

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE)	RESOLUTION NO. 99-2796
EXECUTIVE OFFICER TO PURCHASE)	
PROPERTY IN THE WILLAMETTE NARROWS)	Introduced by Mike Burton
SECTION OF THE WILLAMETTE RIVER)	Executive Officer
GREENWAY TARGET AREA)	

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 the Open Spaces, Parks and Streams Bond Measure (Ballot Measure 26-26) which authorized Metro to issue \$135.6 million in general obligation bonds to finance land acquisition and capital improvements; and

WHEREAS, on April 11, 1996, via resolution 96-2307, the Metro Council adopted a refinement plan for the Willamette Narrows Section of the Willamette River Greenway target area, which included a confidential tax-lot specific map identifying priority properties for acquisition; and

WHEREAS, the Willamette Narrows target area refinement plan identified property owned by the Webers as a Tier I acquisition; and

WHEREAS, the Webers own approximately 194 acres and has offered to sell the Property to Metro at a price that is 2.9% above Metro's appraised value; and

WHEREAS, pursuant to the Open Spaces Implementation Work Plan, paying above Metro's appraised value is an "unusual circumstance;" and

WHEREAS, as a condition of the sale, Mrs. Weber requested to retain a life estate in her home and the surrounding one-acre on the Property; and

WHEREAS, pursuant to the Open Spaces Implementation Work Plan, Mrs. Weber's request is an "unusual circumstance;" and

WHEREAS, as a condition of the sale, Paul Weber, the owner and operator of the existing farming operation requested up to 18 months to relocate the operation to Ohio; and

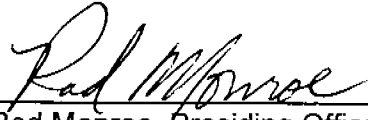
WHEREAS, pursuant to the Open Spaces Implementation Work Plan, Mr. Weber's request is an "unusual circumstance;" and

WHEREAS, the Open Spaces Implementation Work Plan requires the Metro Council's specific approval for acquisitions which involve an "unusual circumstance;" now therefore,

BE IT RESOLVED,

That the Metro Council authorizes the Metro Executive Officer to purchase the Property from the Webers as more particularly described in Exhibit A at a price which is 2.9% above Metro's appraised value, subject to Mrs. Weber's life estate, and to permit Mr. Paul Weber up to 18 months to relocate his farming operations from the Property, all as more particularly described in the Agreement of Purchase and Sale for this Property.

ADOPTED by the Metro Council this 10th day of JUNE, 1999.



Rod Monroe, Presiding Officer

Approved as to Form:



Daniel B. Cooper, General Counsel

EXHIBIT A
RESOLUTION 99-2796

PARCEL 1: Tracts 2, 3 and 4, THOMAS BUCKMAN TRACTS, in the County of Clackamas and State of Oregon.

PARCEL 2: A tract of land situated in Section 21, Township 3 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at a point 174.24 feet South from the common corner of Sections 16, 17, 20 and 21, in said Township and Range; running thence South 86° East, 818.4 feet to a stake; thence South $5^{\circ} 15'$ East, 1016.4 feet to the left bank of the Willamette River; thence with the meanders of said river upstream, South 61° West, 1057.32 feet to the line between Sections 20 and 21; thence North tracing the said Section line, 1559.58 feet to the place of beginning.

EXCEPTING THEREFROM the above description the following:

All that certain tract or parcel of land lying in the Northwest one-quarter of Section 21, Township 3 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows, to-wit:

Commencing at a stone monument marking the section corner common to Sections 16, 17, 20 and 21, of said Township 3 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon; thence Southerly 1385.10 feet along the section line common to Sections 20 and 21 to an iron pipe marking the true point of beginning of the herein described parcel of land; thence North $72^{\circ} 05'$ East, 599 feet to an iron pipe; thence South $33^{\circ} 53'$ East, 202.60 feet, more or less, to a point in the meander line on the left bank of the Willamette River; thence South $61^{\circ} 00'$ West, 780.76 feet, more or less, upstream with the meander of the left bank of said river to its intersection with the section line common to said Sections 20 and 21; thence North 362.44 feet to the true point of beginning.

PARCEL 3: A tract of land situated in Sections 17 and 20, Township 3 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at the point of intersection of the East line of Section 20, Township 3 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, with the meander line on the left bank of the Willamette River, which point of beginning is 1765.5 feet South of the Northeast corner of said Section 20; running thence Northerly along the Easterly line of Section 20 and 17 of said Township and Range, a distance of 4405.5 feet to the one-quarter section corner in the East line of said Section 17; thence Westerly along the Northerly line of the Southeast one-quarter of said Section 17, a distance of 660 feet; thence Southerly parallel with the Easterly lines of Sections 1 and 20, to the left bank of the Willamette River; thence downstream with the meanders of the left bank of said river to the place of beginning.

PARCEL 4: A tract of land situated in the Northwest one-quarter of Section 21, Township 3 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, more

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particularly described as follows:

Commencing at a stone monument marking the section corner common to Sections 16, 17, 20 and 21, of said Township 3 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon; thence Southerly 174.24 feet along the section line common to Sections 20 and 21; thence South 86° 00' East 818.40 feet to an iron pipe marking the true point of beginning of the herein described parcel of land; thence South 5° 15' East 1016.40 feet, more or less, to a point in the meander line on the left bank of the Willamette River; thence North 44° 15' East 206.04 feet downstream with the meander of the left bank of said River; thence Northerly 857.84 feet, more or less, to a point, which point is also 8.5 feet Northerly of an iron pipe set in fence line; thence North 84° 00' West 122.10 feet to a point; thence South 87° 00' West 115.50 feet to the true point of beginning.

PARCEL 5: Tract 5 and the South 148.5 feet of Tract 6, THOMAS BUCKMAN TRACTS, in the County of Clackamas and State of Oregon.

Staff Report

CONSIDERATION OF RESOLUTION NO. 99-2796 FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO PURCHASE PROPERTY IN THE WILLAMETTE NARROWS SECTION OF THE WILLAMETTE RIVER GREENWAY TARGET AREA

Date: May 19, 1999

Presented by: Charles Ciecko
Jim Desmond

PROPOSED ACTION

Resolution No. 99-2796 requests authorization for the Executive Officer to purchase property in the Willamette Narrows Section of the Willamette River Greenway Target Area.

BACKGROUND AND ANALYSIS

Metro has entered into a purchase and sale agreement with the Weber family for 194 acres located just west of the Canby Ferry in Clackamas County on the Willamette River, adjacent to two parcels owned by Oregon State Parks, and across the river from Molalla State Park ("the Property"). The Property is in Tier I of the adopted Willamette Narrows Section of the Willamette River Greenway Target Area Refinement Plan. The Property, known as Idylwild Farm, is a dairy farm that has been owned and operated by the Webers for over forty years, and has been managed to preserve the property's habitat value.

"The site's overall habitat value is high based upon the presence of four distinct habitat types; vegetative species and structural diversity with high level of canopy closure and recruitment of dominant species; well-developed tree, shrub, and herbaceous vegetative layers which are predominantly native... and the presence of perennial water.... The site itself supports an intact riparian corridor throughout much of its western half." Biological Site Evaluation Report, submitted by independent biologist Maurita Smyth, August 18, 1998.

The Weber property has the potential to serve as a stand-alone regional park, providing passive natural-area recreational use with direct, low bank access to the Willamette River.

There are three unusual circumstances regarding the transaction for which Council approval is sought. First, the contracted purchase price is above Metro's appraised value. Second, Mrs. Weber would like to retain a life estate in her home and a one-acre surrounding area. Third, the Webers would like a period of up to 18 months after closing in which to relocate the farm operations. Each circumstance is further discussed below.

Appraised Value. The Webers had their property listed for sale and were presented with competing offers. Metro had an appraisal performed on the Property and presented the Webers with an offer for the full appraised value including the timber value. A competing offer was presented the same day which was about 7.5% higher than Metro's offer. After further negotiations, the Webers agreed to sell the Property to Metro for an amount that is 2.9% above Metro's appraised value.

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Life Estate. Mrs. Weber, who is 79 years old, would like to retain a life estate in her home on the Property, plus the surrounding one-acre. The value of this interest in the property is relatively low (approximately 2-3% of the purchase price). In exchange for granting Mrs. Weber a life estate, Metro would receive the benefit of a having constant presence on the property by one whom is intimately familiar with the property. At 4,400 acres, and growing, it is an ongoing challenge for the Parks and Greenspaces Department staff to find creative solutions to effectively monitor the activities and conditions of the properties Metro owns. The management and occupation of residences pose particular operations and maintenance challenges for the Department. The life estate scenario will provide a savings to Metro of staff time and incidental costs. Metro and Mrs. Weber would enter an Agreement for Estate for Years which defines the responsibilities and obligations of each party.

Extended Period for Relocation of Farm Operations. It is customary for Metro to take possession of Property at closing. In this case, however, Paul Weber, Mrs. Weber's son and the current operator of Idylwild Farm, will be relocating the operations to Ohio. Due to the size of the operations and the seasonal nature of farming, the owner has requested extra time in which to relocate the entire operation so that final crops may be harvested and animals moved without an inordinate amount of stress. Metro and the owners would enter into an Agricultural Lease Agreement to protect Metro's rights as the landowner during this period. As Metro has no funding available to immediately develop a master plan and open the site for public use, this potential 18-month delay on obtaining full possession of the site is not considered significant by staff.

The Real Estate Acquisition Committee met on May 25, 1999, and unanimously recommended to the Executive Officer to purchase the Weber Property at 2.9% above Metro's appraised value, to grant Mrs. Weber a life estate pursuant to the terms of the Agreement for Estate for Years, and to allow the Webers sufficient time, not to exceed December 31, 2000, to relocate their operations pursuant to the terms of the Agricultural Lease.

FINDINGS

Acquisition of this property with the above-stated terms is recommended based on the following:

- This property lies in Tier I of the Willamette Narrows Section of the Willamette River Greenway Target Area and fulfills the goals of the Willamette River Greenway Refinement Plan.
- The site provides a rare opportunity to preserve existing habitat and enhance or restore former native forest and meadow habitats on a large block of land along the Willamette River.
- The site provides safe, low bank access to the Willamette River.
- The perennial stream may offer some habitat for native cutthroat trout.
- The size of the property is suitable for a stand-alone regional park at some point in the future.
- The owners rejected a higher competitive offer because of their desire to allow Metro the opportunity to preserve the Property for public benefit and enjoyment.

- It would be beneficial to Metro to have Mrs. Weber remain on the Property for a period of years to ensure that the residence is occupied and maintained, and to provide a constant presence on the Property.
- Based on the circumstances of the dairy operations and the location to which the dairy is moving, it is reasonable to afford the owners sufficient time to relocate their operations, and the delay in obtaining immediate physical possession will not unreasonably impede Metro's land banking operations.

BUDGET IMPACT

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

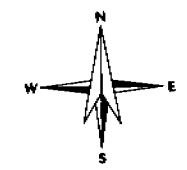
EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends passage of Resolution No. 99 -2796.

Open Spaces, Parks & Streams

Willamette Narrows

- ▾ Subject Property
- ▾ Nature Conservancy
- ▾ Metro Acquisitions
- ▾ State of Oregon
- ▾ Clackamas County

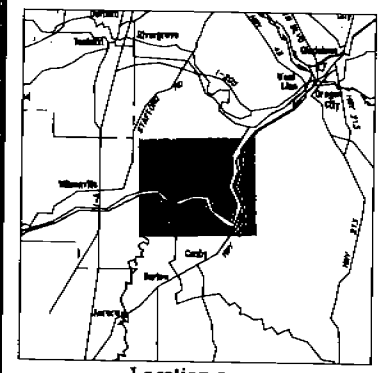


Scale: 1" = 2900'



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Location map



