

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE) RESOLUTION NO. 14-4529
CHIEF OPERATING OFFICER TO PURCHASE)
PROPERTY IN THE WESTSIDE TRAIL) Introduced by Chief Operating Officer
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 Westside Trail Target Area was identified in the Bond Measure as one of 27 regional target areas for land acquisition; and

WHEREAS, on September 6, 2007, the Metro Council adopted Resolution No. 07-3835 "Approving the Natural Areas Acquisition Refinement Plan for the Westside Trail Target Area" which Resolution approved the acquisition of the properties within the target area; and

WHEREAS, a primary goal of the Westside Trail target area refinement plan is to "Develop a continuous trail corridor from the Tualatin River north to and east through Forest Park to connect to the Willamette River Greenway and 40-Mile Loop Trail"; and

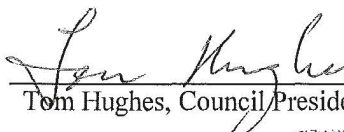
WHEREAS, an easement over certain real property in the target area, described and identified in executive session (the "Property"), that meets this goal may be available for purchase; and

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

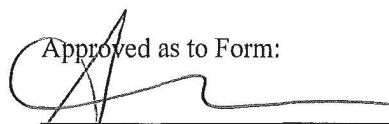
BE IT RESOLVED that the Metro Council finds that, for the reasons stated and as provided herein and discussed in the executive session on May 1, 2014, it is in the public interest to purchase an easement over the Property, and therefore authorizes the Chief Operating Officer to:

1. Acquire an easement over 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 29th day of May, 2014.



Tom Hughes, Council President

Approved as to Form:


Alison R. Kean, Metro Attorney



STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4529, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO PURCHASE CERTAIN PROPERTY IN THE WESTSIDE TRAIL TARGET AREA

Date: May 29, 2014

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

BACKGROUND

Resolution No. 14-4529 requests authorization for the Chief Operating Officer to purchase a Trail and Greenway Easement (the “Easement Property”) located within the Westside Trail target area. The Westside Trail Master Plan has been formally supported by Multnomah County via Resolution No. 2014-045 on April 24th, 2014 and was adopted by the Metro Council by Resolution No. 14-4522 on May 15, 2014.

The subject Easement Property is a 21.7-acre portion of a larger parcel located in the Westside Trail target area and contains the headwaters of Bronson Creek. The Easement Property’s acquisition will help to meet the target area Refinement Plan stated goal to “Develop a continuous corridor from the Tualatin River north to and east through Forest Park to connect to the Willamette River Greenway and 40-Mile Loop Trail.” The Tier 1 Objective to “Develop a continuous trail corridor by acquiring needed right-of-way and easements for a regional trail that connects the Tualatin River to the Willamette River and onward to the 40-Mile Loop Trail (at St. John’s Bridge)” is furthered by the use of an easement for the transaction. Acquisition of the Easement Property will provide a vital link in achieving this goal.

Metro staff has been in negotiations with the owner of the property to acquire the Easement Property, and/or the entire larger parcel, for several years. The owner has entered into sale agreement for the larger parcel with a third party (referred to herein as the “Seller”), and the Seller is open to selling Metro the Easement Property provided the sale of the easement occurs simultaneously with his acquisition of the larger parcel. His acquisition timeline will not allow for Metro to go through the appraisal process as directed by the Natural Areas Implementation Work Plan (the “Work Plan”); therefore Metro Council approval is necessary to complete the transaction. To acquire the Easement Property, Metro staff is proposing to close on the Easement Property according to terms consistent with the discussion at the Metro Council executive session on May 1st, 2014.

The public benefit of this acquisition includes the furthering of the target area goals, the opportunity for needed habitat restoration in an important headwaters area, and the potential for cooperative trail agreements with Tualatin Hills Parks and Recreation Department.

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. 07-3766A “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.

Resolution No. 07-3835 “Approving the Natural Areas Acquisition Refinement Plan for the Westside Trail Target Area” was adopted on September 6, 2007.

Resolution No. 10-4122 For the Purpose of Amending the Natural Areas Implementation Work Plan to Authorize the Chief Operating Officer to More Efficiently Acquire and Assign Trail Easements” was adopted on February 10th, 2010.

3. Anticipated Effects

Metro will endeavor to acquire the Property, pursuant to the terms discussed by the Metro Council during executive session on May 1st, 2014. If all conditions are met, the transaction will close as soon as possible.

4. Budget Impacts

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

RECOMMENDED ACTION

Staff recommends the adoption of Resolution 14-4529.