

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE) RESOLUTION NO. 17-4850
CHIEF OPERATING OFFICER TO PURCHASE)
CERTAIN PROPERTY IN THE JOHNSON) Introduced by Metro Councilor Shirley,
CREEK AND WATERSHED TARGET AREA) Craddick, District 1
UNDER THE 2006 NATURAL AREAS BOND
MEASURE

WHEREAS, at the general election held on November 7, 2006, voters of the Metro region approved Measure 26-80, the 2006 Natural Areas Bond Measure to preserve natural areas and clean water and protect fish and wildlife (the “Measure”);

WHEREAS, on March 1, 2007, the Council approved Resolution No. 07-3766A, “Authorizing the Chief Operating Officer to Purchase Property with Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan,” (the “Acquisition Parameters and Due Diligence Guidelines”);

WHEREAS, on September 27, 2007, the Council approved Resolution No. 07-3851, “Approving the Natural Areas Acquisition Refinement Plan for the Johnson Creek and Watershed Target Area” (the “Refinement Plan”); that established a Tier I Objective to “Protect lands along the mainstream and important tributaries of Johnson Creek from Gresham to Boring..”;

WHEREAS, on August 14, 2014, the Council approved Resolution No. 14-4536, “For the Purpose of Amending and Updating the Natural Areas Implementation Work Plan,” which consolidated and revised modifications to the Natural Areas Implementation Work Plan;

WHEREAS, Metro has entered into a purchase and sale agreement with a landowner (the “Seller”) to purchase 1.2 acres of land, as more particularly identified and described on Exhibit A to this resolution (the “Property”);

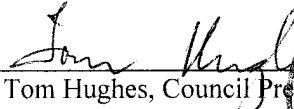
WHEREAS, the Property is identified as a Tier I property according to the Refinement Plan and acquisition of the Property is in the public benefit as it also builds on adjacent Metro properties to provide a larger habitat area in an urbanizing part of the region;

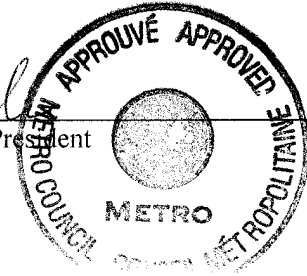
WHEREAS, the appraisal of the Property contracted by Metro does not support the purchase price agreed to by Metro and the Seller, and therefore the transaction fails to meet all of the Acquisition Parameters and Due Diligence Guidelines; and

WHEREAS, the 2014 Natural Areas Implementation Work Plan states that “the COO may complete an acquisition transaction that does not meet all of the acquisition parameters only with prior Council review and approval”; now therefore

BE IT RESOLVED that the Metro Council hereby authorizes the Chief Operating Officer to acquire the Property identified in Exhibit A, and as discussed in the executive session on September 28th, 2017, at the negotiated purchase price, provided that the acquisition is otherwise in accord with all of the other Acquisition Parameters and Due Diligence Guidelines of the Natural Areas Implementation Work Plan.

ADOPTED by the Metro Council this 2nd day of November 2017.


Tom Hughes, Council President



Approved as to Form:


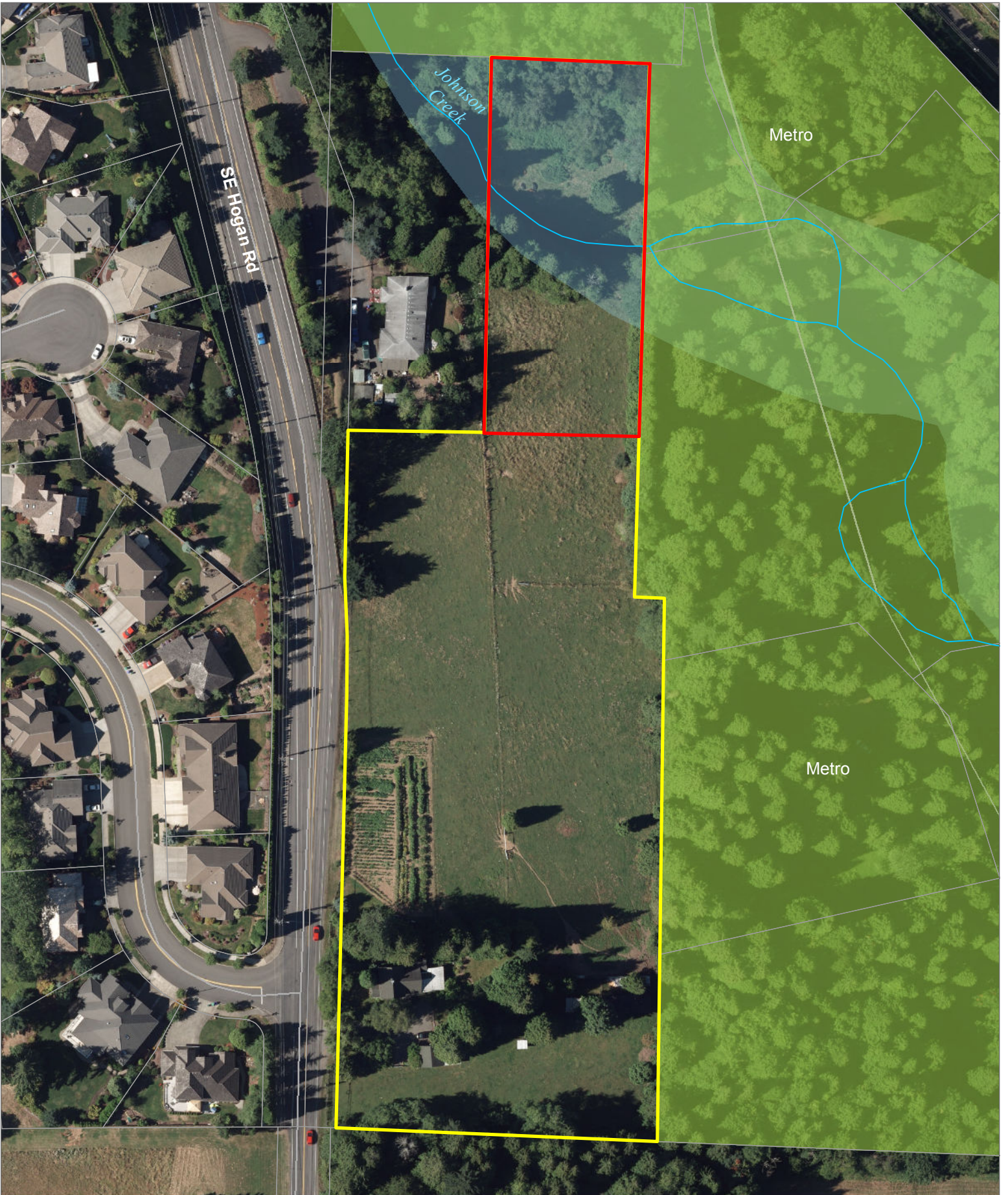

Alison R. Kean, Metro Attorney





Exhibit A to Resolution No. 17-4850

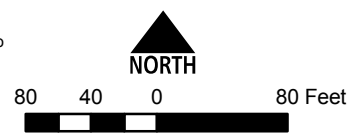
A tract of land in the Southwest 1/4 of Section 14, Township 1 South, Range 3 East of Willamette Meridian, in the City of Gresham, County of Multnomah and State of Oregon, described as follows: Beginning at the Southwest corner of said Section 14; thence North 0° 13' East along the West line of said Section 14, a distance of 668.00 feet; thence South 88° 51' East, 150 feet to the Southeast corner of that tract of land conveyed to William G. Kenagy and Bertha M. Kenagy, by instrument recorded May 13, 1966 in Book 496, Page 759, Deed Records; thence North 0° 13' East, along the East line of the Kenagy Tract, 353.37 feet, to the Northeast corner of said tract; thence East 150 feet to the Northwest corner of that tract of land conveyed to Ambleside, Inc., by instrument recorded November 13, 1933 in Book 230, Page 339, Deed Records; thence South, along the West line of the Ambleside, Inc. Tract, 510 feet, to the Southwest corner thereof; thence East 30 feet to that the Southeast corner of the said Ambleside Inc. tract; thence South 520.7 feet to the South line of said Section 14; thence West 330 feet to the point of beginning.

See attached Map.



Legend

-  Anslow property to be acquired by Metro
-  Tax Lot 1S3E14C-02000 (Anslow)
-  Metro property
-  Tax Lots



STAFF REPORT

IN CONSIDERATION OF RESOLUTION 17-4850 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO PURCHASE CERTAIN REAL PROPERTY IN THE JOHNSON CREEK AND WATERSHED TARGET AREA UNDER THE 2006 NATURAL AREAS BOND MEASURE

Date: November 2, 2017

Prepared by: Dan Moeller, Ext. 1819
Conservation Program Director

BACKGROUND

Resolution 17-4850 requests authorization for the Chief Operating Officer to purchase property (the "Property") located within the Johnson Creek and Watershed target area in a transaction that does not meet all of the acquisition parameters described in the 2014 Natural Areas Work Plan. Metro Council approval is necessary to complete the transaction. In order to acquire the Property, Metro staff is proposing to close on the property according to terms consistent with the discussion at the Metro Council executive session on September 28th, 2017.

The property is 1.2 acres, located at 2800 SE Hogan Road, in the City of Gresham, County of Multnomah, and State of Oregon, approximately 100 feet East of SE Hogan Road and 100 feet West of SE Ambleside Drive. It spans Johnson Creek and is one of two remaining properties not in public ownership within the Ambleside reach and the last in-holding within the boundary of Ambleside Natural Area. Acquisition of this property has been a priority of the 1995 Open Spaces, Parks and Streams and the 2006 Natural Areas bond measures, as it enables high-priority restoration and removes an obstacle to effective management. Acquisitions in Ambleside Natural Area have been sought for decades by the City of Gresham and Metro because the site includes the Johnson Creek floodplain and provides high value habitat for native wildlife, in particular, federally protected salmon and native amphibians. Public ownership in this reach of Johnson Creek also provides opportunities for the removal of constructed physical barriers to the natural flow of the Creek and flood relief downstream. To date, Metro has invested over \$6 million to purchase land along Johnson Creek; including 8 acquisitions totaling \$2,625,000 to create Ambleside Natural Area.

The goal of Johnson Creek and Watershed refinement plan (the "refinement plan"), approved by the Metro Council via Resolution No. 07-3851, was to "Pursue opportunities to acquire tracts within the remaining upland habitat areas adjacent to the main stem, along major tributary creeks, and within the Johnson Creek floodplain to protect water quality and connect existing public holdings." This acquisition would meet that goal and enable our region to reap the full benefit of a planned \$800,000 restoration project to remove barriers within this reach of Johnson Creek and re-connect the creek to its floodplain. Metro has entered into an agreement to purchase the Property, and this resolution requests authorization for the Chief Operating Officer (COO) to complete the transaction notwithstanding a discrepancy between the appraised value and the price at which the owner has agreed to sell the property.

The Natural Areas Work Plan states that "The COO may complete an acquisition that does not meet all of the acquisition parameters only with prior Council review and approval." The public benefit of this acquisition includes: improving Metro's ability to restore floodplain connectivity, reduce flooding and improve habitat, enhance in-stream conditions for native salmon, reducing impervious surfaces and downstream flooding, improve the quality of storm water runoff and enhance native riparian forest.

ANALYSIS/INFORMATION

1. **Known Opposition** : None

2. **Legal Antecedents**

Metro's 2006 Natural Areas Bond Measure. Resolution No. 07-3766A, "Authorizing the Chief Operating Officer to Purchase Property With Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan," adopted by the Metro Council on March 1, 2007.

Resolution No. 07-3851, "Approving the Natural Areas Acquisition Refinement Plan for the Johnson Creek and Watershed Target Area" adopted by Metro Council on September 27, 2007.

Resolution No. 14-4536, "For the Purpose of Amending and Updating the Natural Areas Work Plan," adopted by the Metro Council on August 14, 2014.

Anticipated Effects

Metro staff will complete their due diligence activities to comply with the Work Plan requirements.

3. **Budget Impacts**

Metro's acquisition of the Property will be funded with 2006 Natural Areas bond proceeds. Funds for stabilization activities would be provided from the bond proceeds.

RECOMMENDED ACTION

Staff recommends Council approve Resolution No. 17-4850