

IN CONSIDERATION OF RESOLUTION NO. 19-5005, FOR THE PURPOSE OF  
AUTHORIZING THE CHIEF OPERATING OFFICER TO GRANT A TRAIL EASMENT TO  
THE OREGON DEPARTMENT OF TRANSPORTATION

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Date: August 1, 2019  
Department: Parks and Nature  
Meeting Date: August 1, 2019

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**ISSUE STATEMENT**

ODOT requests the Metro Council authorize the Chief Operating Officer to grant a trail easement of approximately 1,390 feet in length.

**ACTION REQUESTED**

Metro Council authorization for the Chief Operating Officer to grant a trail easement to ODOT.

**IDENTIFIED POLICY OUTCOMES**

Continued application of the guidance in the Parks and Nature easement policy (Res. 97-2539B).

**POLICY QUESTION(S)**

Does the Metro Council wish to support construction of a segment of the 40-Mile Loop Trail on Metro property?

**POLICY OPTIONS FOR COUNCIL TO CONSIDER**

1. Grant ODOT the easement. This will allow ODOT to construct the entire segment of the 40-Mile Loop Trail without gaps and allows for construction efficiencies.
2. Do not grant ODOT the easement. This will result in a section of the 40-Mile Loop Trail not being built at this time and create uncertainty among partners.

**STAFF RECOMMENDATIONS**

Staff recommends the Metro Council approve ODOT's easement request and authorize the Chief Operating Officer to grant the easement to ODOT.

**STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION**

ODOT, in partnership with the Port of Portland, is in the design stage for a project to build a significant section of the 40 mile loop trail from Blue Lake Park eastward – approximately 2.1 miles in total. This section of the trail crosses Metro park property in two locations and ODOT has requested to acquire approximately 1,390 linear feet of trail easement from Metro (which at 14' in width translates to 19,478 square feet in total). ODOT will acquire the easement and build the trail, and when complete, convey the easement ownership to the City of Fairview, which will own and maintain the trail in perpetuity. The trail design and construction project is funded in part by Metro designated Regional Flexible Funds.

### Legal Antecedents

- Metro Resolution No. 92-1637 “For the Purpose of Considering Adoption of the Metropolitan Greenspaces Master Plan”
- Metro Open Spaces, Parks and Streams 1995 Ballot Measure 26-26
- Metro Resolution No. 96-2285 “For the Purpose of Authorizing a Phase II Intergovernmental Agreement with Multnomah County Regarding Parks and Other Facilities”
- Metro Resolution No. 97-2539B “For the Purpose of Approving General Policies Related to the Review of Easements, Rights of Ways, and Leases for Non-Park Uses Through Properties Managed by the Regional Parks and Greenspaces Department”
- Metro Resolution No. 09-4017 “For the Purpose of Allocating \$67.8 Million of Regional Flexible Funding For The Years 2012 and 2013, Pending Air Quality Conformity Determination”
- Metro Resolution No. 18-4884 “For the Purpose of Updating the Regional Trails System Plan”

### Anticipated Effects

- ODOT will construct approximately 1,390 feet of trail on Metro property and convey the perpetual ownership and management rights to the City of Fairview

### Financial Implications (current year and ongoing)

- None

### **BACKGROUND**

The Metro Code requires Metro Council approval of new easements over Metro property. As an owner of almost 18,000 acres of land across the greater Portland region, Metro’s Parks and Nature Department receives frequent requests for easements over Metro property for both park and non-park uses. In 1997, to ensure that the habitat and natural area purposes for which voters funded Metro’s property acquisition are not eroded over time by non-park uses, the Metro Council approved Resolution 97-2539B (the “easement policy”). The easement policy directs staff to make recommendations to the Metro Council on whether an easement request should be granted, and the policy provides the framework for staff to make its recommendations. Projects designed for the benefit of a Metro park or natural area (a “park use”) are recommended for approval.

### **ATTACHMENTS**

None