

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE)
CHIEF OPERATING OFFICER TO PURCHASE)
CERTAIN PROPERTY IN THE DEEP CREEK)
AND TRIBUTARIES TARGET AREA

RESOLUTION NO. 19-5045

Introduced by Acting Chief Operating Officer
Andrew Scott in concurrence with Council
President Lynn Peterson

WHEREAS, at the general election held on November 7, 2006, voters of the Metro region approved Measure 26-80, the 2006 Natural Areas Bond Measure to preserve natural areas and clean water and protect fish and wildlife (the “Measure”); and

WHEREAS, on March 1, 2007, the Council approved Resolution No. 07-3766A, “Authorizing the Chief Operating Officer to Purchase Property with Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan;” and

WHEREAS, on September 13, 2007, the Council approved Resolution No. 07-3853, “Approving the Natural Areas Acquisition Refinement Plan for the Deep Creek and Tributaries Target Area” (the “Deep Creek Refinement Plan”) which established a Tier I Objective to “Acquire land to protect forested areas in the canyons of the North Fork of Deep Creek to Boring;” and

WHEREAS, on September 13, 2007, the Council approved Resolution No. 07-3854, “Approving the Natural Areas Acquisition Refinement Plan for the Cazadero Trail Target Area” (the “Cazadero Trail Refinement Plan”); and

WHEREAS, on August 14, 2014, the Council approved Resolution No. 14-4536, “For the Purpose of Amending and Updating the Natural Areas Implementation Work Plan,” which consolidated and revised modifications to the Natural Areas Implementation Work Plan (the “Work Plan”); and

WHEREAS, Metro is negotiating a purchase and sale agreement with a landowner (the “Seller”) to purchase approximately 78 acres of land, as more particularly identified and described on Exhibit A to this resolution (the “Property”); and

WHEREAS, the Property is identified as a Tier I property according to the Deep Creek Refinement Plan and a Tier II property according to the Cazadero Trail Refinement Plan and acquisition of the Property is in the public benefit as it also builds on adjacent Metro and Oregon State Parks owned properties to secure a feasible corridor in which to construct the last segment of the Cazadero Trail and provide a larger habitat area and wildlife corridor; and

WHEREAS, the Work Plan requires an appraisal of the Property to support the negotiated purchase and sale agreement price, and while Metro does have an appraisal that supports the purchase price and staff consider this to be a reasonable estimate of fair market value, best practice under the Work Plan would be to obtain a current appraisal; and

WHEREAS, Metro and the Seller have been negotiating for over a decade, and time is of the essence because the Seller is currently a willing seller at the negotiated purchase price; and

WHEREAS, because without a current appraisal, the transaction fails to meet all of the Acquisition Parameters and Due Diligence Guidelines in the Work Plan; and

WHEREAS, the 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;” now therefore

BE IT RESOLVED that the Metro Council hereby authorizes the Chief Operating Officer to enter into a Purchase and Sale Agreement and acquire the Property identified in Exhibit A, and as discussed in the executive session on November 7th, 2019, at the negotiated purchase price without an updated appraisal, 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.

ADOPTED by the Metro Council this 5th day of December, 2019.

Sam Chase, Deputy Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

Exhibit A

PARCEL I:

All that part of the Northwest one-quarter of Section 14, Township 2 South, Range 3 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, lying East of the right of way conveyed to Oregon Water Power and Railway by Deed recorded August 1, 1903 in Book 87, Page 275, Deed records.

PARCEL II:

All that part of the North one-half of the Southwest one-quarter of Section 14, Township 2 South, Range 3 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, lying Easterly of that tract conveyed to Oregon Water Power and Railway Company by Deed recorded July 13, 1903 in Book 87, Page 234, Deed records.