

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING ) RESOLUTION NO. 97-2525  
THE EXECUTIVE OFFICER TO ACCEPT )  
DONATION OF A PROPERTY AT ) Introduced by Mike Burton  
WHITAKER PONDS ) Executive Officer

WHEREAS, In July 1992, Metro completed the Metropolitan Greenspaces Master Plan which identified a desired system of natural areas interconnected with greenways and trails; and

WHEREAS, acquisition of natural areas from willing sellers or by donation is a primary strategy for preservation of natural areas; and

WHEREAS, Whitaker Pond has been identified as a local share project by Multnomah County because of its natural area value; and

WHEREAS, Metro has agreed to administer Multnomah County local share projects; and

WHEREAS, the Hayes property to be acquired has been identified, through a public planning process, to be a priority for plan implementation in the Whitaker Ponds Concept Master Plan as adopted by Resolution No. 95-2159 and

WHEREAS, the Executive Officer is authorized to purchase the Hayes property as authorized by Resolution No. 96-2425; and,

WHEREAS, to accomplish a transfer of the Hayes property, it will be consolidated with the Klein property at Whitaker Ponds via a lot line adjustment process; and

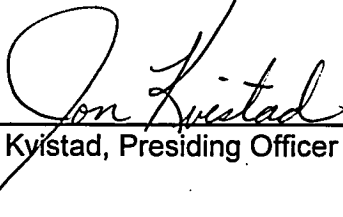
WHEREAS, the City of Portland may take title to the Hayes property with Metro as tenants in common, pending City Council approval, to accomplish the first line adjustment necessary to acquire the Hayes property, and in such case Metro must transfer half interest in the former Klein property to the City of Portland as tenants in common with Metro for purposes of the lot line adjustment; and

WHEREAS, the amended Open Spaces Implementation Work Plan adopted in January, 1997 provides that Metro Council approval is required for purchases involving "unusual circumstances;" now therefore,

BE IT RESOLVED,

That the Metro Council authorizes the Executive Officer to accept the donation of the Hayes property, identified in Exhibit A, either alone or as tenants in common with the City of Portland, as part of the Priority Lands for Plan Implementation in the Whitaker Ponds Concept Master Plan; and the Executive Officer is also authorized to transfer a half interest in the former Klein property to the City of Portland as tenants in common with Metro, if necessary to accomplish the lot line adjustment for the Hayes property.

ADOPTED by Metro Council this 17<sup>th</sup> day of June, 1997.

  
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Jon Kvistad, Presiding Officer

Approved as to Form:

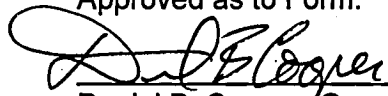
  
\_\_\_\_\_  
Daniel B. Cooper, General Counsel

EXHIBIT A

A tract of land in the northwest one-quarter of Section 18, T.1N, R.2E, W.M., City of Portland, Multnomah County, Oregon, to wit:

Beginning at the northeast corner of that tract of land described in Book 612, Page 1122, recorded April 4, 1968, Multnomah County Deed Records; thence N. 85° 28' W along the north line of said Book 612, Page 1122 parcel, 33 feet to the southeast corner of Lot 34, "London Acres;" thence tracing the southerly line of said Lot 34 along the following courses: N 85° 28' W, 217.64 feet; thence N 01° 41' E, 29.86 feet; thence N 78° 10' W along the southerly line of Lot 34 and the northerly south line of Lot 31, "London Acres," 187.37 feet to an angle corner in the southeasterly part of said Lot 31; thence S 03° 50' 25" W along the easterly line of said "London Acres," 260.77 feet to the southeast corner of Lot 29, "London Acres;" thence S 88° 37' 38" E along the easterly extension of the south line of said Lot 29, 450.10 feet to the east line of said Book 612, Page 1122 tract; thence N 00° 30' 27" E along said east line, 182.71 feet to the Point of Beginning.

LESS Parcel 2 of Exhibit "A" of Volume 95, Page 147400, recorded November 28, 1995, Multnomah County Records.

Contains 90,635 square feet (2.081 acres) more or less.

## STAFF REPORT

### **CONSIDERATION OF RESOLUTION NO. 97-2525, FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO ACCEPT DONATION OF A PROPERTY AT WHITAKER PONDS**

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**Date: June 5, 1997**

**Presented by: Nancy Chase**

#### **PROPOSED ACTION**

Resolution No. 97-2525 requests the approval of a resolution to authorize the Executive Officer to accept the Hayes property identified as Priority Lands for Plan Implementation on page 47 of the Whitaker Ponds Concept Master Plan and, if necessary to accomplish the Hayes lot line adjustment, to convey half title in the Klein property to the City of Portland as tenants in common with Metro.

#### **BACKGROUND AND ANALYSIS**

The Whitaker Ponds site is located in NE Portland at approximately NE 47th Ave. and Columbia Blvd. The owner of the Hayes property wishes to donate approximately two acres for public benefit. The donation will first be directed to The Trust for Public Land, which will then donate the property to Metro, or to Metro and the City of Portland as tenants in common. The City of Portland Bureau of Environmental Services (BES) plans to construct a pollution reduction facility (bio-swale) on the Hayes property, and may take title to the Hayes property with Metro as tenants in common, pending City Council approval.

This site was designated as a Multnomah County local share project. Metro has agreed to be responsible for implementing the county's local share projects. A master plan for this site was adopted by Metro Resolution No. 92-1637 in July of 1992. The master plan pointed out the need for the acquisition of all or part of the 10 properties bordering Whitaker Ponds. Metro Resolution No. 96-2425 authorized the Executive Officer to purchase specific properties at Whitaker Ponds, specifically including the subject Hayes property. Five of these properties have already been purchased in partnership with the City of Portland and the Multnomah County Natural Area Fund.

The pollution reduction facility proposed for construction by the City's Bureau of Environmental Services on the subject property is necessary to treat the stormwater currently entering the pond from surrounding streets and industrial sites. The City of Portland has funds dedicated to construct the facility at this site. The facility will be a bio-swale, a passive treatment system that employs a combination of oil/water separation, water retention and vegetation as an innovative approach to reducing pollutants entering the pond. Because of the location of the existing stormwater pipe under the Hayes property, the facility will function best if constructed on the subject property.

The acquisition of the Hayes property is critical to the success of implementing the Whitaker Ponds Concept Master Plan because it would:

- (1) allow construction by the City of Portland BES of a facility that treats the stormwater currently entering the pond;
- (2) place the entire western pond under public ownership; and
- (3) enable the City of Portland to share in ownership and management as a tenant in common.

The northern boundary of the Hayes property is adjacent to a 5-acre land parcel already owned by Metro, formerly owned by Klein. The two-acre Hayes parcel will be added to Metro's 5-acre parcel through a lot line adjustment. If the City of Portland takes title to the Hayes property with Metro as tenants in common, then Metro must convey half title in the Klein property to the City of Portland to accomplish the lot line adjustment.

Because the property has possible environmental issues, acquiring the property is considered an "unusual circumstance." Therefore, according to the amended Open Spaces Implementation Work Plan, Metro Council approval is required prior to acquisition.

The Phase II Environmental Assessment conducted on the subject property disclosed that sediment samples taken in the pond within the subject property boundaries indicated elevated levels of certain pollutants commonly associated with stormwater runoff. Left in place, the sediment quality does not require cleanup or other action based on state and federal guidelines. In the event of future development of the ponds area, environmental precautions should be taken due to the character of the sediment quality. However, the risk associated with acquiring the subject property is not significantly greater than that already assumed due to current ownership of Metro property at Whitaker Ponds.

#### **BUDGET IMPACT**

Because the property is to be donated, budget impact is limited to staff time needed to conduct the due diligence process and the cost of erecting a fence. The estimated cost of fencing is approximately \$1,500. Future management costs will most likely be covered by City of Portland as part of their maintenance of the pollution reduction facility (bio-swale).

#### **EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends Metro Council adoption of Resolution No. 97-2525.