

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE) RESOLUTION NO. 18-4905
CHIEF OPERATING OFFICER TO GRANT)
PERMANENT EASEMENTS TO MULTNOMAH) Introduced by Chief Operating Officer Martha
COUNTY AT SOUTH BEAVER CREEK) Bennett in concurrence with Council
GREENWAY) President Tom Hughes

WHEREAS, pursuant to the Metro Open Spaces, Parks and Streams 1995 Ballot Measure 26-26, Metro owns approximately 63 acres of real property in the Beaver Creek Greenway area known as "South Beaver Creek Greenway" Natural Area; and

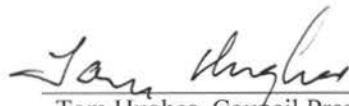
WHEREAS, in 2014, the Metro Council approved the 7th Round of Capital Grants funded by the 2006 Natural Areas Bond Measure, and Multnomah County was awarded capital grant funding for a stream restoration project at South Beaver Creek Greenway; and

WHEREAS, Multnomah County requests two permanent easements to accommodate the stream restoration project and one temporary construction easement for the work period; and

WHEREAS, the proposed easement dedications are 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 two permanent easements and one temporary construction easement to Multnomah County in the locations described on the attached Exhibit A, and depicted on Exhibits B-1 and B-2 to this Resolution, on terms approved by the Office of Metro Attorney.

ADOPTED by the Metro Council this 13th day of September, 2018.



Tom Hughes, Council President

Approved as to Form:



Nathan Sykes, Acting Metro Attorney

Exhibit A
to Resolution 18-4905

Parcel 1

A portion of that real property described as Parcel II in that Warranty Deed to METRO, a municipal corporation and political subdivision of the State of Oregon ("METRO"), recorded February 14, 2006 as Document No. 2006-027920, Multnomah County Deed Records, situated in the Southwest one quarter of Section 1, Township 1 South, Range 3 East of the Willamette Meridian, in the City of Troutdale, County of Multnomah and State of Oregon, being all of the following described tract of land included in that real property described as Parcel II in said Warranty Deed, said tract being more particularly described as follows:

Commencing at the centerline intersection of SE Cochran Road (County Road No. 789) with NE Paloma Avenue, said intersection bears N00°00'00"W, a distance of 25.07 feet from a found 5/8" iron rod with yellow plastic cap inscribed "G & L LAND SURVEYING, INC" at the intersection of the centerline of said NE Paloma Avenue with the northerly boundary of CASCADE GLEN NO. 3, Multnomah County Plat Records; thence N85°45'53"E, along the centerline of said SE Cochran Road, a distance of 166.22 feet to an angle point in said centerline; thence N65°45'53"E, along said centerline, a distance of 204.01 feet; thence N24°14'07"W, a distance of 25.00 feet to the northwesterly right-of-way line of said SE Cochran Road and the **Point of Beginning**; thence N19°47'39"E, a distance of 43.59 feet; thence N45°49'04"E, a distance of 35.12 feet; thence N55°33'34"E, a distance of 39.58 feet; thence S88°19'32"E, a distance of 11.52 feet; thence S36°18'59"E, a distance of 17.02 feet; thence N53°41'22"E, a distance of 41.19 feet; thence N04°57'00"W, a distance of 33.01 feet; thence N58°10'25"E, a distance of 104.91 feet; thence N75°59'21"E, a distance of 93.50 feet to an angle point in the northwesterly right-of-way line of said SE Cochran Road; thence S54°37'53"W, along said northwesterly right-of-way line, a distance of 340.22 feet to an angle point in said northwesterly right-of-way line; thence S65°45'53"W, along said northwesterly right-of-way line, a distance of 29.55 feet to the **Point of Beginning**.

Containing 825 square feet more or less.

The basis of bearings for this description is N00°00'00"W for the most northerly segment of NE Paloma Avenue of the subdivision plat of CASCADE GLEN NO. 3, Multnomah County Plat Records.

Parcel 2

A portion of that real property described as Parcel II in that Warranty Deed to METRO, a municipal corporation and political subdivision of the State of Oregon ("METRO"), recorded February 14, 2006 as Document No. 2006-027920, Multnomah County Deed Records, situated in the Southwest one quarter of Section 1, Township 1 South, Range 3 East of the Willamette Meridian, in the City of Troutdale, County of Multnomah and State of Oregon, being all of the following described tract of land included in that real property described as Parcel II in said Warranty Deed, said tract being more particularly described as follows:

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Containing 7,411 square feet more or less.

The basis of bearings for this description is N00°00'00"W for the most northerly segment of NE Paloma Avenue of the subdivision plat of CASCADE GLEN NO. 3, Multnomah County Plat Records.

Parcel 3

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Containing 2,015 square feet more or less.

The basis of bearings for this description is N00°00'00"W for the most northerly segment of NE Paloma Avenue of the subdivision plat of CASCADE GLEN NO. 3, Multnomah County Plat Records.

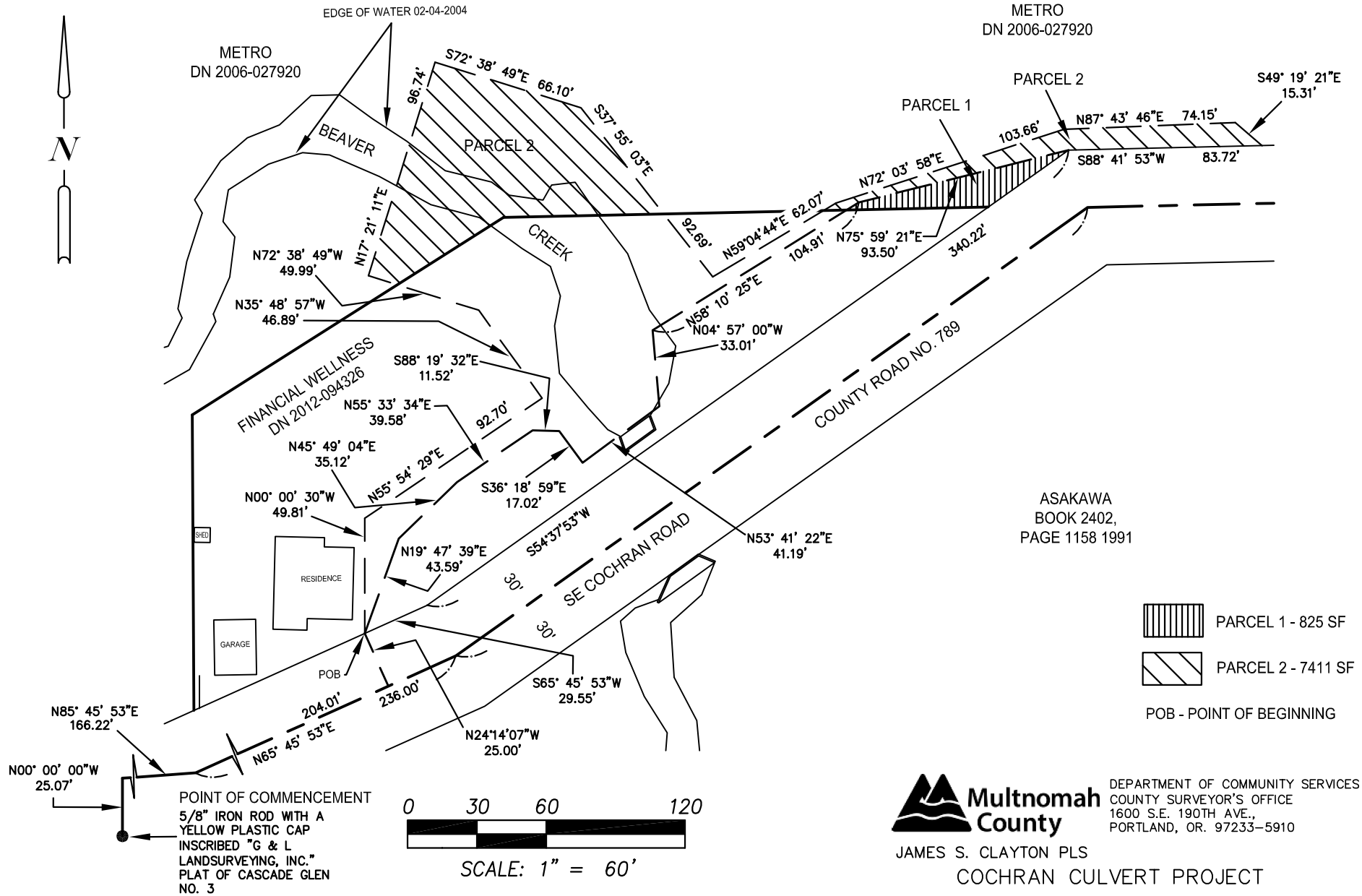
SE Cochran Rd.
County Road No. 789
Item No. 2018-09

As shown on the attached EXHIBIT MAPS B-1 AND B-2, herein made a part of this document. In the event of a conflict or discrepancy between the map as shown on the EXHIBIT MAP and the written legal description, the written legal description shall prevail.



**EXHIBIT MAP
B-1
to Resolution 18-4905**

SE Cochran Rd.
County Road No. 789
Item No. 2018-09



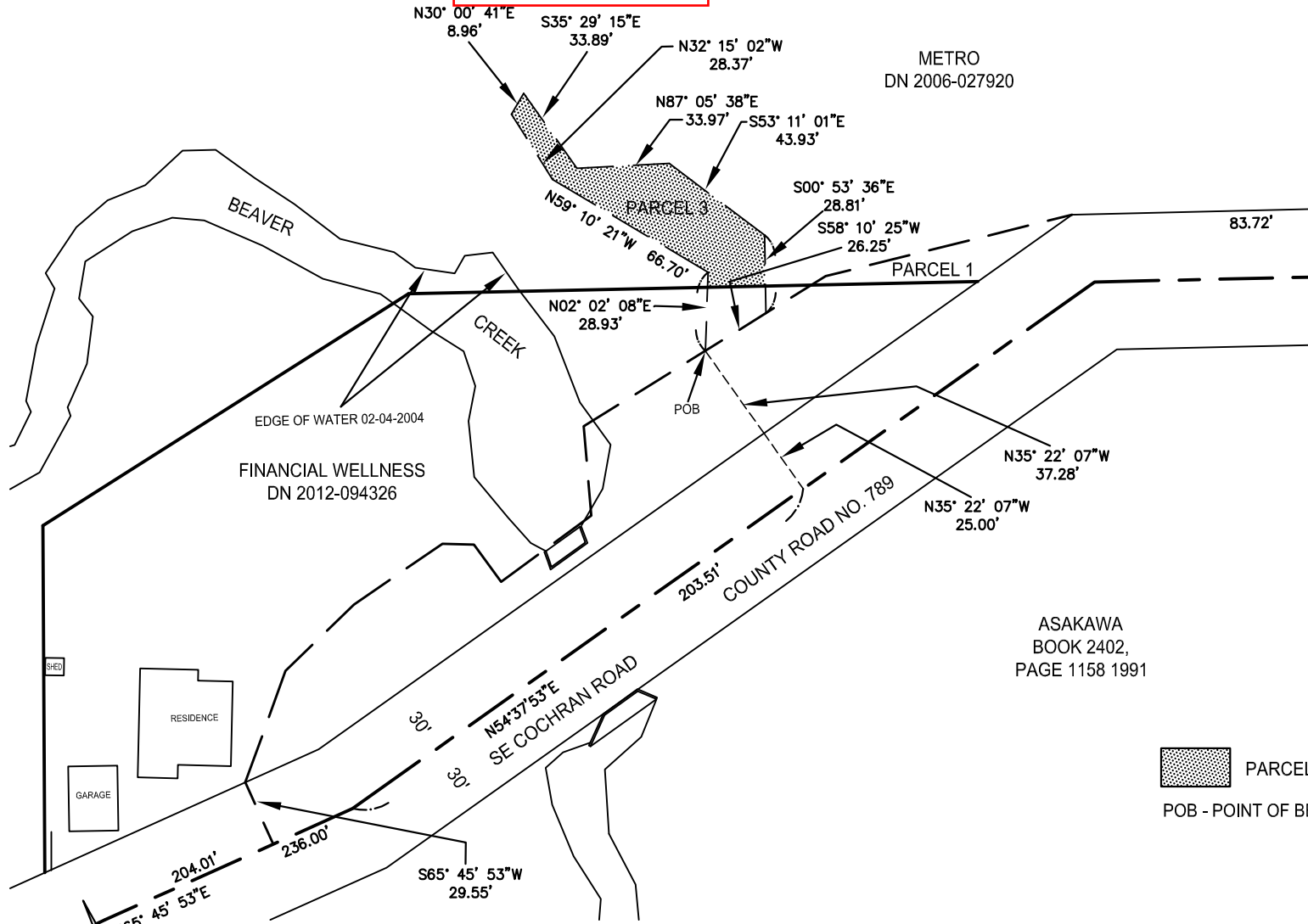
JAMES S. CLAYTON PLS


COCHRAN CULVERT PROJECT

DEPARTMENT OF COMMUNITY SERVICES
COUNTY SURVEYOR'S OFFICE
1600 S.E. 190TH AVE.,
PORTLAND, OR. 97233-5910

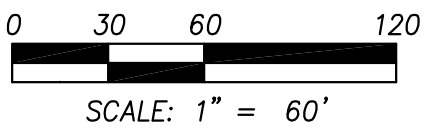
SE Cochran Rd.
County Road No. 789
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EXHIBIT MAP
B-2
to Resolution 18-4905



 PARCEL 3 - 2015 SF
POB - POINT OF BEGINNING

N00° 00' 00"W 25.07'
N85° 45' 53"E 166.22'
N65° 45' 53"E 204.01'
POINT OF COMMENCEMENT
5/8" IRON ROD WITH A
YELLOW PLASTIC CAP
INSCRIBED "G & L"
LANDSURVEYING, INC."
PLAT OF CASCADE GLEN
NO. 3



 **Multnomah County**
DEPARTMENT OF COMMUNITY SERVICES
COUNTY SURVEYOR'S OFFICE
1600 S.E. 190TH AVE.,
PORTLAND, OR. 97233-5910
JAMES S. CLAYTON PLS
COCHRAN CULVERT PROJECT

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 18-4905, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO GRANT A PERMANENT EASEMENT TO MULTNOMAH COUNTY AT SOUTH BEAVER CREEK GREENWAY

Date: September 13, 2018

Prepared by: Shannon Leary, 503-813-7547

BACKGROUND

Multnomah County has requested two permanent easements at South Beaver Creek Greenway Natural Area to accommodate a culvert replacement in Beaver Creek to improve fish habitat as a part of a road widening project.

In 2004, Metro acquired approximately 63 acres of property in the Beaver Creek Canyon Target Area with funds from the 1995 Open Spaces, Parks and Streams bond measure. This property is now part of the South Beaver Creek Greenway site. The property is in Gresham and is bordered by SE Stark Street to the north and SE Cochran Rd. to the south.

Multnomah County is planning to rebuild SE Cochran Road where it crosses Beaver Creek. This project will widen the roadway and replace the culvert for Beaver Creek. The existing culvert is currently considered only 33% passable for fish, and a new culvert, along with restoration of the stream channel with in-stream habitat structures and enhanced riparian vegetation, will improve fish habitat in this reach of Beaver Creek. In 2014, the Metro Council approved the 7th round of Capital Grants funded by the 2006 Natural Areas bond measure and Multnomah County was awarded \$579,500 in capital grant contribution to this stream restoration project. The additional width of the new bridge deck will also accommodate a future section of the 40-Mile Loop Trail.

While the culvert itself is primarily within the right of way, Multnomah County requests a road purpose easement as well as a drainage easement on Metro property that are essential to support the culvert replacement project. The 825 square foot road purpose easement will allow the County to access the completed culvert and supporting structures for future inspection and maintenance activities, and the 2,015 square foot drainage easement accounts for the increased 100-year floodplain area which results from the larger channel opening at the road crossing and the kink in Beaver Creek farther downstream.

Metro's easement policy (Res. No. 97-2593B) applies to easement or right of way requests for non-park uses across Metro park property. However, the proposed easement benefits a Metro natural area or park, as described above, therefore the easement policy does not apply. Staff recommends approval of this easement 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 2.04.050(b), 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 grant a permanent easement to Multnomah County that will allow them to construct a project which will have a positive impact on fish habitat Beaver Creek Greenway Target Area.

4. Budget Impacts

None. Multnomah County will bear all expenses for permitting, construction, ongoing use, maintenance, and repair. Metro has already committed to contributing \$579,500 in Capital Grant funding from the 2006 Natural Areas Bond Measure.

RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Resolution 18-4905.