

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE ) RESOLUTION NO. 17-4849  
CHIEF OPERATING OFFICER TO DEDICATE )  
RIGHT OF WAY TO THE CITY OF PORTLAND ) Introduced by Chief Operating Officer Martha  
AT WHITAKER PONDS NATURE PARK ) Bennett in concurrence with Council  
President Tom Hughes

WHEREAS, pursuant to the Metro Open Spaces, Parks and Streams 1995 Ballot Measure 26-26, Metro and the City of Portland jointly own approximately 13.78 acres of real property in the Columbia Slough area that, when combined with adjacent property the City of Portland owns outright, makes up the nature park known as “Whitaker Ponds Nature Park”; and

WHEREAS, the City of Portland manages Whitaker Ponds Nature Park pursuant to an Intergovernmental Agreement with Metro; and

WHEREAS, Whitaker Ponds Nature Park, master planned in 1995 and 2006, contains ponds, sloughs and associated natural areas that are used for educational purposes, birdwatching, access to the Columbia Slough for light watercraft, and other nature-based recreation; and

WHEREAS, Portland Parks & Recreation (“PP&R”), the City of Portland Bureau of Environmental Services (“BES”) and the Columbia Slough Watershed Council (“CSWC”) actively invite school groups, volunteers, and other partners to the site for educational and volunteer programs, however, access to the site is difficult since there is no developed parking or sidewalks; and

WHEREAS, in 2012, the CSWC, partnering with BES, produced a concept design for improvements to the entry area off of NE 47<sup>th</sup> Avenue, and PP&R, partnering with the two groups, applied for and has received a Metro Nature in Neighborhoods grant to help fund the project; and

WHEREAS, the improvements planned include sidewalks, a parking lot, stormwater treatment facilities, accessible routes to the educational facilities, and a small natural gathering area, all of which will increase park user safety, accessibility, and aesthetics, while creating a more inviting public entry; and

WHEREAS, as part of this project, City of Portland Bureau of Transportation (“PBOT”) is installing street improvements, including sidewalks and bicycle and pedestrian facilities along the length of NE 47<sup>th</sup> in the public right of way;

WHEREAS, PBOT requests a 200 foot long, 3' wide Right of Way (“ROW”) dedication, which is on property jointly owned by PP&R and Metro in front of the Whitaker Ponds entrance; and

WHEREAS, this ROW dedication will support the park entry improvement project by allowing PBOT to construct a wider portion of the multi-modal path in this area to provide better access to the park, emphasize the park entrance, and create a safer space for ingress and egress for those arriving to/from the park by bike or foot; and

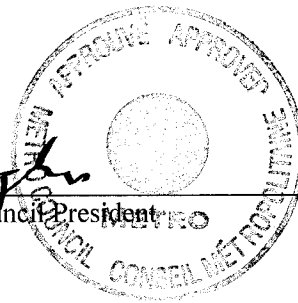
WHEREAS, the Intergovernmental Agreement and the Metro Code requires all requests for permanent rights of way and easements to be brought to the Metro Council for consideration; and

WHEREAS, the proposed Right of Way dedication is consistent with Metro's easement policy (Res. No. 97-2539B) because it is designed specifically for the benefit of a Metro natural area; now therefore,

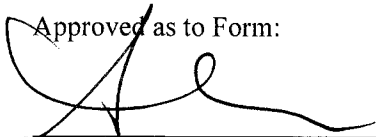
BE IT RESOLVED that the Metro Council hereby authorizes the Chief Operating Officer to grant a permanent right of way dedication to the City of Portland in the location described on the attached Exhibits A1 and B1, and depicted on Exhibits A2 and B2 to this Resolution, on terms approved by the Office of Metro Attorney.

ADOPTED by the Metro Council this 14th day of December, 2017.

  
\_\_\_\_\_  
Tom Hughes, Council President



Approved as to Form:

  
\_\_\_\_\_  
Alison R. Kean, Metro Attorney

R/W # 8256-6  
N.E. 47<sup>TH</sup> AVENUE L.I.D.  
1N2E18BA 3200  
RIGHT-OF-WAY DEDICATION

**EXHIBIT A1**

A Tract of Land being a portion of that tract conveyed by deed to Metro, a municipal corporation of the State of Oregon, recorded in Document No. 95-113395, Multnomah County Deed Records, situated in the Northwest One-Quarter of Section 18, Township 1 North, Range 2 East of the Willamette Meridian, City of Portland, County of Multnomah, State of Oregon, Being More Particularly Described As Follows:

Beginning at the Southwest corner of said Metro tract, also being on the East Right-of Way line of N.E. 47<sup>th</sup>, Avenue, 60.00 feet in width:

Thence, along said East Right-of-Way line, North 02°53'42" East, a distance of 100.00 feet, to the Northwest corner of said tract;

Thence, leaving said Right-of-Way line, along the North line of said tract, South 87°06'18" East, a distance of 3.00 feet;

Thence, parallel with said Right-of-Way line, South 02°53'42" West, a distance of 100.00 feet, to the South line of said tract;

Thence, along said South line, North 87°06'18" West, a distance of 3.00 feet to the POINT OF BEGINNING.

Containing 300 square feet.

Project No. 40539  
January 27, 2017

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Thomas P. Beinhauer*

OREGON  
JULY 17, 1994  
THOMAS P. BEINHAUER  
2654

EXPIRES 12-31-2017

R/W # 8256-6  
N.E. 47<sup>TH</sup> AVENUE L.I.D.  
1N2E18BA 3300  
RIGHT-OF-WAY DEDICATION

**EXHIBIT A2**

A Tract of Land being a portion of that tract conveyed by deed to Metro, a municipal corporation of the State of Oregon, recorded in Document No. 95-109045, Multnomah County Deed Records, situated in the Northwest One-Quarter of Section 18, Township 1 North, Range 2 East of the Willamette Meridian, City of Portland, County of Multnomah, State of Oregon, Being More Particularly Described As Follows:

Beginning at the Southwest corner of said Metro tract, also being on the East Right-of Way line of N.E. 47<sup>th</sup> Avenue, 60.00 feet in width:

Thence, along said East Right-of-Way line, North 02°53'42" East, a distance of 100.00 feet, to the Northwest corner of said tract;

Thence, leaving said Right-of-Way line, along the North line of said tract, South 87°06'18" East, a distance of 3.00 feet;

Thence, parallel with said Right-of-Way line, South 02°53'42" West, a distance of 100.00 feet, to the South line of said tract;

Thence, along said South line, North 87°06'18" West, a distance of 3.00 feet to the POINT OF BEGINNING.

Containing 300 square feet.

Project No. 40539  
January 27, 2017

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OREGON  
JULY 17, 1994  
THOMAS P. BEINHAUER  
2654

EXPIRES 12-31-2017

EXHIBIT B1

R/W # 8256-6  
N.E. 47TH AVENUE L.I.D.  
1N2E18BA TAX LOT 3200  
7040 N.E. 47TH AVENUE

30'

30'

S 87°06'18" E 3.00'

T.L. 3100



SCALE: 1" = 30'

N 2°53'42" E 100.00'

S 2°53'42" W 100.00'

LONDON ACRES

LOT 33

T.L. 3200

RIGHT-OF-WAY  
DEDICATION  
300 SQ. FT.

DOCUMENT NO.  
95-113395

N. E. 47TH AVE.

P.O.B.

N 87°06'18" W 3.00'

T.L. 3300

T.L. 600

**PBOT**  
PORTLAND BUREAU OF TRANSPORTATION

SURVEY DEPARTMENT,  
1120 SW 5TH AVE., SUITE 800  
PORTLAND, OREGON 97204  
PHONE 503-823-7150

JOB # 40539  
JANUARY 27, 2017

EXHIBIT B2

R/W # 8256-6  
N.E. 47TH AVENUE L.I.D.  
1N2E18BA TAX LOT 3300  
7008 N.E. 47TH AVENUE

30'

30'

T.L. 3100

SCALE: 1" = 30'

T.L. 3200

N. E. 47TH AVE.

S 87°06'18" E 3.00'

DOCUMENT NO.  
95-109045

N 2°53'42" E 100.00'

S 2°53'42" W 100.00'

T.L. 3300

RIGHT-OF-WAY  
DEDICATION  
300 SQ. FT.

LONDON ACRES  
LOT 32

P.O.B.

N 87°06'18" W 3.00'

T.L. 600

**PBOT**  
PORTLAND BUREAU OF TRANSPORTATION

SURVEY DEPARTMENT,  
1120 SW 5TH AVE., SUITE 800  
PORTLAND, OREGON 97204  
PHONE 503-823-7150

JOB # 40539  
JANUARY 27, 2017

## **STAFF REPORT**

### **IN CONSIDERATION OF RESOLUTION NO. 17-4849, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO DEDICATE RIGHT OF WAY TO THE CITY OF PORTLAND AT WHITAKER PONDS NATURE PARK**

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Date: November 16, 2017

Prepared by: Brian Kennedy, 503-797-1914

#### **BACKGROUND**

Metro and the City of Portland share ownership of several tax lots located along and near NE 47<sup>th</sup> Avenue in Portland, near the Columbia Slough. These tax lots, along with others the City owns outright, make up a natural area known as Whitaker Ponds Nature Park, and the City of Portland manages it pursuant to an Intergovernmental Agreement with Metro (Agreement No. 929613). The Intergovernmental Agreement requires all requests for permanent rights of way and easements to be brought to the Metro Council for consideration. City of Portland Bureau of Transportation (PBOT) requests a 600 square foot right of way dedication for half street improvements at Whitaker Ponds Nature Park.

Whitaker Ponds Nature Park, master planned in 1995 and 2006, contains ponds, sloughs and associated natural areas that are used for educational purposes, birdwatching, access to the Columbia Slough for light watercraft, and other nature-based recreation. Portland Parks & Recreation (PP&R), the City of Portland Bureau of Environmental Services (BES) and the Columbia Slough Watershed Council (CSWC) actively invite school groups, volunteers, and other partners to the site for educational and volunteer programs. However, access to the site is difficult since there is no developed parking or sidewalks. In 2012, the CSWC, partnering with BES, produced a concept design for improvements to the entry area off of NE 47<sup>th</sup> Avenue. PP&R, partnering with the two groups, applied for and has received a grant from Metro Nature in Neighborhoods to help fund the project, which will implement the 2012 concept in an environmentally responsible manner.

The improvements planned include sidewalks, a parking lot, stormwater treatment facilities, accessible routes to the educational facilities, and a small natural gathering area. Local students, community members, and project partners will contribute by installing natural landscaping in the area around the parking lot to enhance wildlife habitat and improve water quality. The Nature in Neighborhoods grant funding will be supplemented by an allocation from PP&R's Systems Development Charges (SDC) program. These improvements will increase park user safety, accessibility, and aesthetics, while creating a more inviting public entry. The effect will be an expansion of the educational, recreational, and stewardship activities within the Nature Park.

As part of this project, PBOT is installing street improvements - sidewalks and bicycle and pedestrian facilities along the length of NE 47<sup>th</sup> in the public right of way. PBOT requests a 200 foot long, 3' wide Right of Way (ROW) dedication on property jointly owned by PP&R and Metro right in front of the Whitaker Ponds entrance. This additional ROW dedication will support the park entry improvement project by allowing PBOT to construct a wider portion of the multi-modal path in this area to provide better access to the park, emphasize the park entrance, and create a safer space for ingress and egress for those arriving to/from the park by bike or foot.

The proposed Right of Way dedication is consistent with Metro's easement policy (Reso. No. 97-2539B) because it is designed specifically for the benefit of a Metro natural area, as described above. Staff recommends approval of this right of way dedication request.

#### **ANALYSIS/INFORMATION**

**1. Known Opposition**

None.

**2. Legal Antecedents**

1995 Metro Open Spaces Bond Measure approved by voters on May 16, 1995.

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

Resolution No. 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, 1997.

**3. Anticipated Effects**

Adoption of this Resolution will allow Metro to dedicate 600 square feet of Right of Way that will benefit the entrance to Whitaker Ponds Nature Park.

**4. Budget Impacts**

None; the City will bear all expenses for trail permitting, construction, ongoing use, maintenance, and repair.

**RECOMMENDED ACTION**

The Chief Operating Officer recommends approval of Resolution 17-4849.