

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE ) RESOLUTION NO. 05-3533  
CHIEF OPERATING OFFICER TO )  
CONTRIBUTE TOWARDS THE PURCHASE ) Introduced by Michael J. Jordan, Chief  
OF THE INKSTER PROPERTY IN THE ) Operating Officer with the Concurrence of  
TRYON CREEK LINKAGES TARGET AREA ) David Bragdon, Council President

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 May 16, 1996, via Resolution 96-2330 (“For the Purpose of Approving a Refinement Plan For Tryon Creek Linkages Target Area as Outlined in the Open Space Implementation Work Plan”), the Metro Council adopted a refinement plan for the Tryon Creek Linkages 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 No. 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, in the fall of 2004, Oregon State Parks entered into a purchase and sale agreement to acquire the Inkster Property, comprising approximately 8.33 acres located adjacent to Tryon Creek State Park, identified as a Tier Two acquisition priority on the confidential tax-lot specific map for the Tryon Creek Linkages Target Area and described in the attached Exhibit A; and

WHEREAS, Oregon State Parks’ participation in the acquisition is conditioned upon financial contribution by the City of Lake Oswego, the City of Portland Bureau of Environmental Services (BES), the Friends of Tryon Creek, and Metro; and

WHEREAS, this resolution proposes that Metro enter into an intergovernmental agreement with Oregon State Parks, providing that: 1) Metro contribute a percentage of the purchase price and receive fractional interest commensurate with its contribution in the title to the Inkster Property as a tenant in common with Oregon State Parks; 2) that open space covenants and restrictions be placed upon the title to the Inkster Property; and 3) that Oregon State Parks take on all management responsibility for the Inkster Property; and


WHEREAS, Metro has exceeded the minimum 20-acre goal established for the Tryon Creek Linkages Target Area, and therefore contributing toward the purchase of the Inkster property requires formal Metro Council authorization pursuant to Council Resolution 01-3106; and

WHEREAS, Metro’s participation in acquisition of the Inkster Property meets the required criteria set forth in Council Resolution No. 01-3106 as follows: 1) the Inkster Property is a key remaining parcel surrounded on three sides by Oregon State Parks land, and its acquisition satisfies a specific Tier II objective in the refinement plan for the Tryon Creek Linkages Target Area; 2) the acquisition of the

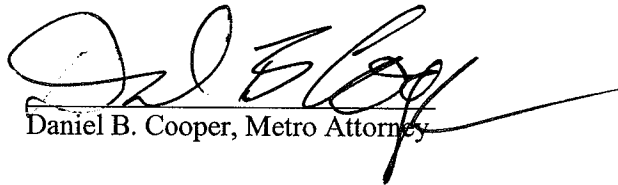
Inkster Property benefits from a significant financial contribution from a local government, state government and other outside partner; now therefore

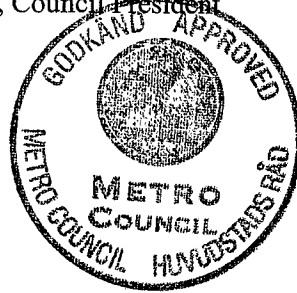
BE IT RESOLVED that the Metro Council authorizes the Metro Chief Operating Officer to contribute towards the purchase of the Inkster Property described in Exhibit A, subject to the terms and conditions set forth herein.

ADOPTED by the Metro Council this 27<sup>th</sup> day of January, 2005.

  
David Bragdon, Council President

Approved as to Form:

  
Daniel B. Cooper, Metro Attorney



**Exhibit A**  
**Legal Description**

**Exhibit "A"**

Real property in the County of Multnomah, State of Oregon, described as follows:

**PARCEL I**

Parcels 1 and 2, PARTITION PLAT NO. 2002-53, in the County of Multnomah and State of Oregon

**PARCEL II**

Parcels 1 and 2, PARTITION PLAT NO. 2002-52, In the County of Multnomah and State of Oregon

Tax Parcel Number: R523003 and R523004 and R522732 and R522733

## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 05-3533 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO CONTRIBUTE TOWARDS THE PURCHASE OF THE INKSTER PROPERTY IN THE TRYON CREEK LINKAGES TARGET AREA

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Date: January 12, 2005

Presented by: Nancy Chase

## BACKGROUND

Resolution No. 05-3533 requests authorization for the Chief Operating Officer to contribute towards the purchase of the 8.33 acre Inkster property (hereafter referred to as “the Inkster Property”) in the Tryon Creek Linkages Target Area, contiguous to Tryon Creek State Park.

This resolution proposes to authorize Metro’s contribution to the purchase of the Inkster Property subject to the terms of an Intergovernmental Agreement to be executed between Metro, the State of Oregon and perhaps other partners, which would include a covenant to maintain the Inkster Property in open space natural use in perpetuity, and the assumption by Oregon State Parks of all management responsibility for the Inkster Property. The purchase of the Inkster 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 20-acre goal established for the target area.

The Inkster Property contains vegetation similar to the adjacent park, mature evergreen trees and a healthy under story of native plants. There is a small tributary of Tryon Creek that bisects the Inkster Property. If developed the Inkster Property could be developed into four, two-acre home sites.

Acquisition of the Inkster Property is recommended because:

- (a) The acquisition of this Inkster Property would meet two of the criteria set forth in Resolution 01-3106:
  - “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 Inkster Property was identified as a Tier II acquisition objective in the refinement plan for the Tryon Creek Linkages Target Area. The site is bordered on three sides by parkland and is highly desirable from a regional perspective due to its natural area features, including frontage along a tributary of Tryon Creek, which is regionally significant.
  - “Within existing target areas and parcels that meet the objectives otherwise set forth in this resolution, particular emphasis should be given to acquisitions that would either (a) have a significant financial contribution from a local government or other outside partner ...” The public/private acquisition partnership between Metro, Oregon State Parks, the City of Portland, Bureau of Environmental Services, the City of Lake Oswego, neighbors and the Friends of Tryon Creek represents a significant achievement. Metro is being asked to contribute a relatively small percentage of the purchase price, which in itself is a bargain sale.

- (b) The Inkster Property was identified as a “Tier II” acquisition priority in the confidential tax-lot map approved in connection with the adoption of the refinement plan for the Tryon Creek Linkages Target Area, which outlined the land protection strategy for the target area, all pursuant to Resolution 96-2330 (“For the Purpose Of Approving A Refinement Plan for the Tryon Creek Linkages Target Area, as Outlined in the Open Space Implementation Work Plan”). Acquiring the Inkster Property meets the target area goal to “Protect and enhance the ecological integrity and recreation value of Tryon Creek.” This is one of the few remaining large, undeveloped parcels adjacent to the park.
- (c) Metro will own a fractional interest in the title to the Inkster Property as a tenant in common with Oregon State Parks, but stabilization, landbanking and restoration costs will not be borne by Metro, as the Inkster Property will be managed by Oregon State Parks.

## 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 Chief Operating 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 authorized the Chief Operating Officer to purchase property within the Council-approved target area refinement plan maps. Via Resolution 96-2330 (“For the Purpose of Approving a Refinement Plan for the Tryon Creek Linkages Target Area, as Outlined in the Open Space Implementation Work Plan”), the Metro Council adopted a refinement plan, which outlined a land protection strategy for the Tryon Creek Linkages. Through that resolution, the Metro Council also approved the target area refinement plan tax-lot specific map, which includes the subject Inkster Property as a Tier II priority.

On September 27, 2001, the Metro Council adopted 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”), 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 have been met.

This resolution proposes to authorize the purchase of the Inkster Property subject to the terms of an Intergovernmental Agreement between Oregon State Parks and Metro. The proposed acquisition satisfies more than one of the listed criteria set forth in Section A of 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”), but because Metro has exceeded the minimum 20-acre goal established for the target area,

Resolution No. 01-3106 requires that the purchase of the Inkster Property be authorized by the Metro Council prior to acquisition.

### **3. Anticipated Effects**

Acquisition of this Inkster Property will help preserve the natural area and recreation values of Tryon Creek State Park.

### **4. Budget Impacts**

There are sufficient bond funds remaining to allow for this partnership contribution. Landbanking and future management costs will be borne by the Oregon State Parks.

### **RECOMMENDED ACTION**

Chief Operating Officer Michael Jordan recommends passage of Resolution No. 05-3533.