

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING)	RESOLUTION NO. 96-2397
THE EXECUTIVE OFFICER TO)	
PURCHASE PROPERTY IN THE)	Introduced by Mike Burton
FANNO CREEK GREENWAY)	Executive Officer
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 Fanno Creek 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 May 16, 1996 the Metro Council adopted a refinement plan for the Fanno Creek Greenway regional target area, including a confidential tax-lot-specific map identifying priority properties for acquisition; and

WHEREAS, the property owned by Karen Kenny, as identified in Exhibit A and referred to as Taylor Woods, is a priority property in Tier I of the Fanno Creek Greenway target area and qualifies as a property to be acquired; and

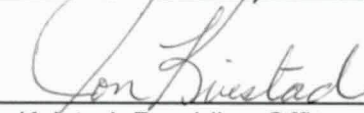
WHEREAS, the Open Spaces Implementation Work Plan adopted in November, 1995 provides that Metro Council approval is required for purchases involving "unusual circumstances" or if the purchase price is more than the fair market value determined by Metro's staff appraiser; and

WHEREAS, the Taylor Woods property purchase has unusual circumstances, now therefore

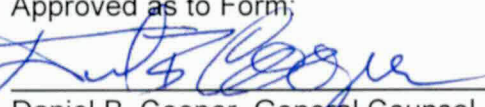
BE IT RESOLVED,

That the Metro Council authorizes the Executive Officer to execute the Option Agreement and purchase the Taylor Woods property in the Fanno Creek 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

Staff Report

CONSIDERATION OF RESOLUTION NO. 96-2397 FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO PURCHASE LAND IN THE FANNO CREEK GREENWAY TARGET AREA

Date: September 18, 1996

Presented by:

**Charles Ciecko
Nancy Chase**

PROPOSED ACTION

Resolution No. 96-2397, requests authorization for the Executive Officer to purchase land in the Fanno Creek Greenway target area.

BACKGROUND AND ANALYSIS

Metro has been negotiating to purchase Taylor Woods, a 3.36 acre property at the headwaters of Ash Creek. Ash Creek is a seasonal tributary of Fanno Creek, and is listed as a tier one property in the adopted refinement plan. However purchases in this portion of the Fanno Creek watershed require a minimum 25% non-Metro match. The property is zoned residential with the southern portion of the site heavily wooded. While there is no formal agreement at this time, Metro and the owner have been in discussions for several months. Value of the property has been the central point of the discussion. An independent appraisal was completed and Metro's appraiser has established a value range. This value exceeds the independent appraisal by more than 5%. Based on the Open Spaces Implementation Work Plan this circumstance constitutes an unusual circumstance which requires Council review.

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.

If the transaction is completed the required match will be provided by the City of Portland and Multnomah County.

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 the Fanno Creek Greenway.

- Acquisition of the property will protect the headwaters of Ash Creek and the water quality of Fanno Creek.
- There is strong support for this project from the Fans of Fanno Creek and the Ash Creek Neighborhood. Acquisition of this property will provide open space to a rapidly urbanizing neighborhood.

Executive Officer's Recommendation

The Executive Officer recommends passage of Resolution No. 96-2397.

EXHIBIT A
RESOLUTION 96-2397

SCHEDULE A, Page No. 1

Order No. 762009m

1. The effective date of this preliminary title report is 5:00 P.M. on August 27, 1996
2. The policies and indorsements to be issued and the related charges are:

Policy/Indorsement Description	Charge
ALTA Standard Owner's for \$ (TO COME)	
Government Service Fee	

3. Fee simple interest in the land described in this report is owned, at the effective date, by:

KAREN KENNY

4. The land referred to in this report is described as follows:

Lots 22, 23 and 26, according to the duly filed plat of CRESTWOOD, in the City of Portland, filed January 21, 1936 in Plat Book 1177, Page 47, Records of the County of Multnomah and State of Oregon.

EXCEPT the West 200 feet and also EXCEPT that part conveyed to the State of Oregon, by and through its State Highway Commission by Deed recorded July 11, 1957 in Deed Book 1851, Page 555 and Deed recorded November 21, 1956, Deed Book 1817, Page 575.