

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS
Acting as the Governing Body of the North Clackamas Parks and Recreation District

Study Session Worksheet

Presentation Date: February 19, 2013 **Approx Time:** 2:30pm

Approx Length: 45 minutes

Department: North Clackamas Parks and Recreation District (NCPRD)

Presenters: Gary Barth, NCPRD Director and Chris Storey, Assistant County Counsel

ISSUE:

Measure 3-401 was approved by the voters of Clackamas County in September, 2012. The Measure restricts the Board of Commissioners from authorizing the use of County Resources for public rail transit without first obtaining approval of county voters in the form of an authorizing ordinance. North Clackamas Parks and Recreation District ("NCPRD") is legally distinct from the County, and not subject to Measure 3-401. However, NCPRD may seek an advisory vote from its residents if it so desires.

Under the terms of the Funding Agreement between Clackamas County, NCPRD and Trimet entered into in 2010 ("Funding Agreement"), NCPRD has an obligation to negotiate in good faith towards realizing any transactions necessary to accomplish the construction of Portland-Milwaukie Light Rail ("PMLR"). As part of that Funding Agreement, the parties agreed to the "Locally Preferred Alternative" for the route of PMLR, which included locating the final segment of the track on land currently intended for use as part of the Trolley Trail. Negotiations were undertaken and the general outline of the possible transaction is that TriMet would pay NCPRD for the fair market value of the land used, and would assemble and sell to NCPRD replacement land immediately to the west on which the Trolley Trail would be located. As part of that negotiation, NCPRD and TriMet executed a Design and Construction Agreement in May 2012 that allowed TriMet access for certain construction-related activities, and obligated TriMet to build that section of the Trolley Trail at TriMet's expense, saving NCPRD approximately \$400,000. The next anticipated step under the Funding Agreement would be for NCPRD to sell approximately 2 acres of land and purchase back approximately 1.2 acres of land from TriMet.

ATTACHMENTS:

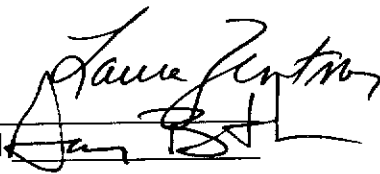
1. Draft NCPRD Ballot Language

SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval _____

County Administrator Approval _____



For information on this issue or copies of attachments, please contact Chris Storey @ 503-742-4623

DRAFT

Caption

Property exchange between the North Clackamas Parks and Recreation District and TriMet.

Question

Should the North Clackamas Parks and Recreation District exchange a portion of the Trolley Trail with TriMet for Light Rail?

Summary (175 words)

In September, 2012, County voters approved Measure 3-401, calling for a public vote before any County resources are used for Public Rail Transit. North Clackamas Parks and Recreation District (NCPRD) is legally distinct from the County, and not subject to Measure 3-401. Any measure binding NCPRD needs to be voted on only by voters within its boundary. **However, the NCPRD board is seeking an advisory vote from its voters.**

This Question would support the sale of a portion of the "Trolley Trail" property between River Road and Park Avenue to TriMet. In exchange, TriMet would sell to NCPRD a strip of adjacent property, construct the trail without cost to NCPRD, and provide NCPRD with additional compensation.

NCPRD is considering this transaction because, under the terms of a 2010 Agreement with TriMet, NCPRD is obligated to negotiate in good faith to take actions necessary to complete the Portland Milwaukie Light Rail project. The district would also avoid approximately \$400,000 in construction costs and would receive additional cash from the sale.

Explanatory Statement

This Advisory Question asks voters within the boundary of the North Clackamas Parks and Recreation District whether the NCPRD should sell approximately 0.6 miles of the 6-mile Trolley Trail property to TriMet. In exchange, TriMet will sell to NCPRD 0.6 miles of adjacent property and construct the trail at TriMet's cost.

NCPRD acquired the Trolley Trail property, including the segment discussed in this Measure, from Metro in 2005. Under the terms of the agreement with Metro, if the property used is no longer used for green space/trail purposes, NCPRD needs to either repay the cost of the property or purchase replacement green space.

TriMet is constructing the Portland Milwaukie Light Rail line (PMLR), which will run from Downtown Portland to a proposed station near the intersection of Park Avenue and McLoughlin Boulevard. The PMLR line will follow an alignment selected by area governments as the Locally Preferred Alternative in 2008. In 2010, NCPRD along with Clackamas County signed an agreement recognizing this route and agreeing to negotiate in good faith to complete all transactions necessary related to the same.

In 2012, the NCPRD Board authorized TriMet to begin construction activities on the Trolley Trail in return for a guarantee that TriMet would construct that portion of the trail at TriMet's expense, currently estimated at \$400,000.

The portion of the Trolley Trail at issue runs from River Road to Park Avenue, adjacent to McLoughlin Boulevard.

Under the terms of the transaction, NCPRD would sell approximately 2 acres of the Trolley Trail property to TriMet for the Portland/Milwaukie light rail project. TriMet would in turn sell to NCPRD the adjacent strip of property, approximately 1.2 acres, and construct the Trolley Trail. TriMet would compensate NCPRD for the difference in value between the two properties.

This Measure asks the NCPRD voters whether the NCPRD Board should go forward with the property transaction.

MAPS OF THE SUBJECT PROPERTIES, AND COPIES OF THE AGREEMENTS DISCUSSED ABOVE ARE AVAILABLE AT WWW.CLACKAMAS.US.

This is an Advisory Measure and does not have the force of law.

This explanatory statement was prepared by Dan Chandler of Clackamas County.