

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO PURCHASE CERTAIN PROPERTY IN THE CLACKAMAS RIVER GREENWAY 2006 TARGET AREA UNDER THE 2019 NATURAL AREAS BOND MEASURE)))	RESOLUTION NO. 22-5233 Introduced by Chief Operating Officer Marissa Madrigal in concurrence with Deputy Council President Christine Lewis
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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 “2006 Measure”);

WHEREAS, the Clackamas River Greenway Target Area was identified in the 2006 Measure as one of 27 regional target areas for land acquisition; and

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 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 Acquisition Parameters and Due Diligence Guidelines;

WHEREAS, in 2019, by Resolution No. 19-4988, voters in the Metro area approved a Parks and Nature Bond Measure (“2019 Measure”) with a stated goal to fund natural area and water quality protection and to connect people to nature close to home, expanding the Parks and Nature program’s mission under the 2006 Measure to protect clean water and restore fish and wildlife habitat; and

WHEREAS, on December 12, 2019, the Council approved Resolution No. 19-5055, authorizing the Chief Operating Officer to purchase property with 2019 Measure funds in accordance with the Acquisition Parameters and Due Diligence Guidelines of the Natural Areas Implementation Work Plan;

WHEREAS, Metro has entered into a purchase and sale agreement with a landowner (the “Seller”) to purchase 32 acres of land, as more particularly identified and described on Exhibit A to this resolution (the “Property”);

WHEREAS, the property was identified as a Tier I property under the 2006 Natural Areas Bond Measure Refinement Plan and remains a high priority in the 2019 bond measure;

WHEREAS, 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 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 the Chief Operating Officer must obtain Council approval to close the transaction and acquire the Property; now therefore,

BE IT RESOLVED that the Metro Council hereby authorizes the Chief Operating Officer to acquire the Property identified in Exhibit A at the negotiated purchase price reflected in the purchase and sale agreement executed by Seller and Metro, 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 20th day of January 2022.



Christine Lewis, Deputy Council President

Approved as to Form:



Nathan Sykes, Deputy Metro Attorney

Exhibit A

Property Legal Description

PARCEL I:

Part of Section 15, Township 2 South, Range 3 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the South one-quarter corner of said Section 15; thence West along the South line of said Section, 550 feet, more or less, to the intersection of said South line with the North bank of the Clackamas River; thence Northwesterly following the North bank of said river, 250 feet to the true point of beginning of the tract herein to be described; thence North parallel with the East line of the Southwest one-quarter of said Section 15, to the Southerly bank of Deep Creek; thence Southwesterly following the Southerly bank of Deep Creek to the North bank of the Clackamas River, thence Easterly following the North bank of said river to the true point of beginning.

TOGETHER WITH a non-exclusive Easement for road and utility purposes over the following:

Beginning at the intersection of the Southwesterly right-of-way line of State Highway No. 224 and the North line of the South one-half of the Southeast one-quarter of Section 15, Township 2 South, Range 3 East; thence along said right-of-way line North $72^{\circ}37'11''$ West, a distance of 136.66 feet to a point of curve; thence along a 439.26 foot radius curve to the right through a central angle of $4^{\circ}14'48''$ an arc distance of 32.58 feet to an angle corner in that certain tract conveyed to Lillian Meyers, recorded July 23, 1976, Fee No. 76-025016; thence South $1^{\circ}54'36''$ East, a distance of 37.14 feet to an angle corner in said Meyers tract; thence South $88^{\circ}05'24''$ West, a distance of 355.00 feet to the East line of that certain tract conveyed to Edward L. Meyers and Lillian Meyers, husband and wife, recorded July 8, 1953, in Book 471, Page 178, Deed Records; thence North $1^{\circ}54'36''$ West along the East line of said last mentioned Meyers tract, a distance of 30.00 feet to the Southeast corner of the first described tract in that certain Deed to Burns K. Delmarter and Carol Delmarter, husband and wife, recorded July 23, 1976, Fee No. 76-025015, Film Records; thence South $88^{\circ}46'59''$ West along the Southerly line of said Delmarter tract, a distance of 217.94 feet to the Southeast corner of the second described tract in said Delmarter Deed; thence South $88^{\circ}05'24''$ West along the South line of said second described tract, a distance of 40.00 feet to the Southwest corner thereof; thence South $1^{\circ}54'36''$ East, a distance of 2.64 feet; thence South $88^{\circ}27'06''$ West, a distance of 543.87 feet; thence along a 50.00 foot radius curve to the left through a central angle of $83^{\circ}35'24''$ an arc distance of 72.95 feet; thence South $4^{\circ}30'00''$ West, a distance of 421.61 feet; thence South $17^{\circ}18'18''$ West, a distance of 86.57 feet; thence South $34^{\circ}46'00''$ West, a distance of 108.16 feet; thence South, a distance of 100.65 feet; thence along a 25.00 foot radius curve to the right through a central angle of $90^{\circ}00'00''$ an arc distance of 39.27 feet; thence West, a distance of 95.00 feet; thence South, a distance of 50 feet; thence East, a distance of 96.00 feet to a point of curve; thence along a 75.00 foot radius curve to the left through a central angle of $90^{\circ}00'00''$ an arc distance of 117.81 feet; thence North a distance of 85.00 feet; thence North $34^{\circ}46'00''$ East, a distance of 100.18 feet; thence North $17^{\circ}18'18''$ East, a distance of 99.86 feet; thence North $4^{\circ}30'00''$ East, a distance of 427.22 feet; thence North $88^{\circ}05'24''$ East, a distance of 1316.11 feet to the place of beginning.

EXCEPTING THEREFROM the ownership of the State of Oregon in that portion lying below the line of mean high water.

TOGETHER WITH a non-exclusive Easement for road way and public utility purposes, over the following:

A 50 foot wide Easement the South line lying 50 feet South of and parallel with the following described North line:

Beginning at the most Southerly Northwest corner of the Easement described above; thence West to a point of intersection with a line drawn parallel to and 800.00 feet distant from the North-South one-quarter line of Section 15, Township 2 South, Range 3 East, of the Willamette Meridian, and the terminus of said Easement.

PARCEL II:

A portion of Tract 2, LILLIAN MEYERS MAJOR PARTITION, recorded October 24, 1977, in Book 2, Page 4, Major Partition, in the South one-half of Section 15, Township 2 South, Range 3 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, as described in that certain Deed to Lillian Meyers, recorded March 20, 1984, Fee No. 84-009152, Film Records, which lies South of a line to be described below:

Beginning at the intersection of the Southwesterly right-of-way line of State Highway No. 224, and the North line of the South one-half of the Southeast one-quarter of said Section 15; thence along said right-of-way line, North $72^{\circ}37'11''$ West, a distance of 136.66 feet to a point of curve; thence along a 439.26 foot radius curve to the right, through a central angle of $4^{\circ}14'48''$, an arc distance of 32.58 feet to an angle corner in that certain tract conveyed to Lillian Meyers, recorded July 23, 1976, Fee No. 76-025016; thence South $1^{\circ}54'36''$ East, a distance of 37.14 feet to an angle corner in said Meyers tract; thence South $88^{\circ}05'24''$ West, a distance of 355.00 feet to the East line of that certain tract conveyed to Edward L. Meyers and Lillian Meyers, husband and wife, recorded July 8, 1953 in Book 471, Page 178, Deed Records; thence North $1^{\circ}54'36''$ West along the East line of said last mentioned Meyers tract, a distance of 30.00 feet to the Southeast corner of the first described tract in that certain Deed to Burns K. Delmarter and Carol Delmarter, husband and wife, recorded July 23, 1976, Fee No. 76-025015, Film Records; thence South $88^{\circ}46'59''$ West along the Southerly line of said Delmarter tract, a distance of 237.94 feet to the Southeast corner of the second described tract in said Delmarter Deed; thence South $88^{\circ}05'24''$ West, along the South line of said second described tract, a distance of 40.00 feet to the Southwest corner thereof; thence South $1^{\circ}54'36''$ East, a distance of 2.64 feet; thence South $88^{\circ}27'06''$ West, a distance of 543.87 feet; thence along a 50.00 foot radius curve to the left through a central angle of $83^{\circ}35'24''$ an arc distance of 72.95 feet; thence South $4^{\circ}30'00''$ West, a distance of 421.61 feet; thence South $17^{\circ}18'18''$ West, a distance of 86.57 feet; thence South $34^{\circ}46'00''$ West, a distance of 108.16 feet; thence South a distance of 100.65 feet; thence along a 25.00 foot radius Curve to the right, through a central angle of $90^{\circ}00'00''$, an arc distance of 39.27 feet; thence West, a distance of 95.00 feet; thence North a distance of 540.00 feet; thence South a distance of 287 feet to the true place of beginning of the said line to be described; thence East to the Easterly line of said tract 2 and the terminus of said line.

TOGETHER WITH Tract 3, LILLIAN MEYERS MAJOR PARTITION, recorded October 24, 1977 in Book 2, Page 4, Major Partitions in the South one-half of Section 15, Township 2 South,

Range 3 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the intersection of the Southwesterly right-of-way line of State Highway No. 224 and the North line of the South one-half of the Southeast one-quarter of said Section 15; thence along said right-of-way line North $72^{\circ}37'11''$ West, a distance of 136.66 feet to a point of curve; thence along a 439.26 foot radius curve to the right through a central angle of $4^{\circ}14'48''$ and arc distance of 32.58 feet to an angle corner in that certain tract conveyed to Lillian Meyers, recorded July 23, 1976, Fee No. 76-025016; thence South $1^{\circ}54'36''$ East, a distance of 37.14 feet to an angle corner in said Meyers tract; thence South $88^{\circ}05'24''$ West, a distance of 355.00 feet to the East line of that certain tract conveyed to Edward L. Meyers and Lillian Meyers, husband and wife, recorded July 8, 1953 in Book 471, Page 178, Deed Records; thence North $1^{\circ}54'35''$ West along the East line of said last mentioned Meyers tract, a distance of 30.00 feet to the Southeast corner of the first described tract in that certain Deed to Burns K. Delmarter and Carol Delmarter, husband and wife, recorded July 23, 1976, Fee No. 76-025015, Film Records; thence South $88^{\circ}46'59''$ West along the Southerly line of said Delmarter tract, a distance of 217.94 feet to the Southeast corner of the second described tract in said Delmarter Deed; thence South $88^{\circ}05'24''$ West along the South line of said second described tract, a distance of 40.00 feet to the Southwest corner thereof; thence South $1^{\circ}54'36''$ East, a distance of 2.64 feet; thence South $88^{\circ}27'06''$ West, a distance of 543.87 feet; thence along a 50.00 foot radius curve to the left through a central angle of $83^{\circ}35'24''$ an arc distance of 72.95 feet; thence South $4^{\circ}30'00''$ West, a distance of 421.61 feet; thence South $17^{\circ}18'18''$ West, a distance of 86.57 feet; thence South $34^{\circ}46'00''$ West, a distance of 108.16 feet; thence South, a distance of 100.65 feet; thence along a 25.00 foot radius curve to the right through a central angle of $90^{\circ}00'00''$ an arc distance of 39.27 feet; thence West, a distance of 95.00 feet to a point being also known as Point A; thence North, a distance of 540.00 feet; thence West, a distance of 224.76 feet; thence West, a distance 80 feet, more or less, to the West bank of Deep Creek; thence Southerly and Westerly downstream to a point which is 800.00 feet West of and at right angles to the North-South one-quarter line of said Section 15; thence South crossing said Deep Creek 70.00 feet, more or less, to an iron rod, as shown in the West line of said Tract 3; thence continuing South parallel to and 800.00 feet distant from said North-South one-quarter line, a distance of 803.45 feet to an iron rod; said rod being West, a distance of 800.00 feet and North 142.06 feet from the initial point of the said Major Partition; thence South, a distance of 90 feet, more or less, to the North bank of the Clackamas River; thence Easterly upstream along the said North bank to the said North-South one-quarter line; thence North, a distance of 100 feet to the initial point of said Major Partition; thence North, a distance of 647.39 feet; thence North $34^{\circ}46'00''$ East, a distance of 100.18 feet; thence North $17^{\circ}18'18''$ East, a distance of 99.86 feet; thence North $4^{\circ}30'00''$ East, a distance of 427.22 feet; thence North $88^{\circ}05'24''$ East, a distance of 1316.11 feet to the place of beginning.

EXCEPTING THEREFROM that portion described in Deed to Leslie Dee Meyers recorded August 14, 1984, Fee No. 84-028123.

ALSO EXCEPTING THEREFROM that portion described in Deed to Burns K. Delmarter and Carol Delmarter recorded July 23, 1976, Fee No. 76-025015.

FURTHER EXCEPTING THEREFROM that portion described in Deed to Bessie M. Keens recorded May 3, 1979, Fee No. 79-018116, Records of Clackamas County, Oregon.

ALSO BEGINNING at a 5/8 inch iron rod at the intersection of the North line of the South one-half of the Southeast one-quarter of Section 15, Township 2 South, Range 3 East, Willamette

Meridian, in the County of Clackamas and State of Oregon, and the Southwesterly line of State Highway 224, from the point of beginning; thence along said North line South $88^{\circ}05'24''$ West 586.73 feet to a point; thence South $69^{\circ}24'36''$ East 78.39 feet to a point 30 feet South of, as measured at right angles, the North line of the said South one-half of the Southeast one-quarter; thence North $88^{\circ}05'24''$ East 30 feet from and parallel to the said North line, 355.00 feet to a point; thence North $77^{\circ}25'29''$ East 162.10 feet to the true point of beginning.

EXCEPTING THEREFROM the ownership of the State of Oregon in that portion lying below the line of mean high water.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 22-5233 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO PURCHASE CERTAIN REAL PROPERTY IN THE CLACKAMAS RIVER BLUFFS AND GREENWAY TARGET AREA UNDER THE 2019 PARKS AND NATURE BOND MEASURE

Date: January 3, 2022
Department: Parks and Nature
Meeting Date: January 20, 2022

Prepared by: Ryan Ruggiero, Shannon Leary

ISSUE STATEMENT

Resolution 22-5233 requests authorization for the Chief Operating Officer to acquire property (the "Property") located within the Clackamas River Bluffs and Greenway target area in a transaction that does not meet all of the Acquisition Parameters and Due Diligence Guidelines described in the 2014 Natural Areas Implementation Work Plan. The appraisal of the Property does not support the purchase price, therefore, Metro Council must authorize the Chief Operating Officer to acquire the Property at the negotiated purchase price reflected in the purchase and sale agreement.

ACTION REQUESTED

Staff requests Metro Council approval to close on the purchase of the Property.

IDENTIFIED POLICY OUTCOMES

Purchase of the Property is consistent with the principles and criteria of the 2019 Parks and Nature bond measure generally, and the goals for the Clackamas River Bluffs and Greenway target area specifically.

POLICY OPTIONS FOR COUNCIL TO CONSIDER

Approval to purchase the Property will enable Parks and Nature to achieve important conservation goals of the 2019 Parks and Nature bond measure for the Clackamas River Bluffs and Greenway target area. Failure to acquire the Property at the agreed upon purchase price could result in the Property's sale to another party, likely leading to its development for rural residential use.

STAFF RECOMMENDATIONS

Staff recommends Council approve Resolution 22-5233.

BACKGROUND, STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

The Property, 31.88 acres in size, is located at 23800 SE Highway 224, outside the City of Boring, Oregon, County of Clackamas, and State of Oregon. It is situated at the confluence of Deep Creek and the Clackamas River and is adjacent to Metro's 95.46-acre Barton Natural Area. It is also located immediately across the Clackamas River from Metro's 195.59-acre

North Logan Natural Area. Acquisition of the Property has been a priority since the 1995 Open Spaces, Parks and Streams bond measure and was again identified as a priority for the 2006 Natural Areas bond measure. With the 2019 bond refinement process nearing completion, staff anticipates the Property will again emerge as a very high, Tier I priority. Metro's ownership of the Property will enable high-priority restoration and effective, consistent natural areas management while also removing the threat of additional residential development on the Property.

Additional acquisitions in this area have been sought for many years because of the opportunity to provide high value habitat for native wildlife, in particular, federally protected salmon, Pacific lamprey and native amphibians. The Property contains riparian habitat along both the Clackamas River and Deep Creek, and river confluences are especially important for native fish. To date, Metro has invested over \$4.9 million to purchase land along the Clackamas River and Deep Creek in the immediate vicinity of the Property, consisting of 15 separate land purchases totaling more than 677 acres. A short distance further downstream on the Clackamas River, Metro has invested an additional \$3.6 million to purchase another 370 acres spread across three different sites. Purchase of the Property builds on all of these past investments and amplifies their habitat and water quality value. Metro ownership of this property will also enable the restoration of a heavily impacted former sand and gravel quarry.

Though the refinement process for the 2019 Parks and Nature bond is not yet completed, the bond language pertaining to this target area clearly supports the purchase of the Property:

"The Clackamas River is one of two priority watersheds for salmon and steelhead recovery in the Willamette Valley. The source of drinking water for 300,000 people, it also supports Pacific lamprey and offers some the region's best opportunities for wildlife habitat conservation and river access for people. Investment in this target area helps connect existing public lands and expand efforts to new priority areas of the lower Clackamas River."

Purchase of the Property also aligns well with the goal of the 2007 refinement plan for the Clackamas River Bluffs and Greenway refinement plan, which was to:

"Protect sensitive riparian areas, wetlands, and side channels along the Clackamas River from Goose Creek west towards the confluence with the Willamette River for fish and wildlife habitat protection, enhancement and restoration. Protect water quality and improve fish and wildlife habitat in the lower Clackamas River by acquiring and restoring native plant communities and side channels."

In summary, purchase of the Property is consistent with both long-standing and future goals for the Clackamas River Bluffs and Greenway target area.

Consistency with Metro's Racial Equity, Diversity and Inclusion Goals

Purchase of the Property is consistent with the identified 2019 bond principles of protecting clean water for people fish and wildlife, and prioritizing protection and

restoration of culturally significant native plants in partnership with greater Portland's Indigenous community in regional land acquisition and management plans. The property also supports additional water access and potential for community gathering space, priorities identified by Indigenous community members during the 2019 bond refinement process.

Purchase of the property can meet five Protect and Restore Land program criteria, which were established by the Metro Council with input from many community members including communities of color.

- Protect clean water for people, fish and wildlife. Improve water quality and quantity.
- Protect headwaters, wetlands, floodplains, and riparian areas and help prevent flooding in urban areas.
- Protect, connect and improve habitat for native fish and wildlife. Increase focus on salmon, trout, steelhead and lamprey.
- Restore and enhance wildlife habitat prioritized in federal, state and regional conservation plans and/or identified through community engagement.
- Acquire land to provide future potential access to nature for people, scenic views, and community gathering spaces. Prioritize land acquisition with the potential to increase access to nature for communities of color, Indigenous communities, people with low incomes and other historically marginalized communities.

Consistency with Metro's Climate Action Goals

Purchase of the Property is consistent with the identified 2019 bond principle of reducing impacts of climate change through conservation and park development, emphasizing flood control, water quality and availability, habitat connectivity, and community access to water. Purchase of the property can meet the three 2019 bond climate resilience criteria:

- Protect, connect and restore habitat to support strong populations of native plants, fish and wildlife so that they can adapt to a changing climate
- Protect and restore floodplains, headwaters, streams and wetlands to increase their capacity to handle stormwater to protect vulnerable communities from flooding
- Invest in segments of the regional trail system to expand active transportation opportunities for communizing, recreation and other travel.

Protection of the property would help protect, connect and restore habitat to support strong populations of native plants, fish and wildlife that can adapt to a changing climate. Purchase of the property would also protect almost 1/2 mile of Clackamas River frontage and almost 1/2 mile of Deep Creek frontage and riparian forest, a benefit to native wildlife species, particularly native fish. This property also helps build on the scenic nature of the Clackamas River Greenway regional trail.

Known Opposition/Support/Community Feedback

Acquisition of the Property advances goals of the Clackamas Partnership, a coalition of 15 organizations and agencies working to recover Salmon, Steelhead, Cutthroat Trout and Lamprey in the Clackamas River watershed.

There is no known opposition to the Parks and Nature's acquisition of the Property.

Legal Antecedents

Metro's 2006 Natural Areas Bond Measure.

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

Resolution No 07-3846, "Approving the Natural Areas Acquisition Refinement Plan for the Clackamas River Bluffs and Greenway Target Area", adopted by Metro Council on September 13, 2007.

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

Resolution No. 19-5055, "Authorizing the Chief Operating Officer to purchase property with 2019 Measure funds in accordance with the Acquisition Parameters and Due Diligence Guidelines of the Natural Areas Implementation Work Plan", adopted by Metro Council on December 12, 2019.

Anticipated Effects

If this request is approved by Metro Council, staff will complete its remaining due diligence activities in accordance with the 2014 Natural Areas Implementation Work Plan requirements and then close on the purchase of the Property.

Financial Implications

Purchase of the Property will occur with 2019 Parks and Nature bond funds and is within the budget allocation for fiscal year 2022.

ATTACHMENTS

Maps:

- Meyers_Context_Council
- Meyers_Site_Council






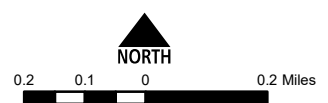
Data Resource Center/Metro

CLACKAMAS RIVER BLUFFS AND GREENWAY TARGET AREA

Lillian Meyers Trust - 31.88 acres

Legend

-  Property boundary
-  Streams
-  Metro property





CLACKAMAS RIVER BLUFFS AND GREENWAY TARGET AREA
Lillian Meyers Trust - 31.88 acres

- Legend**
-  Property boundary
 -  Streams
 -  Metro property

