

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO. 95 -2238
THE EXECUTIVE OFFICER TO PURCHASE)
PROPERTY WITHIN THE NEWELL CREEK) Introduced by Mike Burton,
TARGET AREA) Executive Officer

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, Acquisition of natural areas from willing sellers is a primary strategy for preservation of natural areas; and

WHEREAS, Newell Creek Canyon was designated as a Greenspace of regional significance in the Open Space, Parks and Streams Bond Measure; and

WHEREAS, The 45 acres owned by Applied Resources Inc. and Kenneth Allen Marlow have been identified as an important natural area in Newell Creek Canyon; and

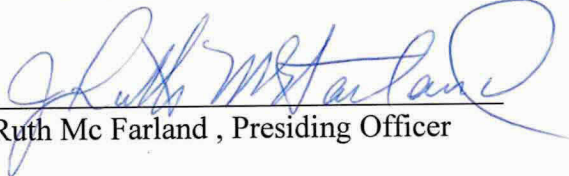
WHEREAS, A Process for Considering and Executing Options to Purchase Lands was adopted by Council Resolution No. 94-1919; and

WHEREAS, Resolution No. 95 - 2128 authorized the Executive Officer to enter into an option for the subject property and the conditions set forth have been met, now therefore;

BE IT RESOLVED,

That the Metro Council authorizes the Executive Officer to purchase the property, identified in Exhibit A.

ADOPTED by Metro Council this 30 day of Nov., 1995.


J. Ruth McFarland, Presiding Officer

Approved as to Form:


Daniel B. Cooper, General Counsel

REVISED EXHIBIT "A"

PARCEL I:

A part of Section 5, Township 3 South, Range 2 East, of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, described as follows:

Beginning at the Northeast corner of the Samuel N. Vance Claim No. 51 and running thence North on line between Sections 4 and 5, Township 3 South, Range 2 East, of the Willamette Meridian, 16.00 chains to a stake, 6.64 chains North of the one-quarter section corner on said section line; thence West 12.80 chains to a stake; thence South 15.50 chains to a stone; thence West 14.24 chains to a stake; thence South 25°30' East 5.80 chains; thence East 80 feet; thence North 25°30' West 5.25 chains to a stake; thence East 33 feet to a stake; thence South 25°30' East 933 feet to an iron pipe; thence South 19° West 355.8 feet, more or less, to a point on the Northerly right of way line of Beaver Creek Road; thence Easterly along said right of way to an intersection with the East line of the Samuel Vance Donation Land Claim; thence North 17°12' East along said Donation Land Claim line 21.94 chains, more or less, to the point of beginning.

EXCEPTING THEREFROM a tract described as follows:

Beginning at the Southwest corner of the hereinabove described tract; thence Easterly, along the Northerly right of way line of Beaver Creek Road, a distance of 60 feet to the true point of beginning; thence continuing Easterly along said right of way line, 372 feet to an iron pipe; thence North 19° East 400 feet; thence Westerly parallel with the Northerly right of way line of said Beaver Creek Road, 372 feet to a point North 19° East of the true point of beginning; thence South 19° West 400 feet to the true point of beginning.

EXCEPTING THEREFROM that tract of land conveyed to Paul N. Rumbold, et ux, by deed recorded as Recorder's Fee No. 72 8435.

ALSO EXCEPTING THEREFROM that tract of land conveyed to John A. Hinds, et al, by Contract recorded September 7, 1979 as Recorder's Fee No. 79 39334.

ALSO EXCEPTING THEREFROM that portion conveyed to Jerry L. Yarberry, et al, by Contract recorded September 12, 1986 as Recorder's Fee No. 86 34288.

ALSO EXCEPTING THEREFROM the North 16.00 chains of the East 12.80 chains lying North of the North line of the Samuel N. Vance Donation Land Claim.

ALSO EXCEPTING THEREFROM that portion lying Southerly and Easterly of the following described line:

Beginning at the Southwest corner of the hereinabove described tract; thence Easterly along the Northerly right of way line of Beaver Creek Road, a distance of 60 feet to the true point of beginning; thence continuing Easterly, along said right of way line, 372 feet to an iron pipe; thence North 19° East 200 feet to the beginning of the line to be described; thence East to an intersection with the West line of said Portland General Electric easement as recorded in Book 615, page 556 on December 28, 1962; thence in a Southeasterly direction at right angles to said Westerly line of said easement 35 feet; thence North 45°18'30" East to a point on the Easterly line of the Samuel N. Vance Donation Land Claim and the terminus of the herein described line.

PARCEL II:

A part of Section 5, Township 3 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Northeast corner of the Samuel N. Vance Claim No. 51 and running thence North on a line between Sections 4 and 5, Township 3 South, Range 2 East, of the Willamette Meridian, 16.00 chains to a stake, 6.64 chains North of the one-quarter section corner on said section line; thence West 12.80 chains to a stake; thence South 16.00 chains to a point on the North line of the Samuel Vance Donation Land Claim No. 51; thence East along the North line of said Donation Land Claim line 12.80 chains to the point of beginning.

Staff Report

**CONSIDERATION OF RESOLUTION NO. 95-2238 FOR THE PURPOSE OF
AUTHORIZING THE EXECUTIVE OFFICER TO PURCHASE PROPERTY IN
THE NEWELL CREEK TARGET AREA**

Date: 3 November 1995

Presented by: Nancy Chase

PROPOSED ACTION

Resolution No. 95 -2238 would authorize the Executive Officer to purchase property in the Newell Creek Target Area from Applied Resources Inc. and Kenneth Allen Marlow.

BACKGROUND AND ANALYSIS

The property is within the Newell Creek Target Area, which is a Metro regional target area. It consists of two parcels totaling approximately 45 acres. Twenty-five of these acres are zoned and approved for 52 single family lots. The remaining acreage is outside the Urban Growth Boundary and has timber value. The site contains numerous springs and a year-round tributary to Newell Creek. Since Newell Creek still provides salmon, trout and steelhead habitat, control of a major tributary is important. The property was logged over 50 years ago and most of the site is now heavily forested with a wide variety of native vegetation. Acquisition of this property will assist in protecting the Newell Creek watershed. An option for this property was approved by Resolution No. 95 - 2128. This option was part of the Option Demonstration Project for Measure 26 - 26. All due diligence criteria has been reviewed and approved by Open Space staff and General Counsel.

BUDGET IMPACT

A base price of \$1,115,000 was set by the option subject to verification by an appraisal. Two independent appraisals have been completed and support the purchase price based on the option parameters. If this purchase is made the Newell Creek Target Area will have met 14.5% of the acreage goal and expended 19.6% of the budgeted funds.

Stabilization funds will be used for access control improvements to prevent illegal dumping and four wheel drive activity.

Maintenance costs will be minimal given the natural state of the property. The property is adjacent to 9 acres purchased by Metro in September, 1995 and will be managed as one unit.