

# ORDINANCE No. 186068

\*Authorize acceptance of a Conservation Easement adjacent to Deardorff Creek Natural Area.  
(Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The property located at 13321 SE Knapp Court (Property) is adjacent to Deardorff Creek Natural Area in southeast Portland, is partially forested, and contains a tributary of Deardorff Creek.
2. The Bureau of Environmental Services (BES) and Portland Parks & Recreation (Parks) would like to acquire a conservation easement over an approximately .66 acre portion (Easement Area) of the Property to ensure that the Easement Area will be retained in perpetuity in substantially its current natural, scenic, and open space condition.
3. The Easement Area contains scenic, open space, and aesthetic values of great importance to the City.
4. Subject to the terms and conditions of a Covenant to Grant Conservation Easement, dated May 7, 2013, the owner of the Property is willing to sell, and the City is willing to accept, a perpetual Conservation Easement over the Easement Area.
5. The purchase price of the Conservation Easement will be its fair market value as determined by an independent appraiser. The purchase price and related costs will be split between BES Grey to Green funds and Parks Local Share funds from the 2006 Metro Open Space Bond.
6. Parks will manage the Conservation Easement as part of Deardorff Creek Natural Area and O&M costs are estimated at \$1225 per year.

NOW, THEREFORE, The Council Directs:

- a. The Director of Portland Parks & Recreation is authorized to execute a Deed of Conservation Easement, and any other related documents on behalf of the City, in a form similar to the agreement attached hereto and as approved as to form by the City Attorney.
- b. Prior to closing, the Directors of Parks and BES are directed to pay the purchase price and related costs by depositing the appropriate amounts into an escrow

account or by a direct payment to the owner.


- c. In accepting responsibility for the Conservation Easement, Council acknowledges the need to fund the ongoing Operations and Maintenance costs estimated at \$1225/year and directs the City Budget Office to increase Parks' ongoing current appropriation level ("CAL") by that amount beginning in FY 2013-14.

Section 2. The Council declares that an emergency exists in order to avoid losing the opportunity to acquire management rights to this important property; therefore, this Ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council: JUN 05 2013  
Mayor Hales  
Prepared by: Zalane Nunn  
May 22, 2013

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By

  
Deputy

Agenda No. **186068**  
**ORDINANCE NO.**

Title

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<p style="text-align: center;"><b>INTRODUCED BY</b>                  Commissioner/Auditor:  <b>Mayor Charlie Hales</b></p>	<p>CLERK USE: DATE FILED <u>MAY 31 2013</u></p>
<p style="text-align: center;"><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Hales <i>[Signature]</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p>	<p style="text-align: center;">LaVonne Griffin-Valade                  Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u>                  Deputy</p>
<p style="text-align: center;"><b>BUREAU APPROVAL</b></p> <p>Bureau: Portland Parks &amp; Recreation                  Bureau Head: Mike Abbate <i>[Signature]</i></p> <p>Prepared by: Zalane Nunn                  Date Prepared: May 16, 2013</p> <p>Financial Impact &amp; Public Involvement Statement                  Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document                  If "Yes" requires City Policy paragraph stated in document.                  Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><b>City Auditor Office Approval:</b>                  required for Code Ordinances</p> <p><b>City Attorney Approval:</b>                  required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date <b>June 5, 2013</b></p>	
<p><b>ACTION TAKEN:</b></p>	

<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p><b>Total amount of time needed:</b> _____                  (for presentation, testimony and discussion)</p>
<p><b>CONSENT X</b> <input checked="" type="checkbox"/></p>
<p><b>REGULAR</b> <input type="checkbox"/></p> <p><b>Total amount of time needed:</b> _____                  (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Novick	4. Novick	✓	
Hales	Hales	✓	