

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING)	RESOLUTION NO. 12-4400
THE CHIEF OPERATING OFFICER TO)	
EXECUTE AN OPTION TO PURCHASE)	Introduced by Chief Operating Officer
AND ACQUIRE REAL PROPERTY FOR A)	Martha J. Bennett with the concurrence of
REMOTE ELEPHANT CENTER)	Council President Tom Hughes

WHEREAS, on May 8, 2008, the Metro Council adopted Resolution No. 08-3945, “For the Purpose of Submitting to the Metro Area Voters a General Obligation Bond Indebtedness in the Amount of \$125 Million to Fund Oregon Zoo Capital Projects to Protect Animal Health and Safety, Conserve and Recycle Water, and Improve Access to Conservation Education; and Setting Forth the Official Intent of the Metro Council to Reimburse Certain Expenditures Out of the Proceeds of Said Bonds Upon Issuance,” approving, certifying and referring to the Metro Area voters at the General Election held on November 4, 2008, Ballot Measure 26-96 (the “Oregon Zoo Bond Measure 26-96”); and

WHEREAS, at the General Election held on November 4, 2008, the voters of the Metro Area approved Oregon Zoo Bond Measure 26-96; and

WHEREAS, Exhibit A to Resolution No. 08-3945 generally set forth the details of Oregon Zoo Bond Measure 26-96, stating that “the zoo is exploring the feasibility of providing an off-site area for elephants,” and “funds are set aside for potential capital needs of off-site space”; and

WHEREAS, on February 10, 2011, the Metro Council adopted Resolution No. 11-4230, “Authorizing the Chief Operating Officer to Enter into Options to Purchase Real Property for the Purpose of Providing an Elephant Reserve Under the 2008 Oregon Zoo Bond Measure,” authorizing the Chief Operating Officer to enter into options to secure site-control for a “Remote Elephant Center”; and

WHEREAS, using selection criteria established by the Zoo’s November 2009 Oregon Zoo Off-Site Elephant Facility Workshop, the Zoo evaluated several available sites within the three county area that are 200+ acres in size and are located within an hour’s travel distance of the Zoo; and

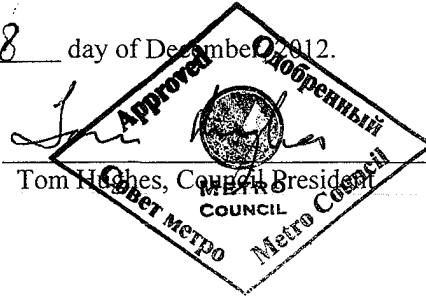
WHEREAS, in October, 2011, the Chief Operating Officer entered into an Option Agreement and Agreement of Purchase and Sale on one such property, a portion of the former Roslyn Lake Park site (the “Roslyn Lake Property”) owned by Portland General Electric (“PGE”) in Clackamas County; and

WHEREAS, the Zoo has concluded that no other available site evaluated by the Zoo satisfies the Selection Criteria as well as the Roslyn Lake Property;

WHEREAS, Metro Code Section 2.04.026(a)(2) requires that the Chief Operating Officer obtain the authorization of the Metro Council to acquire real property for Metro; now therefore

BE IT RESOLVED that the Metro Council hereby authorizes the Chief Operating Officer to execute the Option Agreement and Agreement of Purchase and Sale for the Roslyn Lake Property, and acquire said real property from PGE for a Remote Elephant Center, on terms set forth in the Option, in accord with Metro's usual and customary acquisition parameters and due diligence preconditions.

ADOPTED by the Metro Council this 18 day of December, 2012.



Tom H. Coles, Council President

Approved as to Form:

A handwritten signature in black ink, appearing to read "Alison Kean Campbell".

Alison Kean Campbell, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 12-4400 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO EXECUTE AN OPTION TO PURCHASE AND ACQUIRE REAL PROPERTY FOR A REMOTE ELEPHANT CENTER

Date: December 18, 2012

Prepared by: Kim Smith, 503 220-2450
Mike Keele, 503 220-2445

BACKGROUND

In May of 2008, voters approved Ballot Measure 26-96 (the “Oregon Zoo Bond Measure 26-96”) to effect several improvements to the physical environment and operation of the Oregon Zoo. The measure specifically listed projects that Metro would pursue. The project titled “More Humane Conditions for Elephants” explicitly set forth the needs of the zoo herd at the Zoo and the concept of an off-site facility to further improve the health and well-being of the animals and to expand the elephant program.

In 2009, a panel of elephant experts took part in a workshop to identify the requirements for an off-site breeding, training and management facility and develop criteria for the selection of an appropriate site. The workshop facilitators, CLR Design Inc. and Shultz & Williams, created a report to guide site assessment titled, “Oregon Zoo Off-Site Elephant Facility Workshop–November 9 and 10, 2009”. Subsequently, Zoo staff prepared a business plan for the potential off-site facility that included infrastructure needs, staffing and other related services. Collectively, these studies have guided Metro in looking for a location that would fit certain selection criteria identified in the studies.

Staff evaluated several sites of at least 200 acres within the three county area that satisfied the selection criteria to meet animal care needs and were located within an hour’s travel distance. Additional considerations included the availability of the property, price, zoning and land use restrictions, adequate roadways to the site, the character of adjacent properties, topography, soil classifications needed for optimal elephant foot health, and availability of needed infrastructure.

In February, 2011 via Metro Council Resolution No. 11-4230, the Metro Council authorized the Chief Operating Officer to secure site control of properties meeting the criteria and considerations set forth above by entering into multi-year option to purchase agreements on promising properties with acquisition contingent upon Metro Council approval.

In October 2011, Metro entered into an Option Agreement and Agreement of Purchase and Sale (the “Roslyn Lake Option”) on one such site owned by Portland General Electric in Clackamas County. Known as the Roslyn Lake Property, the site consists of a 240 acre portion of the former Roslyn Lake Park, including all of the former lake bed and some of the nearby uplands. Under the Roslyn Lake Option, Metro’s acquisition of the site is contingent upon, among other things, Metro Council approval, Oregon Public Utility Commission approval, and Metro’s due diligence requirements.

Since 2011, staff has continued to evaluate potential sites, but Metro has concluded that no other available site evaluated by staff satisfies the selection criteria and considerations set forth above as well as the Roslyn Lake Property.

In accord with Metro Council Resolution No. 11-4230 and Metro Code Section 2.04.026(a)(2), the Chief Operating Officer now requests that the Metro Council authorize the execution of the Roslyn Lake Option and the acquisition of the Roslyn Lake Property from PGE for use as a Remote Elephant Center.

In accordance with Metro Council direction, Staff will develop a detailed operations and capital improvement funding plan prior to commencing Zoo Bond funded site improvements for the Remote Elephant Center. Should such planning result in a determination that the development of a Remote Elephant Center on the Roslyn Lake Property is infeasible, staff will prepare recommendations for dispensation of the Property, and present them to the Metro Council for resolution.

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition to this resolution.

2. Legal Antecedents

On February 10, 2012, the Metro Council adopted Resolution No. 11-4230, "Authorizing the Chief Operating Officer to Enter into Options to Purchase Real Property for the Purpose of Providing an Elephant Reserve under the 2008 Oregon Zoo Bond Measure," approving the Chief Operating Officer to secure multi-year options from willing sellers for Metro to Purchase real property for an off-site elephant area.

On May 8, 2008, the Metro Council adopted Resolution No. 08-3945, "For the Purpose of Submitting to the Metro Area Voters a General Obligation Bond Indebtedness In the Amount of \$125 Million to Fund Oregon Zoo Capital Projects to Protect Animal Health and Safety, Conserve and Recycle Water, and Improve Access to Conservation Education; and Setting Forth the Official Intent of the Metro Council to Reimburse Certain Expenditures Out of the Proceeds of Said Bonds Upon Issuance," approving, certifying and referring to the Metro Area voters at the General Election held on November 4, 2008 Ballot Measure 26-96 (the "Oregon Zoo Bond Measure 26-96"). On November 4, 2008, the voters of the Metro Area approved Oregon Zoo Bond Measure 26-96.

Exhibit A to Resolution No. 08-3945 generally set forth the details of Oregon Zoo Bond Measure 26-96, stating that "the zoo is exploring the feasibility of providing an off-site area for elephants, and "funds are set aside for potential capital needs of off-site space."

State statutory authority: Under Oregon Revised Statute 268.310, Metro may acquire, construct, alter, maintain, administer and operate metropolitan zoo facilities.

Metro Code Section 2.04.026(a)(2) requires that the Chief Operating Officer obtain the authorization of the Metro Council to acquire real property for Metro.

3. Anticipated Effects

The acquired property will be used for the Oregon Zoo's off-site elephant facility.

4. Budget Impacts

The Zoo anticipates funding the option using existing Oregon Zoo operating funds.

RECOMMENDED ACTION

The Chief Operating Officer recommends passage of Resolution No. 12-4400.