

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO. 96-2396
THE EXECUTIVE OFFICER TO)
PURCHASE PROPERTY IN THE) Introduced by Mike Burton
CANEMAH BLUFF SECTION OF THE) Executive Officer
WILLAMETTE RIVER GREENWAY)
TARGET AREA)

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, at the election held on May 16, 1995, the Metro area voters approved Ballot Measure 26-26 which authorizes Metro to issue \$135.6 million in general obligation bonds to finance land acquisition and capital improvements pursuant to Metro's Open Spaces Program; and

WHEREAS, the Canemah Bluff Section of the Willamette River Greenway regional target area was designated as a greenspace of regional significance in the Greenspaces Master Plan and identified as a regional target area in the Open Space, Parks and Streams Bond Measure; and

WHEREAS, on April 11, 1996 the Metro Council adopted a refinement plan for the Canemah Bluff section of the Willamette River Greenway regional target area, including a confidential tax-lot-specific map identifying priority properties for acquisition; and

WHEREAS, the property owned by Delmar Investments, Inc. as identified in Exhibit A, is a priority property in Tier I of the Canemah Bluff target area and qualifies as a property to be acquired; and

WHEREAS, the Open Spaces Implementation Work Plan adopted in November, 1995 provides that Metro Council approval is required for purchases involving "unusual circumstances" or if the purchase price is more than the fair market value determined by Metro's staff appraiser; and

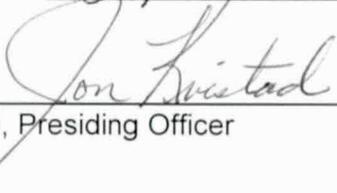
WHEREAS, the Delmar Investments, Inc. property purchase has unusual circumstances, now therefore

BE IT RESOLVED,

That the Metro Council authorizes the Executive Officer to execute the Option Agreement and purchase the Delmar Investments, Inc. property in the Canemah Bluff Section

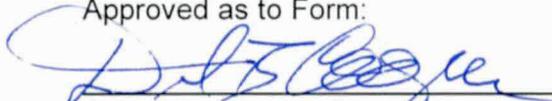
of the Willamette River Greenway Regional Target Area, subject to the terms and conditions set forth in the Option Agreement, as amended.

ADOPTED by Metro Council this 26th day of September, 1996.



Jon Kvistad, Presiding Officer

Approved as to Form:



Daniel B. Cooper, General Counsel

LEGAL DESCRIPTION

A part of the Absolom F. Hedges D.L.C., in Section 1, Township 3 South, Range 1 East, of the Willamette Meridian, described as follows:

Beginning at the Southeast corner of a tract described in Deed Book "D", page 770; thence South 45° East 1407.12 feet to the most easterly corner of a tract of land conveyed to C. W. Ganong, by Deed Book 54, page 195; thence South 43° 07' West to the most easterly corner of Parcel 2, as conveyed to Walter E. Kahle, et ux, by Deed recorded February 21, 1966, Fee No. 2769; thence North 43° 44' West 100 feet; thence South 43° 35' West 500 feet; thence South 43° 44' East 100 feet to the Northwesterly boundary of Willaview; thence South 43° 07' West to the most Southerly corner of the said Ganong Tract; thence North 45° West 341.22 feet to the most westerly corner of the said Ganong Tract; thence North 38° West 1293.60 feet to the most Southerly corner of a tract conveyed to Willamette Pulp and Paper by Deed recorded in Book 137, page 338; thence North 50° 45' East 422.40 feet to the most easterly corner of said Willamette Pulp and Paper tract; thence North 39° 15' West to a point that is South 39° 15' East 300 feet from the Southeasterly right of way line of the Pacific Highway; thence North 54° 34' East parallel with the Southeasterly right of way line of the Pacific Highway 300 feet, more or less, to the most easterly corner of a tract conveyed to L. L. McFarlane, et ux, by Deed recorded July 14, 1965, Fee No. 9738; thence North 89° 25' East to the Southwest corner of that tract described in Deed Book "D", page 770; thence East 280.5 feet to the point of beginning.

ALSO beginning at the most northerly Northwest corner of the hereinabove described tract; thence North 35° 30' West 300 feet, more or less, to the southerly right of way line of the Pacific Highway; thence Southwesterly, of the said highway, 60 feet; thence South 35° 30' East to the Northeasterly line of the hereinabove described tract; thence Easterly of the said line to the point of beginning.

EXCEPT THEREFROM that portion described as:

Beginning at the Southeast corner of a tract of land known as the "Canemah Cemetery" and described in Deed Book D at page 770 of Clackamas County Deed Records, the said point bears North 76° 45' 26" East, 2118.78 feet from the most westerly corner of the said Absolom F. Hedges claim; thence from the beginning point South 44° 48' 48" East, 1356.02 feet to a stone at the most easterly corner of that tract of land described in Deed Book 54 at page 195 of said County Deed Records; thence South 42° 54' 26" West, 664.87 feet, more or less, to the easterly corner of Parcel 2 conveyed to Walter E. Kahle, et ux, by County Recorder's Fee No. 66-2769; thence North 44° 24' 46" West, 100.00 feet; thence South 42° 54' 26" West, 100.00 feet to the most westerly corner of a 30 foot wide easement reserved by County Recorder's Fee No. 66-2769; thence North 28° 25' 22" West, 875.00 feet to an angle point; thence North 45° 38' 15" West, 828.23 feet to an angle point; thence North 35° 31' 56" West, parallel and 15 feet distant Northeasterly from the Southwesterly boundary of a 60 foot strip of land described by Recorder's Fee No. 75-4767, a distance of 383.90 feet to the Southeasterly boundary of Pacific Highway 99-E; thence Northeasterly along the said boundary 45.00 feet to the common most northerly corner of the said 60 foot wide strip and the most westerly corner of a tract conveyed to the State of Oregon by Deed Book 567, page 241; thence South 35° 31' 56" East along the common boundaries of the said parcels 291.20 feet to an angle point; thence North 88° 36' 02" East, 380.02 feet to the Southwest corner of the said "Canemah Cemetery" thence South 88° 23' 05" East along the said cemetery boundary 280.50 feet to the place of beginning.

Staff Report

CONSIDERATION OF RESOLUTION NO. 96-2396 FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO PURCHASE LAND IN THE CANEMAH BLUFF SECTION OF THE WILLAMETTE RIVER GREENWAY TARGET AREA

Date: September 18, 1996

Presented by:

**Charles Ciecko
Nancy Chase**

PROPOSED ACTION

Resolution No. 96-2396, requests authorization for the Executive Officer to purchase land in the Canemah Bluff section of the Willamette River Greenway target area.

BACKGROUND AND ANALYSIS

On April 16, 1996, Metro optioned a property from Delmar Investments Inc. for a period of six months. The property is listed as a tier one property based on the Canemah Bluff/ Willamette River Greenway Refinement Plan. The property is 22.62 acres of unimproved forest land and is situated in the Canemah/Oregon City area of rural Northwest Clackamas County. The property is on Bluff overlooking the Willamette River. The value set by the owner is nine percent above the value established by Metro's review appraiser.

Program Acquisition Parameters set forth in the Open Spaces Implementation Work Plan, adopted November, 1995, provide that:

"... if the cost of the property as determined by the Metro staff appraiser is more than 5% above the fair market value as determined by an independent certified appraiser," the transaction shall be scheduled for review by Council in Executive session at its next regularly scheduled meeting.

The Delmar property is in the northern section of the target area, and is only one lot from the UGB. Acquisition of this property is considered critical to satisfaction of the goals and objectives for the Canemah Bluff target area refinement plan.

FINDINGS

Acquisition of this property is recommended based on the following:

- The property is listed as a tier one property in the adopted refinement plan for Canemah Bluff/Willamette River.
- Acquisition of the property is strategic in that it sets the northern boundary of the target area and ultimately will provide access to Oregon City users.

- Given the proliferation of high end homes being built in the Forest and Farm Zone directly across the river (one of which is a 50,000 square foot single family residence), this site is at risk of development.
- Logging and or development of the property will be detrimental to the scenic and water quality aspects of the Willamette River.

Executive Officer's Recommendation

The Executive Officer recommends passage of Resolution No. 96-2396.