

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE)	RESOLUTION NO. 25-5467
TRANSFER OF CERTAIN REAL PROPERTY)	
)	Introduced by Chief Operating Officer
)	Marissa Madrigal in concurrence with
)	Council President Lynn Peterson

WHEREAS, Metro owns real property described as Lot 14 and Lot 16, Block 15, BURLINGTON, in the County of Multnomah and State of Oregon ("Metro Property"); and

WHEREAS, the Metro Property is currently not actively managed or used by the public; and

WHEREAS, Seth Lowe ("Lowe") owns real property located adjacent to and in between Metro Property commonly known as 16605 NW Wapato Drive, Portland, OR 97231 and described as, Lot 15, Block 15, BURLINGTON, in the County of Multnomah and State of Oregon ("Lowe Property"); and

WHEREAS, Lowe asserts a legal right to maintain the improvements and occupy the Metro Property; and

WHEREAS, Metro is currently engaged in negotiations with Lowe to settle the real property boundary dispute; and

WHEREAS, the transfer and conveyance of the Metro Property may be necessary to effect such settlement; now therefore,

BE IT RESOLVED that the Metro Council finds that the public interest may be furthered by transferring the Metro Property to facilitate settlement of potential litigation.

BE IT FURTHER RESOLVED that the Metro Council authorizes the Metro Attorney and the Metro Chief Operating Officer to (a) execute a settlement of the boundary dispute; and (b) transfer the Metro Property as part of such settlement, provided the form of such settlement and property transfer agreements are in forms approved by the Metro Attorney.

ADOPTED by the Metro Council this 20th day of February, 2025.



Lynn Peterson, Council President

Approved as to Form:



Carrie MacLaren, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 25-5467 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO SELL CERTAIN REAL PROPERTY

Date: February 11, 2025
Department: COO, OMA, Parks and Nature
Meeting Date: February 20, 2025

Prepared by: Gary Shepherd, Senior Attorney, Office of Metro Attorney, (503) 797-1600
Presenter(s), (if applicable): n/a
Length: n/a

ISSUE STATEMENT

The Office of Metro Attorney requests approval from Council to resolve a boundary dispute through the disposition of real property.

ACTION REQUESTED

To resolve a real property boundary dispute, OMA and the Parks and Nature Department seek Council authorization to sell Lots 14 and 16, Block 15, BURLINGTON to Seth Lowe on terms and conditions negotiated by the Office of Metro Attorney.

IDENTIFIED OUTCOMES

This decision supports the amicable resolution of real property disputes.

POLICY QUESTION(S)

n/a

POLICY OPTIONS FOR COUNCIL TO CONSIDER

n/a

STAFF RECOMMENDATIONS

Staff recommends approving the disposition of real property to enable Metro to negotiate and resolve the boundary dispute.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Metro Code 2.04.050 requires Council approval to sell or transfer Metro real property. Metro staff are seeking approval to negotiate and resolve a real property boundary dispute. Approval will support and further the dispute resolution efforts of the Office of Metro Attorney.

There are no negative financial implications.

BACKGROUND

Metro owns a large land holding in the Burlington Forest, west of Hwy. 30 and north of Linnton. The area was platted as an urban density subdivision in 1909. *See Attachment 1, 1909 Burlington Plat.* Metro's property was purchased in 2000 from the Agency Creek Timber Company.

Public railroad right of way divides Metro's holdings. West of the rail line, the property is forested and managed as natural area. East of the rail line, the property is defined by privately owned and residentially developed lots, with Metro owned lots scattered about. *See Attachment 2, area map.* The platted lots east of the rail line are small, generally 3,333 square feet in size.

In the Fall of 2024, Metro was contacted by Seth Lowe, the owner of Lot 15, Block 15, BURLINGTON located at 16605 NW Wapato Drive, east of the rail line. Metro is the title holder of Lot 14 and Lot 16, Block 15, BURLINGTON located on either side of Mr. Lowe's Lot 15. Lot 15 is east of the rail line, away from the forested areas managed as part of the Burlington Forest Natural Area.

Mr. Lowe, represented by legal counsel, claims that improvements associated with his residential use extend beyond the boundaries of Lot 15 and are located on Metro property. Mr. Lowe asserts the improvements have served the Lowe residence since the 1940's; accordingly, Mr. Lowe claims he has a legal right to maintain the improvements.

Rather than litigate the claim, Metro and Mr. Lowe engaged in negotiations to find an amicable resolution. Subject to Metro Council approval, in addition to other terms and conditions, the parties have agreed that Metro would quitclaim its interest in Lot 14 and Lot 16 to Mr. Lowe in exchange for fair market consideration. The consideration was determined in consultation with Metro Parks and Nature's real estate team.

Before Metro may sell the subject property, Metro Council must first find that the public interest may be furthered by such transfer. Necessary notices have been given. Lot 15 is not actively managed, contains no sensitive resources, and is not used by the public. The property does not provide conservation value. Given its location near residential uses and away from the forested areas, the property is identified by Parks and Nature staff as not necessary for the successful management of the Burlington Forest Natural Area.

ATTACHMENTS

Attachment 1- 1909 Burlington Plat

Attachment 2- Area map

ATTACHMENT 1

BURLINGTON.

BLOCKS 1-29 & 36-44 INCLUSIVE
Ruth Trust Co., Owners.

Situated in
SEC. 20, T. 2 N. R. 1 W.

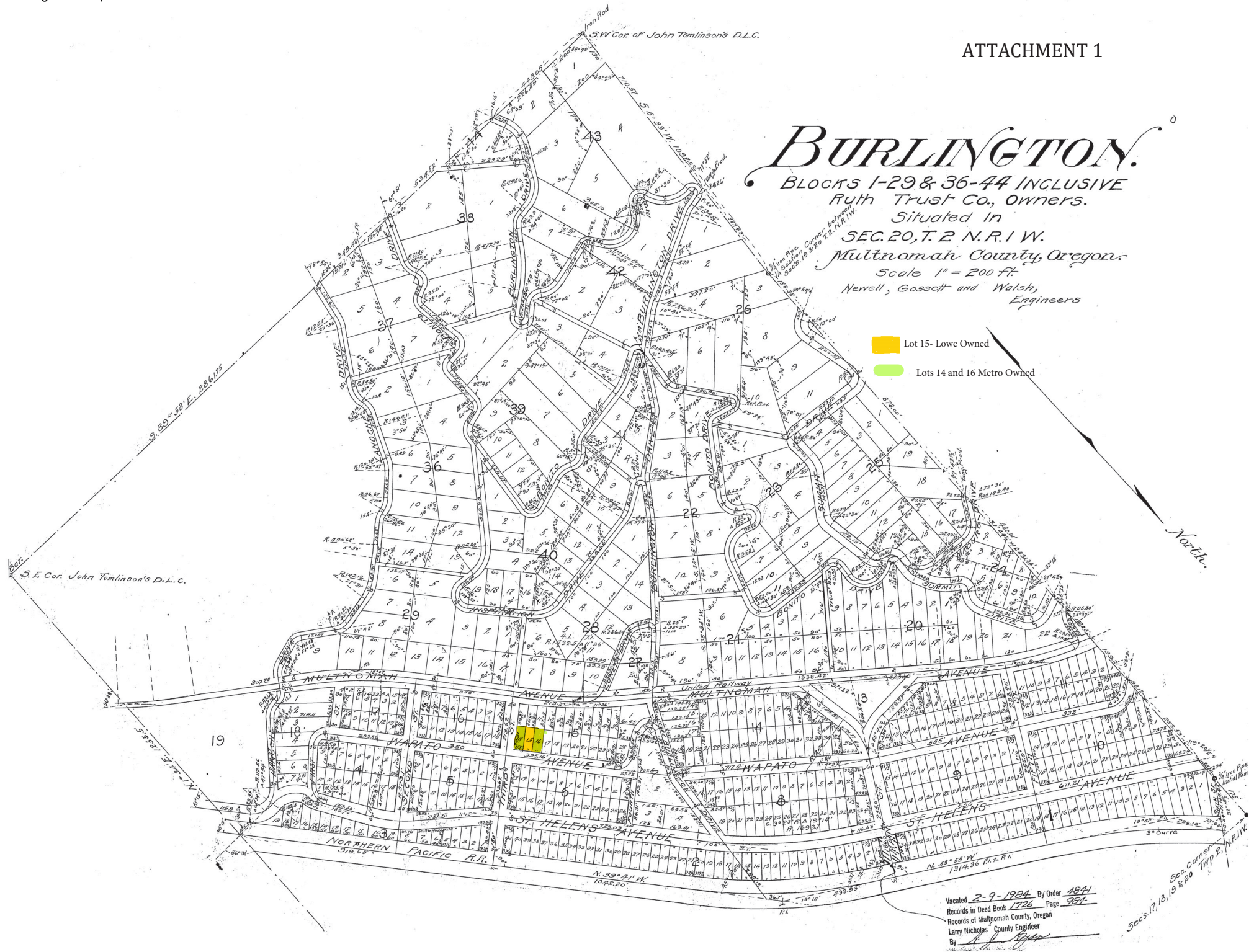
Multnomah County, Oregon.

Scale 1" = 200 ft.

Novell, Gossett and Walsh,
Engineers

Lot 15- Lowe Owned

Lots 14 and 16 Metro Owned



Vacated 2-9-1984 By Order 4841
Records in Deed Book 1726 Page 284
Records of Multnomah County, Oregon
Larry Nicholas County Engineer
By L. Nicholas

Sec. 17, 18, 19 & 20 TRP 2 MAIN

AREA MAP (subject area circled in red)

