

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE)	RESOLUTION NO. 24-5400
CHIEF OPERATING OFFICER TO PURCHASE)	
CERTAIN PROPERTY IN THE CLEAR CREEK)	Introduced by Chief Operating Officer
TARGET AREA UNDER THE 2019 PARKS AND)	Marissa Madrigal in concurrence with
NATURE BOND MEASURE)	Council President Lynn Peterson

WHEREAS, on June 6, 2019, the Metro Council adopted Resolution No. 19-4988, referring to the voters of the Metro area the question of authorizing Metro to issue general obligation bonds in an amount not to exceed \$475 million for the purposes of protecting natural areas, water quality and fish and wildlife habitat and connecting people to nature (the “2019 Parks and Nature Measure”); and

WHEREAS, at the election held on November 5, 2019, the voters in the Metro area approved the 2019 Parks and Nature Measure (Ballot Measure 26-203); and

WHEREAS, the Clear Creek Target Area was identified in the 2019 Parks and Nature Measure as one of 24 regional target areas for land acquisition; and

WHEREAS, on December 12, 2019, the Metro Council approved Resolution No. 19-5055, authorizing the Chief Operating Officer to continue to acquire property with 2019 Parks and Nature Measure funds in accordance with the Acquisition Parameters and Due Diligence Guidelines of the Amended and Restated Natural Areas Implementation Work Plan (adopted pursuant to Metro Council Resolution No. 14-4536) and Open Spaces Leasing Policy (adopted pursuant to Metro Council Resolution No. 97-2483); and

WHEREAS, on April 14, 2022, the Metro Council approved Resolution No. 22-5250, “For the Purpose of Approving Acquisition Target Area Refinement Plans for the 2019 Parks and Nature Bond Measure,” which included the Clear Creek Target Area Refinement Plan and authorized the Chief Operating Officer to acquire specific properties identified on corresponding confidential tax-lot maps, provided such acquisitions comply with the applicable Amended and Restated Natural Areas Implementation Work Plan requirements; and

WHEREAS, on April 17, 1997, the Metro Council approved Resolution No. 97-2483, which authorizes the Chief Operating Officer to execute future leases of Metro real property when such leases (1) relate to the acquisition of a natural area property acquired with bond proceeds, (2) contain a term of no more than one year; and (3) provide for lease payments of not more than \$2,000 per month; and

WHEREAS, Metro has entered into a purchase and sale agreement with a landowner (the “Seller”) to purchase 18.72 acres of land, as more particularly identified and described on Exhibit A to this resolution (the “Property”), and for the Seller to grant to Metro a right of first opportunity to purchase approximately 295 acres of real property owned by the Seller; and

WHEREAS, the Property was identified as a Tier I property under the Clear Creek Target Area Refinement Plan and acquisition of the Property is in the public benefit because it meets the Refinement Plan goals and objectives of protecting riparian, floodplain and aquatic habitats on Clear Creek, prioritizing lands adjacent to publicly owned lands that allow for reconnection of floodplains and restoration of aquatic habitat that benefit Salmon, Steelhead, Cutthroat Trout and Pacific Lamprey; and

WHEREAS, the appraisal of the Property does not support the purchase price agreed to by Metro and the Seller, and therefore in accordance with the Acquisition Parameters and Due Diligence Guidelines, the Chief Operating Officer must obtain Council approval to close the transaction and acquire the Property; and

WHEREAS, there is an existing month-to-month residential lease on a portion of the Property that will be assigned to Metro at closing with monthly lease payments of \$2,269, which amount is above the rent cap provided in in Resolution No. 97-2483; now therefore,

BE IT RESOLVED that the Metro Council hereby authorizes the Chief Operating Officer to: (1) acquire the Property identified in Exhibit A at the negotiated purchase price, 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; and (2) execute an assignment of lease to assume the existing lease on its terms and a subsequent lease for the residential home on the Property at the current amount of \$2,269, an amount higher than the rent cap provided in Resolution No. 97-2483.

ADOPTED by the Metro Council this ___ day of April 2024.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney