council in 1992, the Open Spaces Bond Measure approved by the voters in 1995 and other restrictions limiting the uses of specific properties in existence at the time of its acquisition by the public. Nothing in this policy shall be construed to allow these facilities to be used in any manner which detracts from this primary purpose. This policy is written from the perspective of Metro as the property owner, however, in those cases in which Metro co-owns a property with other entities, all decisions concerning the use of the property in question will be fully coordinated with the other owners. In addition, all new development and all proposed work within Water Quality Resource Areas or other environmentally sensitive work will be conducted in accordance with Metro or local government policies, to include where appropriate, application for permits and completion of environmental reviews. In event that local government policies are less restrictive than the Metro Model ordinances, Metro will apply the more restrictive Metro policies.

Regarding requests for easements, right of ways, and leases for non-park uses in Metro owned or managed regional parks, natural areas or recreational facilities, it is Metro's policy to:

- 1) Provide for formal review of all proposed easements, right of ways, and leases for non-park, uses by the Regional Parks and Greenspaces Advisory Committee, the Regional Facilities Committee and the full Council. Notwithstanding satisfaction of the criteria set forth herein, the final determination of whether to approve a proposed easement, right of way, or lease is still subject to the review and approval by the full Metro Council.
- 2) Prohibit the development of utilities, transportation projects and other non-park uses within corridors or on sites which are located inside of Metro owned or managed regional parks, natural areas, and recreational facilities except as provided herein.
- 3) Reject proposals for utility easements, transportation right of ways and leases for non-park uses which would result in significant, unavoidable impacts to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management.
- 4) Accommodate utility easements, transportation right of ways or other non-park uses when the Regional Parks and Greenspaces Department (the Department) determines that a proposed easement, right of way or non-park use can be accommodated without significant impact to

natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management; and that the impacts can be minimized and mitigated.

5) Require full mitigation and related maintenance, as determined by the Department, of all unavoidable impacts to natural resources, recreational facilities, recreational opportunities or their operation and management associated with the granting of easements, right of ways, or leases to use Metro owned or managed regional parks, natural areas or recreational facilities for non-park uses.

6) Limit rights conveyed by easements, right of ways, and leases for non-park uses to the minimum necessary to reasonably accomplish the purpose of any proposal.

7) Limit the term of easements, right of ways and leases to the minimum necessary to accomplish the objectives of any proposal.

8) Require "reversion", "non-transferable" and "removal and restoration" clauses in all easements, right of ways and leases.

9) Fully recover all direct costs (including staff time) associated with processing, reviewing, analyzing, negotiating, approving, conveying or assuring compliance with the terms of any easement, right of way, or lease for a non-park use.

10) Receive no less than fair market value compensation for all easements, right of ways, or leases for non-park uses. Compensation may include, at the discretion of the Department, periodic fees or considerations other than monetary.

11) Require full indemnification from the easement, right of way or lease holder for all costs, damages, expenses, fines or losses related to the use of the easement, right of way or lease. Metro may also require appropriate insurance coverage and/or environmental assurances if deemed necessary by the Office of General Counsel.

12) Limit the exceptions to this policy to: grave sales, utilities or transportation projects which are included in approved master/management plans for Metro regional parks, natural areas and recreational facilities; projects designed specifically for the benefit of a Metro regional park, natural area, or recreational facility; or interim use leases as noted in the Open Spaces Implementation Work Plan.

13) Provide for the timely review and analysis of proposals for non-park uses by adhering to the following process:

a) The applicant shall submit a detailed proposal to the Department which includes all relevant information including but not limited to: purpose, size, components, location, existing conditions, proposed project schedule and phasing, and an analysis of other alternatives which avoid the Metro owned or managed regional park, natural area or recreational facility which are considered infeasible by the applicant. Cost alone shall not constitute infeasibility.

b) Upon receipt of the detailed proposal, the Department shall determine if additional information or a Master Plan is required prior to further review and analysis of the proposal. For those facilities which have master plans, require that all proposed uses are consistent with the master plan. Where no master plan exists all proposed uses shall be consistent with the Greenspaces Master Plan. Deficiencies shall be conveyed to the applicant for correction.

c) Upon determination that the necessary information is complete, the Department shall review and analyze all available and relevant material and determine if alternative alignments or sites located outside of the Metro owned or managed regional park, natural area, or recreational facility are feasible.

d) If outside alternatives are not feasible, the Department shall determine if the proposal can be accommodated without significant impact to park resources, facilities or their operation and management. Proposals which cannot be accommodated without significant impacts shall be rejected. If the Department determines that a proposal could be accommodated without significant impacts, staff shall initiate negotiations with the applicant to resolve all issues related to exact location, legal requirements, terms of the agreement, mitigation requirements, fair market value, site restoration, cultural resources, and any other issue relevant to a specific proposal or park, natural area or recreational facility. The Department shall endeavor to complete negotiations in a timely and business-like fashion.

e) Upon completion of negotiations, the proposed agreement, in the appropriate format, shall be forwarded for review and approval as noted in item "1" above. In no event shall construction of a project commence prior to formal approval of a proposal.

f) Upon completion of all Metro tasks and responsibilities or at intervals determined by the Department, and regardless of Metro Council action related to a proposed easement, right of way or lease for a non-park use, the applicant shall be invoiced for all expenses or the outstanding balance on expenses incurred by Metro.

g.) Permission from Metro for an easement or right-of-way shall not preclude review under applicable federal, state or local jurisdiction requirements.

STAFF REPORT

AUTHORIZING THE CHIEF OPERATING OFFICER TO GRANT AN EASEMENT AND DEDICATE RIGHTS OF WAY, AND ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF TROUTDALE FOR TRAIL CONSTRUCTION AND LONG TERM MANAGEMENT OF PROPERTY TO BE KNOWN AS COLLEGE NATURE PARK AT BEAVER CREEK

Date: August 2, 2012

Prepared by: Dan Moeller, 503-797-1819
Katy Weil, 509-797-1688

BACKGROUND

Metro acquired 62 acres of property, informally known as the Mt. Hood Community College Property, with funds from the 1995 Open Spaces, Parks and Streams bond measure. The entire property is located within the City of Troutdale (the “City”).

If approved, this resolution authorizes the development of a nature park on the property, including agreements necessary for development. These include a rights of way dedication, a perpetual easement over 0.28 acres and an intergovernmental agreement (IGA) with the City of Troutdale. The IGA provides for the responsibilities and obligations of the parties with respect to the allowable uses, management, maintenance and operation of the property.

The City wishes to develop and manage the property to provide access to nature while protecting water quality, fish and wildlife habitat and restoring native species. Approximately \$389,000 of the City’s Local Share allocation from the 2006 Natural Areas bond measure will be used to restore and improve the area. The park design includes trails, wetland views, interpretive signage and benches on approximately five acres of the Metro-owned portion of the property.

In order to provide for access to the nature park, Multnomah County requires a rights of way dedication of 0.21 acres and a perpetual easement of 0.07 acres for the installation of half-street improvements, and ongoing maintenance. The dedication and easement are included in the exhibits to the resolution.

The City proposes to call the nature park “College Nature Park at Beaver Creek.” The Beaver Creek Greenway Trail on the property is part of the 40-Mile Loop trail system, which has been a high priority trail in the region for decades. This section of the Beaver Creek Canyon Greenway will not only fill in a gap of the 40-Mile Loop trail, but it will also help link regionally significant destinations such as downtown Troutdale and the adjacent Mt. Hood Community College.

Under the IGA, the City shall be responsible for the ongoing development, construction, management, maintenance, security and operation of the nature park. The primary goals are to protect the property’s natural resources, enhance and protect wildlife habitat and provide public recreation consistent with the foregoing. The City’s responsibilities shall include management, maintenance, security and operation of any facilities, projects or improvements (e.g. fences, gates, removing invasive plants, replanting native plants, etc.). By agreeing to manage the property, the City agrees to be responsible for funding the operation and maintenance of the property, including but not limited to, payment of any applicable taxes and assessments with the City’s financial and staffing resources. As required by Metro’s Metropolitan Greenspaces Master Plan, the long-term maintenance guidelines for the property shall be set forth in a Maintenance Plan applicable to the property. The City has developed and adopted an area-specific park plan for the property.

Metro staff will periodically review the property, and the Maintenance Plan, to ensure that their management is in accordance with this IGA. The City of Troutdale approved this agreement July 10, 2012.

ANALYSIS/INFORMATION

1. Known Opposition

None

2. Legal Antecedents

1995 Metro Open Spaces Bond Measure approved by voters on May 16, 1995.

2006 Metro Natural Areas Bond Measure approved by voters on November 7, 2006.

Metro Council Resolution 07-3780, Authorizing Execution of Twenty-Eight Intergovernmental Agreements with Local Parks Providers for the Local Share of the Natural Areas Bond Measure, adopted on March 29, 2007.

3. Anticipated Effects

Adoption of the easement and rights of way dedication will allow the city to initiate construction of the trail and the half-street improvements required by Multnomah County.

Approval of the IGA will allow the City to develop and manage the trail and nature park.


4. Budget Impacts

The City of Troutdale is paying for improvements with funds from their Local Share allocation. There will be no budget impacts.

RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Resolution 12-4360.

Materials following this page were distributed at the meeting.

 Metro | Agenda

REVISED, 7/31/12

Meeting: Metro Council
Date: Thursday, August 2, 2012
Time: 2 p.m.
Place: Metro, Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATION

3. CONSENT AGENDA

3.1 Consideration of the Minutes for July 19, 2012

3.2 **Resolution No. 12-4361**, For the Purpose Confirming the Appointment of Judie Hammerstad to the Metro Audit Committee.

4. ORDINANCES – FIRST READ

4.1 **Ordinance No. 12-1282**, For the Purpose of Annexing to the Metro District Boundary Approximately 78 Acres in the North Bethany Area of Washington County.

5. ORDINANCES – SECOND READ

5.1 **Ordinance No. 12-1281**, For the Purpose of Amending the FY 2012-13 Budget and Appropriations Schedule Recognizing New Grants and Appropriation for the Removal of a Derelict Barge. **Burkholder**

Public Hearing

6. RESOLUTIONS

6.1 **Resolution No. 12-4360**, For the Purpose of Authorizing the Chief Operating Officer to Grant an Easement and Dedicate Right of Way, and Enter into an Intergovernmental Agreement with the City of Troutdale for Trail Construction and Long Term Management of Property to be Known as College Nature Park at Beaver Creek. **Craddick**

7. CHIEF OPERATING OFFICER COMMUNICATION

8. COUNCILOR COMMUNICATION

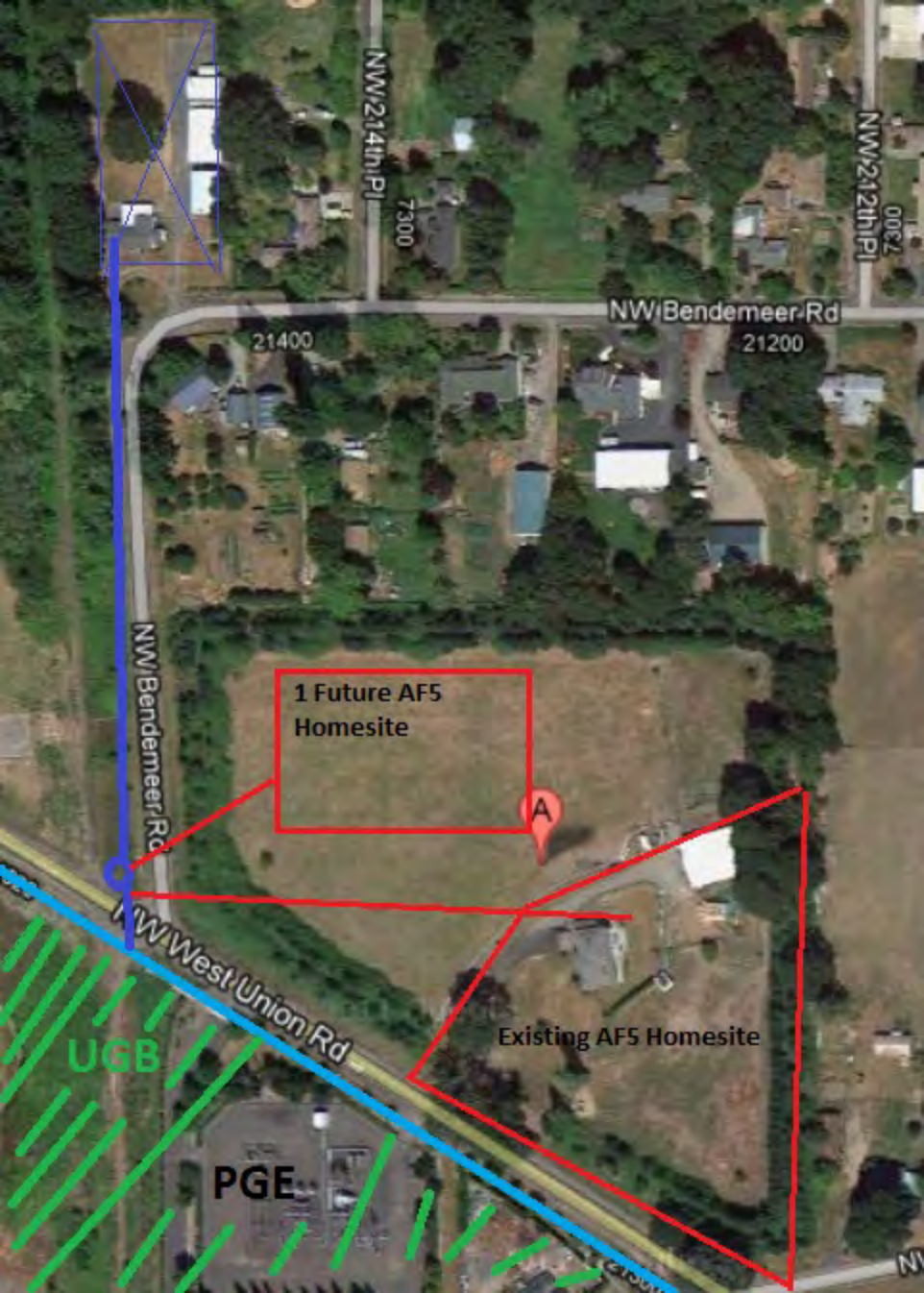
ADJOURN

Television schedule for August 2, 2012 Metro Council meeting

<p>Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 30 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Thursday, August 2</p>	<p>Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 <i>Date:</i> Sunday, August 5, 7:30 p.m. <i>Date:</i> Monday, August 6, 9 a.m.</p>
<p>Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 <i>Date:</i> Monday, August 6, 2 p.m.</p>	<p>Washington County Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Saturday, August 4, 11 p.m. <i>Date:</i> Sunday, July 22, 11 p.m. <i>Date:</i> Tuesday, August 7, 6 a.m. <i>Date:</i> Wednesday, August 8, 4 p.m.</p>
<p>Oregon City, Gladstone Channel 28 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.</p>	<p>West Linn Channel 30 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.</p>

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.

Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read. Documents for the record must be submitted to the Regional Engagement Coordinator to be included in the decision record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement Coordinator. For additional information about testifying before the Metro Council please go to the Metro web site www.oregonmetro.gov and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 503-797-1804 or 503-797-1540 (Council Office).



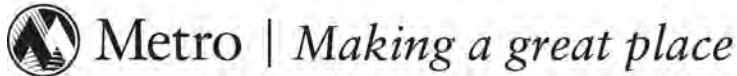
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METRO COUNCIL MEETING

Meeting Summary

July 19, 2012

Metro, Council Chamber

Councilors Present: Council President Tom Hughes and Councilors Rex Burkholder, Barbara Roberts, Carl Hosticka, Kathryn Harrington, Carlotta Collette and Shirley Craddick

Councilors Excused: None

Council President Tom Hughes convened the regular council meeting at 2 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. CONSIDERATION OF THE MINUTES FOR JULY 12, 2012

Motion:	Councilor Shirley Craddick moved to adopt Council minutes for July 12, 2012.
Second:	Councilor Barbara Roberts seconded the motion.

Vote: Council President Hughes and Councilors Burkholder, Roberts, Hosticka, Craddick, Collette and Harrington voted in support of the motion. The vote was 7 ayes, the motion passed.

4. ORDINANCES – FIRST READ

4.1 **Ordinance No. 12-1281**, For the Purpose of Amending the FY 2012-13 Budget and Appropriations Schedule Recognizing New Grants and Appropriation for the Removal of a Derelict Barge.

Second read, public hearing, and Council consideration and vote are scheduled for August 2, 2012. Councilor Rex Burkholder was assigned carrier for the legislation.

Councilor Carl Hosticka requested that legal counsel provide the Metro Council with the legal basis on which Metro is liable for the cost of removing a barge attached to a Metro property without the agency's knowledge or consent. Additionally, he asked if there was any way for Metro to recover costs, associated with the barge's removal, from any of the identified owners. Councilor Burkholder, as the legislation's carrier, stated that he would work with staff to include this information in the staff report.

5. RESOLUTIONS

- 5.1 **Resolution No. 12-4357**, For the Purpose of Amending the 2012-15 Metropolitan Transportation Improvement Program (MTIP) to Add The Kellogg Lake Multi-Use Bridge Project.

Motion:	Councilor Carlotta Collette moved to adopt Resolution No. 12-4357.
Second:	Councilor Kathryn Harrington seconded the motion.

Councilor Collette introduced Resolution No. 12-4357, which if approved, would amend the 2012-2015 Metropolitan Transportation Improvement Program (MTIP) to add the Kellogg Bridge project. The upcoming Portland-Milwaukie light rail bridge over Kellogg Lake presents a short-lived opportunity to cost-effectively provide a bicycle and pedestrian connection by constructing it on a lower deck of the bridge. Councilor Collette stated that the city and TriMet jointly applied to the Transportation Enhancement Discretionary Account, an account for qualified projects whose needs become known outside the timeframe of the statewide competitive process. The TE Advisory Committee and ODOT Director have recommended the Oregon Transportation Commission award funding to the project and that the project be added to the State and MTIP programs. Additionally, Councilor Collette expressed the Milwaukie City Council's support for the project and highlighted the connections the bridge will create for multiple communities in Milwaukie such as the city's southern section and Island Station.

Staff clarified for Council that the bridge would be built between 2013 and 2015. Additional discussion included the potential to drain Kellogg Lake – an artificial lake. Councilor Collette clarified that while there is currently a movement in Milwaukie to remove the dam and drain the lake, there would still be a valley under the bridge. She noted that the city's intention would be to replace the lake with a braided stream – a more natural habitat.

Vote: Council President Hughes and Councilors Burkholder, Roberts, Hosticka, Craddick, Collette and Harrington voted in support of the motion. The vote was 7 ayes, the motion passed.

- 5.2 **Resolution No. 12-4358**, For the Purpose of Amending the 2012-15 Metropolitan Transportation Improvement Program (MTIP) to Add The Construction Phase of the I-84 Eastbound to I-205 Northbound Auxiliary Lane Project.

Motion:	Councilor Craddick moved to adopt Resolution No. 12-4358.
Second:	Councilor Roberts seconded the motion.

Councilor Craddick introduced Resolution No. 12-4358, which if approved, would amend the 2012-2015 MTIP to add the Interstate 84 eastbound to Interstate 205 northbound auxiliary lane project. Councilor Craddick stated that ODOT completed an operations analysis of the interstate freeway system and identified potential operational projects to reduce vehicle crashes and increase vehicle flow to reduce congestion. A priority project emerging from the analysis was to extend the auxiliary travel lane on eastbound I-84 from the Halsey Street exit to the I-205 northbound exit. Extending an auxiliary lane between the Halsey Street and I-205 northbound exits would reduce vehicle queuing on the left most lane of I-84 from the I-205 on ramps, and in-turn reduce crash incidents and delay for eastbound vehicles on I-84. Councilor Craddick stated that financial capacity to fund the project

has been identified from savings to existing operations projects from across the state. The project is ready to obligate the funds and avoid the potential rescission of federal funds allocated to Oregon.

Vote:

Council President Hughes and Councilors Burkholder, Roberts, Hosticka, Craddick, Collette and Harrington voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
--

5.3 Resolution No. 12-4359, For the Purpose of Amending the 2012-15 Metropolitan Transportation Improvement Program (MTIP) to Add The Crescent Connection – Cedar Hills Boulevard to Denny Road Bicycle, Pedestrian and Transit Access Project.

Motion:	Councilor Harrington moved to adopt Resolution No. 12-4359.
Second:	Councilor Collette seconded the motion.

Councilor Harrington introduced Resolution No. 12-4359, which if approved, would amend the 2012-15 MTIP to add the Crescent Connection project. Councilor Harrington stated that the City of Beaverton was awarded State flexible funds to begin preliminary engineering and right-of-way phases for a shared path on the north side of Denny Rd. from King Blvd. to the Fanno Creek Trailhead, as well as the Beaverton Creek Trail from the Cedar Hills Blvd. to the Beaverton Transit Center. The project, if approved, would include safe crossings and 16 transit stop improvements along Crescent Connection routes. Councilor Harrington stated that the project serves high concentrations of traditionally underserved populations and provides the opportunity to access to jobs and services in an economical and environmentally sustainable manner. She stated that this would result in cleaner air, reductions in the region’s contributions to climate change, and reductions in the region’s household transportation costs.

Councilor Harrington clarified that the Crescent Connection project is a large project which has received various funding for different smaller infrastructure pieces of the full project. The action before the Council was for a smaller section of the larger Crescent Connection project.

Vote:

Council President Hughes and Councilors Burkholder, Roberts, Hosticka, Craddick, Collette and Harrington voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
--

6. CHIEF OPERATING OFFICER COMMUNICATION

Ms. Martha Bennett of Metro provided an update on the recent Community Investment Initiative Leadership Council meeting and release of their Strategic Plan. She noted that the CII LC is seeking additional membership and solicited recommendations of people to serve on the committee. Additionally, Metro staff is scheduled to present on the CII at the July 19 Council work session. The work session will focus on Metro’s role as the CII committee moves towards implementation of its strategies outlined in their latest report.

Additional updates included the East Metro Connections Plan’s adoption by each of the four participating local jurisdictions; and the upcoming Policy Makers Bike Ride scheduled for July 20.

7. COUNCILOR COMMUNICATION

Councilor discussion and/or updates included the U.S. Ranger, launch of Metro's *Vamos!* program, TV Highway Corridor Plan, Durham water treatment facility tour, Centennial Mill project tour, and recent Oregon Transportation Commission meeting. Highlighted upcoming meetings and events included the Lone Fir Cemetery Recognition of the Suffrages, and ZooLaLa.

Additional discussion included the East Metro Connections Plan adoption by the local jurisdictions. Council and staff recognized Councilor Craddick, former Metro Councilor Rod Park, and all of the participating local jurisdictions for their work.

8. ADJOURN

There being no further business, Council President Hughes adjourned the regular meeting at 2:45 p.m. The Council will reconvene the next regular council meeting on Thursday, August 2 at 2 p.m. at the Metro Council Chamber.



Kelsey Newell, Regional Engagement and Legislative Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JULY 19, 2012

Item	Topic	Doc. Date	Document Description	Doc. Number
3.0	Minutes	7/12/12	Council minutes for July 12, 2012	7/19/12c-01

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE) RESOLUTION NO. 12- 4361
APPOINTMENT OF JUDIE HAMMERSTAD TO)
THE METRO AUDIT COMMITTEE) Introduced by _____
)
)

WHEREAS, the Metro Council has adopted Ordinance No. 10-1233, "Amending Metro Code Section 2.15.080, External Audits, and adding a New Metro Code Section 2.19.250 Audit Committee;" and

WHEREAS the Committee enhances the external audit function by monitoring the external auditor's services and activities to ensure that independence is maintained between the external auditor and management; and

WHEREAS, Judie Hammerstad, MERC Commissioner, has been nominated to the Metro Audit Committee by the MERC Commission Chair; and

WHEREAS, the Council President accepts the appointment of Judie Hammerstad to the Committee; and

BE IT RESOLVED, that the Metro Council confirms the appointment of Judie Hammerstad as a member of the Metro Audit Committee as set forth in Exhibit "A" attached hereto for the Committee position and terms set forth therein.

ADOPTED by the Metro Council this ____ day of _____ 2012.

Tom Hughes, Council President

Approved as to Form:

Allison K. Campbell, Metro Attorney

Exhibit A to Resolution No. 12-4361

METRO AUDIT COMMITTEE

Committee Member Appointment

The following person is appointed to serve a one (1) year term and shall be eligible thereafter to serve one additional 1-year term:

- **Judie Hammerstad** MERC Commissioner

Commissioner Hammerstad will replace the following person on the Committee:

- **Karis Stoudamire-Phillips** MERC Commissioner, Audit Committee Vice Chair

BIOGRAPHY

New member appointment:

Judie Hammerstad: MERC Commissioner. Commissioner Hammerstad is the founder and chair of the Community Streetcar Coalition and is a member of the board for Portland Streetcar, Inc. She also serves on the Marylhurst University Board of Trustees and holds a bachelor's degree in history from the University of Oregon.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION no. 12-4361 FOR THE PURPOSE OF CONFIRMING THE APPOINTMENT OF JUDIE HAMMERSTAD TO THE METRO AUDIT COMMITTEE

Date: July 5, 2012

Prepared by: Suzanne Flynn
Metro Auditor
503/797-1891

BACKGROUND

The Audit Committee assists the Metro Council in reviewing accounting policies and reporting practices as they relate to the Metro's Comprehensive Annual Financial Report. The Committee provides independent review and oversight of the government's financial reporting processes, internal controls, and independent auditors.

The prospective member listed in Exhibit A was nominated to serve on the Committee in a voting capacity for a one-year term.

ANALYSIS/INFORMATION

1. **Known Opposition:** none

2. **Legal Antecedents:**

Metro Code Chapter 2.19, "Metro Advisory Committees," provides generally applicable rules for the creation of committees providing advice to the Metro Council and appointment of members to such committees.

Metro Ordinance 10-1233 for the Purpose of Establishing an Audit Committee and Amending Metro Code Section 2.15.080 External Audits and Adding a New Metro Code Section 2.19.250 Audit Committee.

3. **Anticipated Effects:**

This appointment will replace the previous MERC Commission member on the Committee.

4. **Budget Impacts:** None

RECOMMENDED ACTION

The Council President recommends adoption of Resolution No. 12 -4361.



COUVER YACHT CLUB



1000 10th Street
Couver, BC V8M 1A1
Tel: 250-734-1234

