

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE)	RESOLUTION NO. 05-3531
CHIEF OPERATING OFFICER TO DONATE)	
TWO PARCELS OF LAND TO THE OREGON)	
DEPARTMENT OF TRANSPORTATION TO)	Introduced by Michael J. Jordan, Chief
COMPLETE THE McLOUGHLIN BOULEVARD)	Operating Officer, with the Concurrence of
IMPROVEMENT PROJECT)	David Bragdon, Council President

WHEREAS, in May 1995 the Metro Area voters approved Ballot Measure 26-26, authorizing Metro to issue \$135.6 million in general obligation bonds for Open Spaces, Parks, Trails and Streams (the “Bond Measure”), and providing that \$25 million from bond proceeds be used by local parks providers “to buy and make capital improvements on land for local open spaces and trails,” and “to pay administrative costs associated with (said) land acquisition and capital improvements” (the “Local Share”); and

WHEREAS, Metro Council Resolution 01-3142 (“For the Purpose of Authorizing the Executive Officer to Purchase the Portland Traction Company’s Former Railway Corridor From the Union Pacific Railroad”), adopted on December 6, 2001, authorized Metro to purchase the Trolley Trail Corridor with funding from North Clackamas Parks and Recreation District’s Open Space Bond Measure Local Share allocation, whereupon Metro purchased the Trolley Trail Corridor on December 19, 2001; and

WHEREAS, in September of 2002, Metro and NCPRD entered into an Intergovernmental Agreement “Regarding Land Acquisition, Planning and Management Services for the Trolley Trail,” Metro Contract No. 923742 (the “Trolley Trail IGA”), for the purpose of authorizing Metro to carry out the Trolley Trail Project as described in the Local Share IGA; and

WHEREAS, via Metro Council Resolution 04-3435 (“For The Purpose of Council Approval of the Trolley Trail Master Plan”), adopted on March 18, 2004, the Metro Council approved the Trolley Trail Master Plan created by Metro pursuant to the Trolley Trail IGA; and

WHEREAS, the Oregon Department of Transportation (ODOT) is currently acquiring right-of-way for the \$4.1 million McLoughlin Boulevard Improvement Project in downtown Milwaukie, between SE Harrison Street and the Kellogg Creek Bridge, which is funded by Metropolitan Transportation Improvement Program (MTIP), Oregon Transportation Investment Act (OTIA) and the City of Milwaukie; and

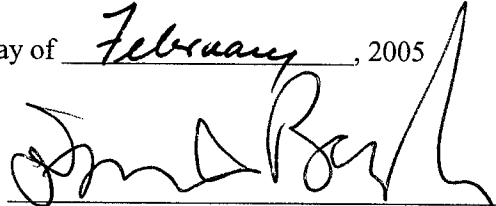
WHEREAS, in order for ODOT to complete the McLoughlin Boulevard Improvement Project, it must obtain title to two small parcels (1,161 sq. ft. and 921 sq. ft in area) of the Trolley Trail Corridor (the “Donation Property”) as described in Exhibit A attached hereto, for construction of a 12 feet wide sidewalk, and ODOT has requested that Metro donate said lands; and

WHEREAS, the sidewalk proposed by ODOT to be built on Donation Property is consistent with the Metro Council approved Trolley Trail Master Plan; and

WHEREAS, Metro Code Section 2.04.026 (a)(3) requires that the Chief Operating Officer obtain the authorization of the Metro Council before transferring title to Metro real property; now therefore

BE IT RESOLVED that the Metro Council authorizes the Chief Operating Officer to donate the Oregon Department of Transportation two parcels of land as set forth in Exhibit A attached hereto for the McLoughlin Boulevard Improvement Project.

ADOPTED by the Metro Council this 3rd day of February, 2005



David Bragdon, Council President

Approved as to Form:



Daniel B. Cooper, Metro Attorney



Exhibit A-1
Legal Description

Parcel 1 - Fee

A parcel of land lying in the Northeast one-quarter of Section 35, Township 1 South, Range 1 East, W.M., Clackamas County, Oregon and being a portion of that property described in that Quitclaim Deed to Metro recorded December 19, 2001 in Document Number 2001-107596, Clackamas County Deed Records, the said parcel being that portion of said property included in a strip of land variable in width lying on the Westerly side of the center line of the relocated Pacific Highway East (US 99E), which center line is described as follows:

Beginning at Engineer's center line Station "US 99E" 315+00.00, said station being 972.57 feet South and 98.30 feet East from the Southwest corner of Block 28, Town of Milwaukie in the Northeast one-quarter of Section 35, Township 1 South, Range 1 East, W.M.; thence North 8° 07' 00" West 490.44 feet; thence on a 3274.04 foot radius curve left (the long chord of which bears North 9° 24' 02" West 146.72 feet) 146.73 feet; thence North 10° 41' 04" West 143.41 feet; thence on a 3274.04 foot radius curve to the right (the long chord of which bears North 9° 24' 02" West 146.72 feet) 146.73 feet; thence North 8° 07' 00" West 568.72 feet; thence on a spiral curve right (the chord of which bears North 4° 21' 20" West 643.89 feet) 645.00 feet; thence on a 1637.02 foot radius curve right (the long chord of which bears North 4° 03' 05" East 50.31 feet) 50.31 feet; thence on a spiral curve right (the chord of which bears North 9° 35' 56" East 399.73 feet) 400.00 feet to Engineer's center line Station "US 99E" 340+91.34 back = Station 340+90.74 ahead; thence North 11° 55' 55" East 198.87 feet to Engineer's center line Station "US 99E" 342+89.61.

The width in feet of said strip of land is as follows:

<u>"US 99E" Station</u>	<u>to</u>	<u>"US 99E" Station</u>	<u>Width on Westerly side of center Line</u>
320+50.00		323+70.00	54.50 in a straight line to 55.00

Bearings are based on the Oregon Coordinate System of 1983(98), North zone.

This parcel of land contains 1,161 square feet, more or less.

Parcel 2 - Fee

A parcel of land lying in the Northeast one-quarter of Section 35, Township 1 South, Range 1 East, W.M., Clackamas County, Oregon and being a portion of that property described in that Quitclaim Deed to Metro recorded December 19, 2001 in Document Number 2001-107596, Clackamas County Deed Records, the said parcel being that portion of said property included in a strip of land variable in width lying on the Westerly side of the center line of the relocated Pacific Highway East (US 99E), which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

<u>"US 99E" Station</u>	<u>to</u>	<u>"US 99E" Station</u>	<u>Width on Westerly side of center Line</u>
324+00.00		324+40.00	51.94 in a straight line to 96.61

This parcel of land contains 921 square feet, more or less.

Exhibit A-2
ODOT Site Map
Trolley Trail Corridor

Deed R 96-58448

City Of Milwaukee
Deed R 74-00554

Metro
Deed R 2001-107596

City Of Milwaukee
Deed R 99-7585

City Of Milwaukee
Deed R 84-17722
Rem: 3,164 ft²±

D)

319+90.44 P.C.
320

321+37.17 P.T.

323+54.94 P.I.
N. 654.910.58
E. 7.653.059.86

325-
325

N. 10°41'04" W.

001

002

003

004

1,020 ft²±
Temporary Easement For Work Area

1,196 ft²±
Temporary Easement For Work Area

222 ft²±
Temporary Easement For Work Area

266 ft²±
Temporary Easement For Work Area

GRS Properties LLC
Deed R 87-50558
Rem: 17,504 ft²±

Pacific One Bank
Deed R 96-39384
Rem: 12,729 ft²±

WSCO Petroleum
Deed R 91-20150
Rem: 7,549 ft²±

BP West Coast Products LLC
Deed R 2002-24594
Rem: 14,949 ft²±

38

29

Donald R. Thomas
Deed R 97-024087

Paul G. & Theresa A. Graham
Deed R 91-66251

Milwaukee Tri Cinema LLC
Deed R 2003-068668

Suburban Explorations Inc.
Deed R 92-295520
Suburban Explorations Inc.
Deed R 89-43529
Katherine Koenig
Deed R 85-25509

Farid Bolouri
Deed R 98-01246

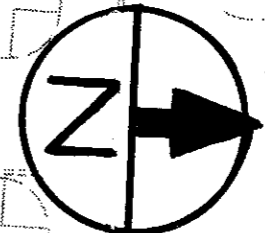
Roger P. Mundorff
Deed R 2002-12534

S.E. WASHINGTON STREET

S.E. JEFFERSON STREET

S.E. MAIN STREET

R = 3,274.04'
L = 146.73'
Δ = 2°34'04"
T = 73.38'



MILWAUKIE

Reso. No. 05-3531, Exhibit A-2
ODOT Site Map
Trolley Trail Corridor

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 05-3531, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO DONATE TWO PARCELS OF LAND TO THE OREGON DEPARTMENT OF TRANSPORTATION TO COMPLETE THE McLOUGHLIN BOULEVARD IMPROVEMENT PROJECT

Date: January 12, 2005

Prepared by: Jim Desmond
and Mel Huie

BACKGROUND

The Oregon Department of Transportation is currently acquiring right-of way for the McLoughlin Boulevard Improvement Project (the "ODOT Project") The ODOT Project is located along SE McLoughlin Boulevard in downtown Milwaukie, and stretches five blocks, between SE Harrison Street and the Kellogg Creek Bridge. The ODOT Project will consist of rebuilding the street and curbs, and installing sidewalks, bike lanes, decorative lighting, improved left turn lanes, a median strip and street trees. Pedestrian and bicycle access to the downtown Milwaukie, the Willamette riverfront and the future Trolley Trail will be improved.

Funding for the \$4.1 million project is provided by Metropolitan Transportation Improvement Program (MTIP), Oregon Transportation Investment Act (OTIA) and the City of Milwaukie. The project begins with bid opening in March 2005, followed by construction beginning in May 2005; with project completion estimated by June 30, 2006. In the next few years, ODOT will make other similar improvements on SE McLoughlin Boulevard south to Naef Road using funding from its Road Preservation Program.

In order for ODOT to complete the McLoughlin Boulevard Improvement Project, it must obtain title to two small pieces of the former Portland Traction Company railway corridor, which was purchased by Metro for construction of the Trolley Trail in 2001, using a portion of North Clackamas Parks and Recreation District's (NCPRD) "Local Share Funds" from the Open Spaces Bond. The parcels sought by ODOT are 1,161 sq. ft. and 921 sq. ft in area. ODOT will build a new sidewalk (12' wide in concrete) on top of these two parcels, which will thereafter serve as the Milwaukie section of the Trolley Trail. The sidewalk proposed by ODOT is consistent with the Metro Council approved Trolley Trail Master Plan.

If this proposed resolution is approved, Metro will donate the land to ODOT for incorporation into the ODOT Project. ODOT's appraisal reports the Fair Market Value (FMV) of the land to be \$650.

ANALYSIS / INFORMATION

1. **Known Opposition:** None
2. **Legal Antecedents:**

In May 1995, the Metro Area voters approved Ballot Measure 26-26, authorizing Metro to issue \$135.6 million in general obligation bonds for Open Spaces, Parks, Trails and Streams (the

“Bond Measure”), and providing that \$25 million from bond proceeds be used by local parks providers “to buy and make capital improvements on land for local open spaces and trails,” and “to pay administrative costs associated with (said) land acquisition and capital improvements.”

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”) adopted on November 2, 1995 (and amended 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,” on January 9, 1997), was established to implement the Open Spaces, Parks and Streams Bond Measure passed by the voters of the Metro Area in 1995.

Metro and NCPRD are parties to an Intergovernmental Agreement, Metro Contract No. 904589, allocating NCPRD’s Open Spaces Bond Measure Local Share Component (“Local Share IGA”), as amended and extended through December 31, 2005.

Metro Council Resolution 01-3142 (“For the Purpose of Authorizing the Executive Officer to Purchase the Portland Traction Company’s Former Railway Corridor From the Union Pacific Railroad”) adopted on December 6, 2001, authorized Metro to purchase the Trolley Trail Corridor with funding from NCPRD’s Open Space Bond Measure Local Share allocation.

In September of 2002, Metro and NCPRD entered into an Intergovernmental Agreement “Regarding Land Acquisition, Planning and Management Services for the Trolley Trail,” Metro Contract No. 923742, for the purpose of authorizing Metro to carry out the Trolley Trail Project as described in the Local Share IGA.

Metro Council Resolution 04-3435 (“For The Purpose of Council Approval of the Trolley Trail Master Plan”) adopted on March 18, 2004, provided Metro Council approval of the Trolley Trail Master Plan.

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 sale or other transfer of Metro real property.

3. **Anticipated Effects:** Allows ODOT to build a portion of the Trolley Trail along the west side of McLoughlin Boulevard in downtown Milwaukie (e.g., 12 feet wide concrete sidewalk) on top of the proposed land donation and to maintain the sidewalk as well. Allows for the completion of an MTIP funded project approved by Metro, and increases pedestrian and bicyclist access to downtown Milwaukie, and the Willamette River.
4. **Budget Impacts:** ODOT and City of Milwaukie will pay for the design and construction of the new sidewalk. ODOT will maintain the sidewalk. No cost to Metro. The ODOT Project saves Metro and NCPRD money.

RECOMMENDED ACTION

Chief Operating Officer Michael J. Jordan recommends approval of Resolution No. 05-3531.