

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE) RESOLUTION NO. 14-4504
CHIEF OPERATING OFFICER TO PURCHASE)
PROPERTY IN THE WILLAMETTE RIVER) Introduced by Chief Operating Officer
GREENWAY TARGET AREA) Martha J. Bennett, with the concurrence of
) Council President Tom Hughes

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

WHEREAS, the Willamette River Greenway Target Area was identified in the Bond Measure as one of 27 regional target areas for land acquisition; and

WHEREAS, on September 27, 2007, the Metro Council adopted Resolution No. 07-3859 "Approving the Natural Areas Acquisition Refinement Plan for the Willamette River Greenway Target Area" which Resolution approved the acquisition of the properties within the target area; and

WHEREAS, a primary goal of the Willamette River Greenway Area refinement plan is to "Protect fish and wildlife habitat, water quality, scenic resources and improve public access to the river along the greenway from Wilsonville to the Multnomah Channel"; and


WHEREAS, certain real property legally described and identified in the executive session (the "Property") that meets this goal and which is identified in the Willamette River Greenway Area refinement plan may be available for purchase; and

WHEREAS, Metro Code Chapter 2.04.026 requires Metro Council authorization for any contract for the purchase of real property to be owned by Metro; now therefore

BE IT RESOLVED that the Metro Council finds that, for the reasons stated and as provided herein and discussed in the executive session on February 4, 2014, it is in the public interest to purchase the Property, and therefore authorizes the Chief Operating Officer to:

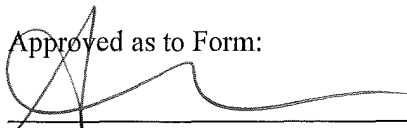
1. Acquire the Property on terms and under conditions acceptable to the Chief Operating Officer and the Office of Metro Attorney, consistent with the discussion at the executive session; and
2. Execute such ancillary documents as may be required in connection with this acquisition, in the form approved by the Office of Metro Attorney.

ADOPTED by the Metro Council this 13th day of February, 2014.



Tom Hughes, Council President

Approved as to Form:



Alison R. Kean, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4504, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO PURCHASE CERTAIN PROPERTY IN THE WILLAMETTE GREENWAY TARGET AREA

Date: February 13, 2014

Prepared by: Kathleen Brennan-Hunter, (503) 797-1948

BACKGROUND

Resolution No. 14-4504 requests authorization for the Chief Operating Officer to purchase real property (the "Property") located within the Willamette River Greenway target area.

The subject Property is located on Sauvie Island in the Willamette Greenway target area. This Property meets the goals and objectives of the target area refinement plan by protecting one of the few available parcels adjacent to the river. The target area goal states "Protect fish and wildlife habitat, water quality, scenic resources and improve public access to the river along the greenway from Wilsonville to the Multnomah Channel." The Tier One objective is to "Secure remaining unique and rare habitats. These include Multnomah Channel..."

Metro staff has been in negotiations with the six members of the family that own the Property and we recently submitted an offer for the Property. The family received another bona fide offer from a non-related entity (the "Competing Offer"), for the same amount. In order to secure an agreement to acquire the Property, Metro staff is proposing an amended offer to the owners consistent with the discussion at the Metro Council executive session on February 4th, 2014.

Conservation values that would be protected with acquisition of the Property by Metro include:

1. Acquisition will protect important open land and habitat including potential bottomland forest.
2. Acquisition will protect scattered large Oregon white oaks that occur on the drier uncultivated areas.
3. Located on the migratory bird flyway, the site could be frequented by waterfowl, eagles, kestrels, and a wide variety of songbirds.

This acquisition represents an opportunity to expand an existing Metro park, Howell Territorial Park, as well as create more buffer for the park's current habitat areas, including savanna, wetlands and forest. A portion of the Howell property is used for farming, and an expansion of that use is possible.

ANALYSIS/INFORMATION

1. Known Opposition

None.

2. Legal Antecedents

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

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

Resolution No. 07-3859, "Approving the Natural Areas Acquisition Refinement Plan for the Willamette River Greenway Target Area," was adopted on September 24, 2007.

Resolution No. 07-3766A “Authorizing the Chief Operating Officer to Purchase Property With Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan,” was adopted by the Metro Council on March 1, 2007, and established the Acquisition Parameters and Due Diligence Guidelines for the purchase of properties as part of the 2006 Natural Areas Bond Program.

3. Anticipated Effects

Metro will endeavor to acquire the Property, pursuant to the terms discussed by the Metro Council during executive session on February 4th, 2014. If all conditions are met, the transaction will close within 90 days.

4. Budget Impacts

Funds to acquire the Property will come from the Natural Areas Bond Measure.

RECOMMENDED ACTION

Staff recommends the adoption of Resolution 14-4504.