

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE) RESOLUTION NO. 04-3449
CHIEF OPERATING OFFICER TO)
PURCHASE THE KAHLER PROPERTY IN) Introduced by Chief Operating Officer Michael J.
THE EAST BUTTES / BORING LAVA) Jordan, with the concurrence of Council
DOMES TARGET AREA) President David Bragdon

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, at the election held on May 16, 1995, the Metro area voters approved the Open Spaces, Parks and Streams bond measure (Ballot Measure 26-26) which authorized Metro to issue \$135.6 million in general obligation bonds to finance land acquisition and capital improvements; and

WHEREAS, on July 25, 1996, via Resolution 96-2361 ("For the Purpose of Approving a Refinement Plan for the East Buttes / Boring Lava Domes Target Area as Outlined in the Open Space Implementation Work Plan"), the Metro Council adopted a refinement plan for the East Buttes / Boring Lava Domes Target Area, which included a confidential tax-lot specific map identifying priority properties for acquisition; and

WHEREAS, on September 27, 2001, the Metro Council approved Resolution 01-3106 (For the Purpose of Modifying the Open Spaces Implementation Work Plan and Open Spaces Acquisition Regional Target Area Refinement Plans to Direct Future Acquisitions of Properties That Satisfy Specific Identified Criteria), modifying the Open Spaces Implementation Work Plan and Open Spaces Acquisition regional target area refinement plans to require Metro Council approval of all acquisitions in target areas where minimum acreage goals have been met; and

WHEREAS, Deserah D. Kahler has agreed to sell and Metro has agreed to buy a 2.09-acre parcel that lies in Tier I of the East Buttes Target Area, as described in the attached Exhibit A, conditional on Metro Council approval; and

WHEREAS, Metro has exceeded the minimum 545-acre goal established for the East Buttes / Boring Lava Domes Target Area, and therefore purchase of the Kahler property requires formal Metro Council authorization pursuant to Council Resolution 01-3106; now therefore,

BE IT RESOLVED that the Metro Council authorizes the Metro Chief Operating Officer to purchase the Property as identified in Exhibit A, in accordance with the terms and conditions set forth in the Open Spaces Implementation Work Plan.

ADOPTED by the Metro Council this 13th day of May, 2004.



[Handwritten Signature]

David Bragdon, Council President

Approved as to Form:

[Handwritten Signature]

Daniel B. Cooper, Metro Attorney

RESOLUTION NO. 04-3449
Exhibit A
Property Description

A tract of land situated in the Northwest quarter of Section 28, Township 1 South, Range 3 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, being more particularly described as follows:

BEGINNING at the Northwest corner of said Section 28 from said place of beginning; thence North $89^{\circ} 55'$ East along the Northerly line of said Section 28, 497.15 feet to a 5/8 inch iron rod at the centerline intersection of a 60 foot road right of way (Station Revised from 501.79); thence leaving said Northerly line of said Section 28, Southwesterly on a curve to the left having a centerline radius of 220.95 feet thru a central angle of $27^{\circ} 23'$ a distance of 105.60 feet to a point of tangent; thence South $9^{\circ} 11' 45''$ West 74.00 feet to a point of curve thence Southerly along a curve to the left having a centerline radius of 161.61 feet thru a central angle of $7^{\circ} 3' 18''$ a distance of 19.90 feet; thence leaving said road centerline, South $89^{\circ} 50' 9''$ west 30.02 feet to a 5/8 inch iron rod in the Westerly right of way line of said roadway; thence leaving said right of way line and continuing South $89^{\circ} 50' 9''$ West 412.02 feet to a 5/8 inch iron rod in the Westerly line of said Section 28; thence North $0^{\circ} 10' 47''$ East along said Westerly line of said Section 28, 189.75 feet to the place of beginning.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 04-3449, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO PURCHASE THE KAHLER PROPERTY IN THE EAST BUTTES / BORING LAVA DOMES TARGET AREA

Date: [April 28, 2004](#)

Prepared by: William Eadie

BACKGROUND

Resolution No. 04-3449 requests authorization for the Chief Operating Officer to purchase the 2.09-acre Kahler property (hereafter referred to as "the Property") in the East Buttes / Boring Lava Domes Target Area.

This resolution proposes to authorize the purchase of the Property, subject to the terms of an Agreement of Purchase and Sale ("Agreement"). The Property is 2.09 acres in size and is improved with a single-family manufactured residence. The Property represents a gap in the public ownership in the East Buttes / Boring Lava Domes Target Area. If purchased, the Property would create a link with adjacent property to the east and south that was previously purchased by Metro, and would provide a potential corridor for a future public trail through the Property to the Metro-owned 60-acre butte top located less than one-quarter mile south of the Property. The purchase of the Property requires Metro Council authorization pursuant to Resolution 01-3106 ("For the Purpose of Modifying the Open Spaces Implementation Work Plan and Open Spaces Acquisition Regional Target Area Refinement Plans to Direct Future Acquisitions of Properties that Satisfy Specific Identified Criteria") because Metro has previously exceeded the minimum 545-acre goal established for the target area.

Acquisition of the Property is recommended because it would meet two of the criteria set forth in Resolution 01-3106:

- "Increase the acquisition of existing public ownership gaps in trails and greenways identified in the bond measure." The purchase of this site would help close the gap between two publicly-owned properties as well as provide a feasible trail link to the 60-acre butte located to the south.
- "Acquire key remaining parcels adjacent to parcels already acquired by Metro or other parks or conservation entities consistent with the specific goals and objectives set forth in the refinement plan for that target area." The property is bordered on the south and east by property owned by Metro.

Acquisition of the Property meets the East Buttes / Boring Lava Domes Target Area, Tier 1a objective: "Acquire a biologically significant, contiguous open space of approximately 400-600 acres in the Gresham and North Damascus Buttes areas."

FINDINGS

Acquisition of the Property with the above-stated terms is recommended based on the following:

- The Property lies in the East Buttes / Boring Lava Domes Target Area and fulfills a specific goal of the refinement plan.
- The Property represents a critical link between public ownerships for future greenway / trail purposes.
- While the overall minimum acreage goal of the East Buttes / Boring Lava Domes Target Area has been exceeded, the acquisition of this Property is highly desirable from a regional perspective due to it filling a gap in public ownership, providing a future trail link, and its location in a rapidly developing urban area.

ANALYSIS/INFORMATION

1. **Known Opposition:** None.

2. **Legal Antecedents:**

In May 1995, Metro area voters approved the Open Spaces, Parks and Streams Bond Measure that authorized Metro to issue \$135.6 million in general obligation bonds to finance land acquisition and certain park-related capital improvements. Metro Code 2.04.026 (a) (3) requires that the Executive Officer obtain the authorization of the Metro Council prior to executing any contract for the purchase of real property. The Open Spaces Implementation Work Plan, adopted by the Metro Council via Resolution 96-2424 (“For the Purpose of Authorizing the Executive Officer to Purchase Property with Accepted Acquisition Guidelines as Outlined in the Amended Open Spaces Implementation Work Plan”) established acquisition parameters that authorize the Executive Officer to purchase property, within the Council-approved target area refinement plan maps. The Open Spaces Implementation Work Plan, adopted by the Metro Council via Resolution 95-2228A (“For the Purpose of Authorizing the Executive Officer to Purchase Property With Accepted Acquisition Guidelines as Outlined in the Open Space Implementation Work Plan, as amended by Resolution 96-2424, was established to implement the Open Spaces, Parks and Streams bond measure passed by the voters of the region in 1995. The Work Plan established acquisition parameters that authorize the Executive Officer to purchase property, within certain criteria, in the Council-approved target area refinement plan maps. Via Resolution 96-2361 (“For the Purpose of Approving a Refinement Plan for the East Buttes / Boring Lava Domes Target Area as Outlined in the Open Space Implementation Work Plan”), the Metro Council approved the East Buttes / Boring Lava Domes target area refinement plan and tax lot-specific map. Via Resolution No. 98-2702 (“For the Purpose of Authorizing the Executive Officer to Purchase Property in the East Buttes / Boring Lava Domes Target Area”), the Metro Council approved the purchase of several properties within East Buttes, including the Property, subject to “unusual circumstances” due to the presence and impacts of the J&W Landfill.

On September 27, 2001, the Metro Council adopted Resolution 01-3106, which modifies the Open Spaces Implementation Work Plan. Section B of Resolution 01-3106 requires Metro Council approval of new acquisitions in target areas where minimum acreage goals (as established in the bond measure) have been met. This resolution proposes to authorize the purchase of the Property, subject to the terms of the Purchase and Sale Agreement, to be executed by the Property owner and Metro. The proposed acquisition satisfies two of the listed criteria set forth in Section A of Resolution 01-3106.

3. Anticipated Effects

The acquisition of this Property represents a critical link in the effort to acquire trail greenway along the buttes in Gresham and fills a gap in public ownership.

4. Budget Impacts

There are sufficient unrestricted regional bond funds available for this purchase. Landbanking and future management costs will be borne by Metro. The existing manufactured single-family house located on the property will be leased out in the interim.

RECOMMENDED ACTION

Michael J. Jordan, Chief Operating Officer, with the concurrence of David Bragdon, Council President, recommends adoption of Resolution 04-3449.