

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE)	RESOLUTION NO. 05-3532
CHIEF OPERATING OFFICER TO CONVEY)	
REAL PROPERTY TO THE NORTH)	Introduced by Michael J. Jordan, Chief
CLACKAMAS PARKS AND RECREATION)	Operating Officer, with the Concurrence of
DISTRICT)	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 ("NCPRD") Open Space Bond Measure Local Share allocation, whereupon Metro purchased the Trolley Trail Corridor on December 19, 2001; and

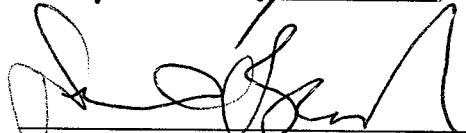
WHEREAS, in September of 2002, at NCPRD's request, Metro and NCPRD entered into an Intergovernmental Agreement "Regarding Land Acquisition, Planning and Management Services for the Trolley Trail," Metro Contract No. 923742, (the "Trolley Trail IGA"), for the purpose of authorizing Metro to carry out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

WHEREAS, Metro conducted a master planning process in accord with the Trolley Trail IGA, culminating in the production of the Trolley Trail Master Plan, which was approved by the Metro Council via Resolution 04-3435 ("For The Purpose Of Council Approval Of The Trolley Trail Master Plan") adopted on March 18, 2004; and

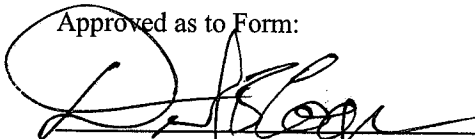
WHEREAS, Metro and NCPRD now wish to provide for the transfer of title to the Trolley Trail Property, described in Exhibit A to the Deed from Metro to NCPRD attached hereto, for purposes of Trolley Trail Master Plan implementation by NCPRD; now therefore

BE IT RESOLVED that the Metro Council authorizes the Chief Operating Officer to convey the Trolley Trail Corridor to the North Clackamas Parks and Recreation District by Deed attached hereto.

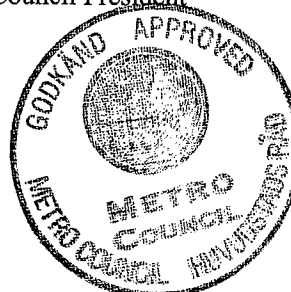
ADOPTED by the Metro Council this 3rd day of February, 2005.



David Bragdon, Council President

Approved as to Form:


Daniel B. Cooper, Metro Attorney



**Exhibit A to Resolution No. 05-3532
Statutory Quitclaim Deed**

Until a change is requested,
all tax statements shall be sent to:

After recording return to:

STATUTORY QUITCLAIM DEED

Metro, a municipal corporation and political subdivision of the State of Oregon, Grantor, releases and quitclaims to North Clackamas Parks and Recreation District, a subdivision of Clackamas County, Oregon, Grantee, all right, title, and interest in and to the real property described in Exhibit A, attached hereto.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OF COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is value given other than monetary consideration.

DATED: _____, 2005.

Grantor:
METRO

Michael J. Jordan
Chief Operating Officer

**Exhibit A to Resolution No. 05-3532
Statutory Quitclaim Deed**

State of Oregon)
) ss.
County of Multnomah)

On this _____ day of _____, 2005, before me _____,
the undersigned Notary Public, personally appeared Michael J. Jordan, in his capacity as Chief
Operating Officer of Metro, a municipal corporation and political subdivision of the state of
Oregon, personally known to me (or proved to be on the basis of satisfactory evidence) to be the
person whose name is subscribed to this instrument, and acknowledged that he executed it.

My commission expires: _____

**Exhibit A to Resolution No. 05-3532
Statutory Quitclaim Deed**

**Exhibit A
Portland Traction Company, Clackamas County, Oregon
Legal Description**

Any and all right, title and interest in and to those parcels of land, commencing at the south line of Jefferson Street and running generally in a southerly direction to the north line of Glen Echo Road, as was conveyed to the East Side Railway Company, predecessor to Union Pacific Railroad Company and recorded in the Clackamas County Recorder's Office, State of Oregon, as follows:

Grantor	Recorded	Book	Page
Milwaukie Land Company	March 24, 1893	51	172
D.W. Crowley, et al.	April 25, 1893	51	292
John Wetzler, et ux.	October 15, 1892	50	37
J.W. Sauber, et ux.	October 15, 1892	50	35
Abraham Hager, et ux.	August 22, 1893	53	138
John L. Bernard	October 15, 1892	50	34
John F. Broetje	October 15, 1892	50	32
Oak Grove Land Improvement Co.	March 29, 1893	51	194
J.S. Risley	October 15, 1892	50	39
John W. Meldrum, et al.	February 18, 1901	77	148
Jacob Naef	March 10, 1893	51	139
William T. Burney	October 15, 1892	50	41
John G. Roethe	February 22, 1893	50	467
August F. Neunert, et ux.	March 24, 1893	51	173
John W. Meldrum, et al.	March 15, 1893	52	63
John W. Meldrum, et al.	March 15, 1893	51	148
George P. Meldrum	March 10, 1893	51	131

And those parcels conveyed to Portland Railway Light & Power Company, predecessor to Union Pacific Railroad Company, recorded in the Clackamas County Recorder's Office, State of Oregon, as follows:

Grantor	Recorded	Book	Page
Ellen Coleman	July 8, 1909	109	602
J.H. McArthur	December 22, 1911	127	164
Emily C. Shaw et vir.	June 6, 1932	216	4

Exhibit A to Resolution No. 05-3532
Statutory Quitclaim Deed

And those parcels conveyed to Pacific Electric Power Company, predecessor to Union Pacific Railroad Company, recorded in the Clackamas County Recorder's Office, State of Oregon, as follows:

Grantor	Recorded	Book	Page
Hawley Pulp & Paper Co.	May 22, 1935	227	371
State of Oregon	April 26, 1935	227	166
State of Oregon	May 1, 1935	227	212
James F. Lytle	October 20, 1928	195	104
Clackamas County	March 16, 1935	226	432
Julia Mathews	March 10, 1934	222	222

And those parcels conveyed to Portland City & Oregon Railway Company, predecessor to Union Pacific Railroad Company, recorded in the Clackamas County Recorder's Office, State of Oregon, as follows:

Grantor	Recorded	Book	Page
Mary Ryan, Executrix	January 4, 1902	79	54
Jane Atkinson	September 25, 1901	78	167
Issac Jacobs, et al.	January 24, 1902	79	131
Henry W. Fries, et ux.	September 25, 1901	78	169
James Steel, et ux.	September 10, 1901	78	150
J. Frank Watson	December 23, 1901	78	466
Dora Quant	December 19, 1901	79	21

And those parcels conveyed to Pacific Northwest Public Service Company, predecessor to Union Pacific Railroad Company, recorded in the Clackamas County Recorder's Office, State of Oregon, as follows:

Grantor	Recorded	Book	Page
A.A. Webster, et al.	January 19, 1933	209	408
Clackamas County	June 8, 1932	216	22

EXCEPTING THEREFROM those portions as conveyed to the County of Clackamas by deed recorded June 16, 1932, in Book 216, Page 95, Official Records.

**Exhibit A to Resolution No. 05-3532
Statutory Quitclaim Deed**

ALSO EXCEPTING THEREFROM the following described real property:

Parcel 1

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:

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

Parcel 2

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.

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

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

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

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 05-3532, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO CONVEY REAL PROPERTY TO THE NORTH CLACKAMAS PARKS AND RECREATION DISTRICT

Date: January 20, 2005

Prepared by: Jim Desmond

BACKGROUND

In 2001, the North Clackamas Parks and Recreation District (“NCPRD”) requested that Metro Parks and Greenspaces assume responsibility and authority to implement NCPRD’s Trolley Trail local share project, citing a lack of staff to continue or conduct the negotiation, research, investigation, analyses, acquisition, post-acquisition stabilization and master planning of the Trolley Trail Corridor Property. In January of 2002, in accord with 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”) Metro acquired the Trolley Trail Corridor Property from the Union Pacific Railroad, and entered into an Intergovernmental Agreement with NCPRD for land acquisition, planning and management services for the Trolley Trail (the “Trolley Trail IGA”). The Trolley Trail IGA provides that, up to the limits of NCPRD’s local share funding, Metro will perform land acquisition services, take title to the Trolley Trail Corridor Property, perform a master plan, obtain a boundary survey and perform stabilization services on the Trolley Trail Corridor Property.

In accord with the Trolley Trail IGA, Metro performed further investigation of the Trolley Trail Corridor Property, including a boundary survey and the resolution of certain encroachments, conducted public involvement and produced a master plan for the Trolley Trail, and provided extensive stabilization and land management services. Metro has now completed the scope of services provided for under the Trolley Trail IGA, the term of the Trolley Trail IGA has expired, and NCPRD is prepared to resume full responsibility for the Trolley Trail Corridor Property and begin the design phase of the Trolley Trail local share project. It was always anticipated that Metro would transfer title to NCPRD at the appropriate time.

If this proposed resolution is approved, Metro will transfer title to the Trolley Trail Corridor Property to NCPRD.

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.”

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. This term of this IGA expired December 31, 2004.

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:** Metro will transfer title to the Trolley Trail Property to NCPRD (without compensation) and NCPRD will resume responsibility for the design, engineering and construction of the Trolley Trail in accord with the approved Trolley Trail Master Plan, including any additional land acquisition and title resolution that may be required. Metro will continue to support the project and make its staff available to consult with NCPRD if desired.
4. **Budget Impacts:** Prepaid rents and future lease revenues from existing commercial leases of the Trolley Trail Corridor Property will be assigned to NCPRD. Metro will be relieved of management, maintenance and security responsibility for the Trolley Trail Corridor Property. NCPRD will resume responsibility for the future design, engineering and construction of the Trolley Trail, including any additional land acquisition and title resolution.

RECOMMENDED ACTION

Chief Operating Officer Michael J. Jordan recommends approval of Resolution No. 05-3532.