

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE) RESOLUTION NO. 17-4789
CHIEF OPERATING OFFICER TO ACCEPT)
THE DONATION OF PROPERTY IN THE) Introduced by Chief Operating Officer
SANDY RIVER GORGE TARGET AREA) Martha J. Bennett, with the concurrence of
) Council President Tom Hughes

WHEREAS, at the general election held on November 7, 2006, the voters of the Metro region approved the 2006 Natural Areas Bond Measure, authorizing Metro to sell \$227.4 million in general obligation bonds to fund natural area acquisition and water quality protection; and

WHEREAS, the Sandy River Gorge Target Area was identified in the Bond Measure as one of 27 regional target areas for land acquisition; and

WHEREAS, on September 6, 2007, the Metro Council adopted Resolution No. 07-3842 “Approving the Natural Areas Acquisition Refinement Plan for the Sandy River Gorge Target Area,” which Resolution approved the acquisition of properties within the target area; and

WHEREAS, a primary goal of the Sandy River Gorge refinement plan is to “Protect biological linkages by acquiring essential properties along the Sandy River and its tributaries for the protection of fish and wildlife habitat and water quality benefits;” and

WHEREAS, the Nature Conservancy of Oregon (“TNC”) is a valued partner whose mission is to conserve the lands and waters on which all life depends; and

WHEREAS, approximately 249 acres of real property owned by TNC and a 1.7-acre private parcel (together, the “Property”) that meets Metro’s goals in this area along the Sandy River is available for acquisition through fee title donation; and

WHEREAS, a complete Phase I environmental site assessment of the Property was not conducted, therefore the transaction does not meet all of the Acquisition Parameters and Due Diligence Guidelines in the 2014 Natural Areas Implementation Work Plan; and

WHEREAS, the lack of access from some of the parcels to a public road or right of way and the existence of a possibility of “reverter” in the proposed deed from The Nature Conservancy also constitute factors which are not within the Acquisition Parameters; and

WHEREAS, the 2014 Natural Areas Implementation Work Plan states that the “COO may complete an acquisition transaction that does not meet all of the acquisition parameters only with prior Council review and approval;” and

WHEREAS, bringing the Property into the existing 1,153 acre assemblage of properties acquired in the Sandy River target area since the passage of the Open Spaces, Parks and Streams bond measure in 1995 would generate benefits through comprehensive natural area management on a landscape scale and allow better coordination with other public agencies with interests in the area; now therefore

BE IT RESOLVED that the Metro Council finds that it is in the public interest to accept the donation of the Property, and therefore authorizes the Chief Operating Officer to:

1. Accept the donation of the Property on terms and under conditions acceptable to the Chief Operating Officer and the Office of Metro Attorney; and
2. Execute such ancillary documents as may be required in connection with this acquisition, in the forms approved by the Office of Metro Attorney.

ADOPTED by the Metro Council this _____ day of _____, 2017.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney