

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE) RESOLUTION NO. 15-4630
CHIEF OPERATING OFFICER TO GRANT AN)
EASEMENT UNDER METRO CODE CHAPTER) Introduced by Chief Operating Officer Martha
2.04.026(2)) Bennett, with the concurrence of Council
) President Tom Hughes

WHEREAS, at the election held on November 7, 2006, the voters approved Ballot Measure 26-80, authorizing Metro to issue \$227.4 million of general obligation bonds to fund natural area acquisition and restoration that would protect lands near rivers and streams, fish and wildlife, and wildlife and trail corridors (the “Bond Measure”); and

WHEREAS, on September 6, 2007, the Metro Council approved Resolution No. 07-3840, “Approving the Natural Areas Acquisition Refinement Plan for the Columbia Slough Target Area,” setting forth objectives and acquisition targets including closing trail gaps on the Marine Drive Trail; and

WHEREAS, the proposed trail segment along NE Marine Drive between NE 185th and NE Interlachen Drive is one of the last remaining gaps in the Marine Drive Trail, an important part of the 40-Mile Loop trail system; and

WHEREAS, in November 2014, the Metro Council approved Resolution No. 14-4583, “For the Purpose of Endorsing Additional Investments for Restoration and Public Access to Nature,” authorizing Bond Measure funds to be spent to “build trail gaps on Marine Drive from Bridgeton to Troutdale;” and

WHEREAS, Metro has entered into an agreement for an easement with the owner of the remaining gap segment property (the “Property”) at the intersection of NE Marine Drive and NE Interlachen Lane, and as part of the same transaction, the owner has requested that Metro sell the owner an easement across adjacent Metro-owned property; and

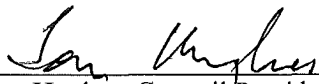
WHEREAS, Resolution 97-2539B, “For the Purpose of Approving General Policies Related to the Review of Easements Right of Ways, and Leases for Non-Park Uses Through Properties Managed by the Regional Parks and Greenspaces Department,” provides a process for review of such easement requests; and

WHEREAS, the transaction is exempt from these general policies because it is designed specifically for the benefit of a Metro park and recreational facility, allowing construction of a pedestrian and bicycle trail on an important un-built segment of the Marine Drive Trail connecting Blue Lake Park to the Marine Drive Trail; and

WHEREAS, Metro Code Chapter 2.04.026 requires Metro Council approval for the purchase, sale, lease or transfer of real property owned by Metro, including easements; now, therefore,

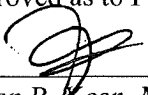
BE IT RESOLVED that the Metro Council hereby authorizes the Chief Operating Officer to sell an easement to the owner of the property at the intersection of NE Marine Drive and NE Interlachen Lane, on terms and conditions acceptable to the Office of Metro Attorney.

ADOPTED by the Metro Council this 23rd day of July, 2015.



Tom Hughes, Council President

Approved as to Form:



Alison R. Kean, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 15-4630 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO GRANT AN EASEMENT UNDER METRO CODE CHAPTER 2.04.026(2)

Date: June 25, 2015

Prepared by: Dan Moeller
Interim Natural Areas Program Director
503.797.1819

BACKGROUND

The “40-Mile Loop” is a loop system of trails that connect parks and natural areas in and around the greater Portland region. After the voters of the region passed the 2006 Natural Areas Bond Measure (the “Bond Measure”), the Metro Council adopted Resolution No. 07-3840, “Approving the Natural Areas Acquisition Refinement Plan for the Columbia Slough Target Area”. One of Tier 1 objectives of the Refinement Plan directs Metro to “Acquire property to close trail gaps in the Columbia Slough Trail and the 40-Mile Loop Trail between NE 33rd Avenue and the future Gresham-Fairview Trail”. This describes the Marine Drive portion of the 40-Mile Loop Trail. The remaining gap in this trail segment is between NE 185th Street and NE Interlachen Lane, which is just west of Metro’s Blue Lake Park. The trail is constructed on either side of this gap. An opportunity now exists for a trail easement acquisition to close this gap and secure the right to build a trail through a final property with frontage on NE Marine Drive and NE Interlachen (the “Property”).

The owner has agreed to donate this final, necessary easement. He has asked that at the same time, Metro sell the owner an easement across a strip of Metro-owned land that blocks the owner’s access to NE Interlachen Lane (the “Metro Property”), as shown on Attachment A to this Staff Report. The owner of the Property is requesting to purchase this easement across the narrow Metro Property because once he donates the easement to Metro, his access to Marine Drive will be curtailed. The easement area that Big Eddy Marina Inc. is seeking to acquire from Metro is about 200 sq. ft., fronting NE Interlachen Lane. Our internal estimate of market value for this portion based on a 2011 appraisal of similar property is about \$100.

Metro receives requests for easements, leases and right-of-ways through natural area and park properties and these requests are reviewed and analyzed per guidance and policy established via Resolution 97-2539B, “For the Purpose Of Approving General Policies Related To The Review of Easements, Right-Of-Ways and Leases for Non-Park Uses Through Properties Managed by Regional Parks and Greenspaces Department,” adopted by Council on November 6, 1997. Since this proposed sale of an easement by Metro is part of a real estate transaction in which Metro is receiving an interest in land that will benefit Metro parks and natural areas, it is outside of the easement policy, and this resolution serves as authorization to grant the owner of the Property an easement across the Metro Property.

In November of 2014, the Metro Council adopted Resolution No. 14-4583, “For the Purpose of Endorsing Additional Investments for Restoration and Public Access to Nature,” authorizing the use of Natural Areas Bond funds to build out key regional trail gaps identified in its Exhibit A. The Project/Target area that pertains to the Property was to “Build trail gaps on Marine Drive from Bridgeton to Troutdale.” Accordingly, the funds for trail design and construction are available. Closing this gap will improve bicycle and pedestrian access by providing an off-street trail to link the Blue Lake Park Trail to the Marine Drive Trail. The partners involved in this project may include the City of Gresham, the Multnomah County Drainage District and Pacific Power and Light.

Section 2.04.026 of the Metro Code, "Council Approval of Contracts," requires Metro Council authorization for any contract for the purchase, sale, lease or transfer of real property owned by Metro, which includes the easement requested by the owner across the Metro Property.

ANALYSIS/INFORMATION

1. **Known Opposition.** None

2. **Legal Antecedents.**

Metro Code Section 2.04.026(a)(2), which requires Metro Council authorization for the Chief Operating Officer to transfer interests in real property, including easements.

2006 Metro Natural Areas Bond Measure approved by voters on November 7, 2006.

Resolution No. 07-3840, "Approving the Natural Areas Acquisition Refinement Plan for the Columbia Slough Target Area," adopted September 6, 2007.

Resolution 97-2539B, "For the Purpose of Approving General Policies Related to the Review of Easements Right of Ways, and Leases for Non-Park Uses Through Properties Managed by the Regional Parks and Greenspaces Department," adopted November 6, 2007.

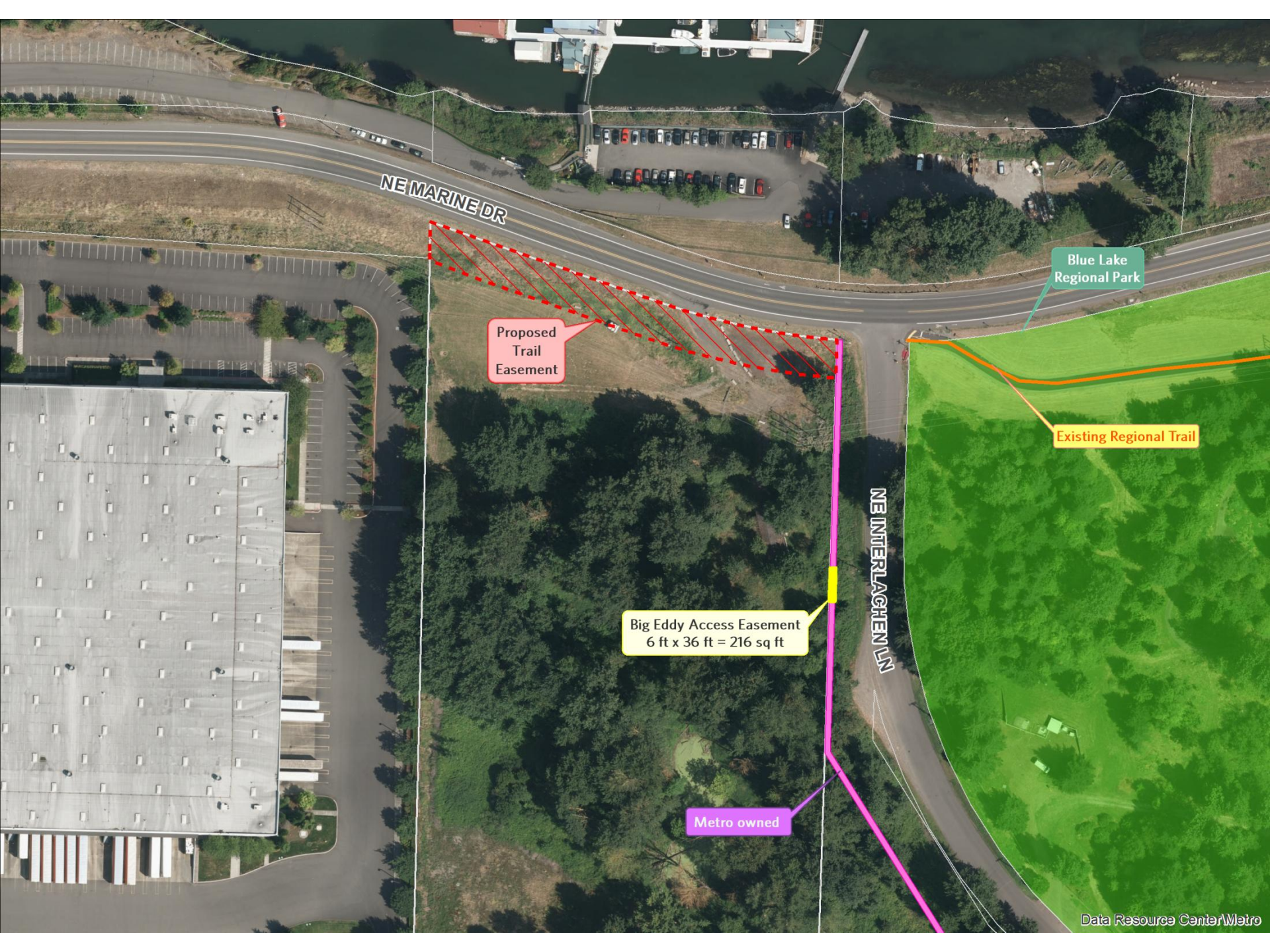
Resolution No. 14-4583, "For the Purpose of Endorsing Additional Investments for Restoration and Public Access to Nature," adopted November 13, 2014.

3. **Anticipated Effects.** Granting this easement is not expected to produce a negative impact on the natural resource and market value of the Metro Property.

4. **Budget Impacts.** There are no budget impacts except the \$100 purchase price for the easement that will be added to existing bond funds.

RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Resolution No. 15-4630.



NE MARINE DR

Blue Lake Regional Park

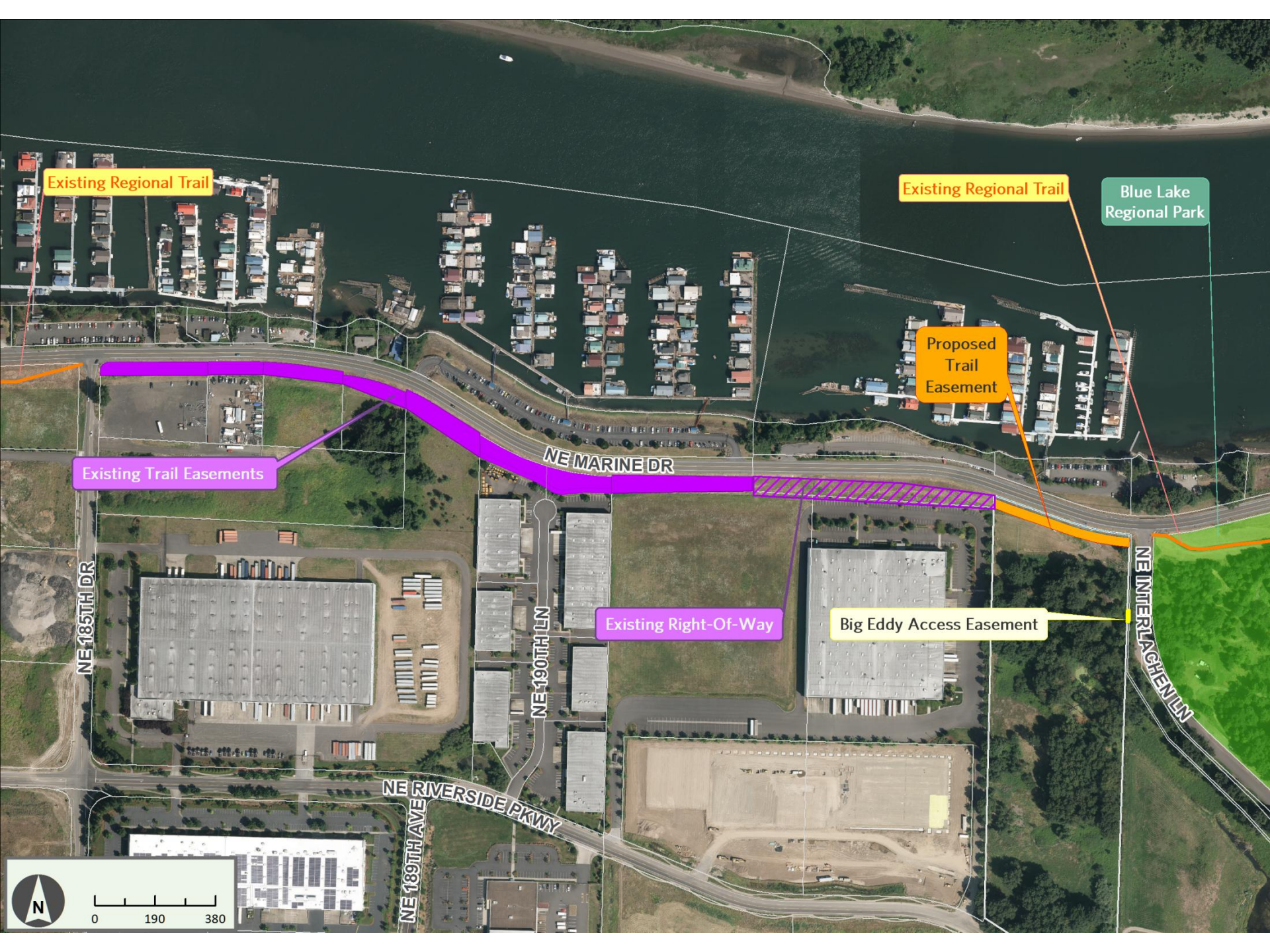
Proposed Trail Easement

Existing Regional Trail

NE INTERLAGHEN LN

Big Eddy Access Easement
6 ft x 36 ft = 216 sq ft

Metro owned



Existing Regional Trail

Existing Regional Trail

Blue Lake Regional Park

Proposed Trail Easement

Existing Trail Easements

NE MARINE DR

Existing Right-Of-Way

Big Eddy Access Easement

NE 185TH DR

NE 190TH LN

NE INTERLACHEN LN

NE RIVERSIDE PKWY

NE 199TH AVE

