

# ORDINANCE NO: 176187

\* Contribute \$587,500 towards the purchase price of the Gentemann Property on Powell Butte in the East Buttes Regional Target Area. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Phillip M. Gentemann Revocable Living Trust and the Patricia A. Gentemann Revocable Living Trust, owners of approximately 69.43 acres of real property in southeast Portland on Powell Butte in the East Buttes Regional Target Area, have agreed to sell property to Metro and the City of Portland ("City") for a total purchase price of \$2,350,000 which is within the fair market value range according to an independent appraisal.
2. The property is commonly identified as Tax Account(s) R01463785, 1463794, and 0034803; and Tax Lot 100, 102, and 103 on Assessor's Map 1S-2E-25A, and more particularly described and shown on Exhibit A, attached to this Ordinance ("Property").
3. Metro has requested that the City contribute \$587,500 which is 25% of the total purchase price, towards the purchase of the Property. The City will provide its contribution from Parks Systems Development Charges (SDC) or SDC bonded deb. Metro and the City will own the Property as tenants in common.
4. The City has adopted the following plans to protect resources and guide development activities in the Powell Butte Nature Park: Johnson Creek Protection Plan, Powell Butte Master Plan (adopted December 4, 1996) and the City of Portland's Comprehensive Plan ("City Plans").
5. Portland Parks and Recreation ("Parks") has determined that the Property has significant wildlife habitat, open space and passive recreation benefits and will be a valuable addition to the Powell Butte Nature Park. The Property will be incorporated into the Powell Butte Nature Park which is owned by the Water Bureau ("Water") and managed by Parks.
6. Parks has entered into an Intergovernmental Agreement (Ordinance #171084: Powell Butte-Featherston IGA, Dated June, 16, 1997) with Metro to have the City assume management, maintenance and operation of the jointly owned properties on Powell Butte. The Powell Butte IGA has been amended to allow inclusion of the Gentemann Property and any additional properties purchased by Metro and the City on Powell Butte to be managed under the same agreement by mutual consent. Parks recommends that the City accept management responsibility for the Property under the terms of the Powell Butte IGA.
7. The Director of Parks reports that the Property meets the SDC acquisition guidelines and that there is adequate revenue from Parks Systems Development Charges (SDC) or SDC-supported debt to fund acquisition of the Property. The Parks SDC is a Council-approved park land acquisition program.
8. The Director of Parks estimates that the ongoing operating and maintenance (O&M) cost will be \$82,300 per year. This O&M cost is not now included in the Parks 2001-02 budget, but sufficient ongoing funding capacity is already available within the five-year O&M set aside in the General Fund Forecast.

NOW, THEREFORE, The Council directs that:

- a. The Commissioner of Public Utilities is authorized to execute all documents necessary to close the transaction once approved as to form by the City Attorney;
- b. The Commissioner of Public Utilities shall direct Parks to deposit \$587,500 into an escrow account established for the purpose of acquisition of the Gentemann Property;
- c. The Director of Parks and Recreation is authorized to assume management of the Property under the terms of the Powell Butte IGA with Metro which are consistent with Metro's Greenspaces Master Plan and the City Plans and to manage the site according to the terms and conditions of the Local Share IGA, and is directed to add the Property to the City's natural area park inventory; and,
- d. In accepting responsibility for this natural area, the Council acknowledges the need to fund the ongoing maintenance costs estimated at \$82,300 per year, and directs the Bureau of Financial Planning to transfer this ongoing funding allocation from the General Fund O&M Set Aside to the Parks target budget beginning in FY 2002-03.

Section 2. The Council declares that an emergency exists because the offer to sell this property is limited by time and delay would prevent the completion of the land acquisition, and because funds for purchase by the City are available now; therefore, this ordinance shall be in full force and effect after its passage by Council.

Passed by the Council, JAN 09 2002

GARY BLACKMER  
Auditor of the City of Portland  
By /S/ Susan Parsons  
Deputy

Commissioner Francesconi  
Janet Wright  
January 2, 2002

BACKING SHEET INFORMATION

AGENDA NO. 43-2002

ORDINANCE/RESOLUTION/COUNCIL DOCUMENT NO. 176187

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
FRANCESCONI	X	
HALES	X	
SALTZMAN	===	=====
STEN	X	
KATZ	X	