

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING ) RESOLUTION NO. 98-2607  
THE EXECUTIVE OFFICER TO )  
PURCHASE PROPERTY IN THE ) Introduced by Mike Burton  
COOPER MOUNTAIN TARGET AREA ) Executive Officer

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 Cooper Mountain 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 February 15, 1996, the Metro Council adopted a refinement plan for the Cooper Mountain regional target area, including a confidential tax-lot-specific map identifying priority properties for acquisition; and

WHEREAS, the properties owned by the Kumler Family and/or their trusts, as identified in Exhibits A-1, A-2, and A-3, are priority properties in Tier I of the Cooper Mountain target area and qualify as a property to be acquired; and

WHEREAS, the amended Open Spaces Implementation Work Plan adopted in January, 1997, 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, one of the Kumler properties has an unusual circumstance, now therefore

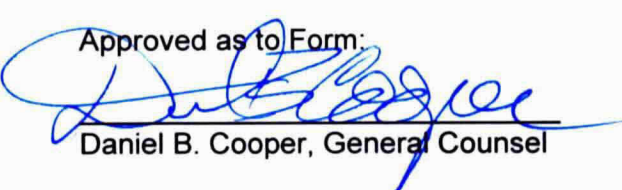
BE IT RESOLVED,

That the Metro Council authorizes the Executive Officer to purchase the Kumler, properties in the Cooper Mountain regional target area as set forth in Exhibits A-1, A-2 and A-3, in accordance with the terms and conditions set forth in the Agreements of Purchase and Sale.

ADOPTED by Metro Council this 19<sup>th</sup> day of FEBRUARY, 1998.

  
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Jon Kvistad, Presiding Officer

Approved as to Form:

  
Daniel B. Cooper, General Counsel

**Exhibit A-1**

Resolution No. 98-2607

A tract of land situated in Section 25, Township 1 South, Range 2 West of the Willamette Meridian, in the County of Washington and State of Oregon, more particularly described as follows:

BEGINNING at a point on the Section line 26 2/3 rods West of the Southeast corner of Section 25; thence running North 120 rods to a point; thence West 26 2/3 rods to a point; thence South 120 rods to the South section line of said Section 25; thence East on said section line 26 2/3 rods to the point of beginning.

ALSO COMMENCING at a point on the section line between Section 25 and 36, Township 1 South, Range 2 West of the Willamette Meridian, 53 1/3 rods West of the Southeast corner of said Section 25; thence North 120 rods to a point; thence West 26 2/3 rods to a point; thence South 120 rods to the section line; thence East 26 2/3 rods to the point of beginning.

EXCEPTING those tracts Deeded in Book 654, Page 518, and Book 723, Page 349, Washington County Records.

**Exhibit A-2**

Resolution No. 98-2607

A tract of land situated in Section 25, Township 1 South, Range 2 West of the Willamette Meridian, in the County of Washington and State of Oregon, more particularly described as follows:

BEGINNING at a point on the Section line 26 and 2/3 rods West of the Southeast corner of Section 25 Township 1 South, Range 2 West of the Willamette Meridian, in the County of Washington and State of Oregon; thence North 120 rods to the Northeast corner of Parcel I described in Deed from John A. Mueësig, et ux, to Stanley A. Fredeen, Jr., et ux, as recorded in Book 560 at Page 680 Deed Records of Washington County, Oregon, the true point of beginning of the tract to be hereby conveyed; thence South along the East line of said tract described in Book 560 at Page 680, Deed Records of Washington County, 1089 feet to a point; thence West parallel to the North line of said tract 300 feet to a point; thence North parallel to the East line of said tract 1089 feet to a point on the North line of said tract; thence East along the North line of said tract 300 feet to the point of true beginning.

**Exhibit A-3**

Resolution No. 98-2607

Part of Section 25, Township 1 South, Range 2 West of the Willamette Meridian, in the County of Washington and State of Oregon, more particularly described as follows:

BEGINNING at the Southeast corner of said section; thence North on the East line of said section 120 rods; thence West  $26 \frac{2}{3}$  rods; thence South 120 rods to the South line of said section; thence East on the section line,  $26 \frac{2}{3}$  rods to the point of beginning.

## Staff Report

### CONSIDERATION OF RESOLUTION NO. 98-2607 FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO PURCHASE PROPERTY IN THE COOPER MOUNTAIN TARGET AREA.

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Date: February 4, 1998

Presented by: Charles Ciecko  
Jim Desmond

#### PROPOSED ACTION

**Resolution No. 98-2607 requests authorization for the Executive Officer to purchase Property in the Cooper Mountain Target Area.**

#### BACKGROUND AND ANALYSIS

Metro has entered into purchase and sale agreements with the Kumler family for three contiguous parcels on Cooper Mountain (" the Property"). The Property in Washington County is located in Tier I in the adopted Cooper Mountain refinement plan. The 51.9-acre Property extends from the top of Cooper Mountain and extends 2000 feet down the gentle southern slope toward Metro's current land holdings. Approximately one-half of the property is open meadow, affording an exceptional panoramic view of the Tualatin River valley. The remaining portion is forested with a mixture of young fir and oak. The entire southern boundary and one-half of the western boundary borders Metro property, which will make many management issues easier, such as access control and vegetation management. Adding this property to Metro's 152 acres on Cooper Mountain will significantly expand the potential amenities for a future regional nature park.

An unusual circumstance exists regarding possible encumbrances on the Property, specifically, some mineral and oil rights were reserved on one of the three tax lots (the 19-acre easterly parcel), which could affect Metro's full use of the property and status of title. Mineral and oil rights were reserved in a 1968 deed by four family members prior to the Kumlers' ownership, and one-quarter of these interests was transferred in 1996 to a trust. The other three-fourth interests are held by the heirs of the 1968 interest holders. Although it is possible, the risk is very low that these reserved mineral and oil rights could ever be used. The land-use laws of Washington County and the state do not allow aggregate extraction as a permitted or conditional use. Rezoning would require a Type IV legislative plan amendment requiring approval by the Board of County Commissioners, and would also require the mineral rights holders to demonstrate that the quality and quantity of the aggregate resource at the site satisfies state and local standards, which are quite extensive, and which our natural resource specialists believe could probably not be shown on the site. Impacts on adjacent properties, which include large homes inside the Urban Growth Boundary, would also have to be considered in any land-use application by the mineral rights holders.

Metro has been negotiating with the Kumlers to acquire this Property for the past year. The purchase price for all the parcels together is at appraised value as determined by Metro's review appraiser. Metro has made some contact with some of the mineral rights holders, and will continue these contacts after acquisition of the Property. The Property is immediately north

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and contiguous to 120 acres Metro acquired in February, 1997. If acquired, the Property could serve as the main entry and vista point for a future regional nature park.

The Real Estate Acquisition Committee met on January 29, 1998, and unanimously recommended the Kumler Property purchase to the Executive Officer.

## **FINDINGS**

Acquisition of this property is recommended based on the following:

- The target area description in the Bond Measure Fact Sheet is as follows: "Cooper Mountain: Acquire 428 acres of forested natural area."
- The Property is listed as a Tier I property in the adopted refinement plan for the Cooper Mountain target area.
- The site has important scenic, access, wildlife and potential trail qualities.
- This addition would make Metro's current contiguous land holdings adjacent to the UGB.
- The risk is low that the mineral/oil rights could ever be used due to land use restrictions, and Metro real estate negotiators are currently negotiating with the mineral/oil rights holders, and will continue to work with these parties in an effort to acquire the mineral and oil rights after purchase of the Property, if possible.

## **BUDGET IMPACT**

Bond funds would supply acquisition money. Land banking costs are expected to be minimal.

## **EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends passage of Resolution No. 98-2607.