



**OFFICE OF COUNTY COUNSEL**

**PUBLIC SERVICES BUILDING**  
 2051 KAEN ROAD | OREGON CITY, OR 97045

**Stephen L. Madkour**  
 County Counsel

**Kathleen Rastetter**  
**Scott C. Ciecko**  
**Amanda Keller**  
**Nathan K. Boderman**  
**Shawn Lillegren**  
**Jeffrey D. Munns**  
**Andrew R. Naylor**  
**Andrew Narus**  
**Sarah Foreman**  
 Assistants

December 17, 2020

Board of County Commissioners  
 Clackamas County

Members of the Board:

Acceptance of Land Donation for Parks Purposes Made by John and Marilee Wetten  
 and Delegation of Authority to County Counsel  
to Complete Real Property Transaction.

<b>Purpose/Outcomes</b>	Acceptance of approximately 12 acres of land donated by County residents John and Marilee Wetten to be used for parks purposes and delegation of authority to County Counsel to act on behalf of the County.
<b>Dollar Amount and Fiscal Impact</b>	The property is a charitable contribution to the County. The County will assume holding and maintenance costs
<b>Funding Source</b>	County General Fund
<b>Duration</b>	Indefinitely
<b>Previous Board Action</b>	The Board was briefed on this matter during two previous executive sessions: November 24, and December 1, 2020
<b>Strategic Plan Alignment</b>	<p>1. <i>How does this item align with your department's Strategic Business Plan goals?</i>          County Counsel is facilitating this transaction.</p> <p>2. <i>How does this item align with the County's Performance Clackamas goals?</i>          This donation of real property and the use as a public park space touches on all aspects of the County's performance measures:          Building public trust through good government;          Growing a vibrant economy;          Building a strong infrastructure;          Ensuring safe, healthy and secure communities; and          Honor, utilize, promote and invest in our natural resources</p>

<b>Counsel Review</b>	<i>If item is a contract, including IGAs, leases, or other binding agreements, please put in the date of County Counsel Review and the initials of the attorney performing the review)</i> 1. Date of Counsel review: December 2020 Initials of County Counsel performing review. SLM, NB, ARN
<b>Procurement Review</b>	1. Was the item processed through Procurement? Yes ___ No <u>X</u> 2. If no, provide brief explanation. Not a procurement item
<b>Contact Person</b>	Stephen L. Madkour, County Counsel at 503/655-8362

**Background:**

Clackamas residents John and Marilee Wetten own an undeveloped 12.86 acre parcel of property off of May Road in unincorporated Clackamas County. They had previously lived at a farm property nearby where they raised their family. John Wetten was a long time educator and later a principal in Gladstone at what is now known as John Wetten Elementary School.

In late 2020, the Wettens approached Clackamas County and inquired about the County's interest in receiving the property to be used in perpetuity for parks purposes. County staff and Commissioner Savas toured the property with John Wetten on November 18, 2020. Tom Riggs from BCS/Parks prepared a site assessment. Presently, the Wettens allow a neighbor to pasture his horses on the open area of the parcel and to use the trails.

The Wettens request that the park be named after them. Additionally, they request that for the time being the neighbor be allowed to continue to pasture his horses on the property.

Tasks to be performed before the end of the year include obtaining a title report, completion and negotiation of a bargain and sale deed from John and Marilee Wetten to Clackamas County, and a License Agreement.

The deed would contain a restriction limiting the use of the property for park purposes in perpetuity. The County would also enter into a License Agreement with the neighbors Jason and Kristie Boyd to allow them to continue to access the property and pasture their horses on the property. These documents are in draft form attached to this staff report and will be substantially the same in their final format but additional details need to be discussed with the donor and the licensee. Time is of the essence in this transaction.

**Recommendation:**

Staff recommends that the Board of County Commissioners accept the donation of real property from John and Marilee Wetten and delegate authority to County Counsel to negotiate all documents necessary to complete this transaction by the close of 2020 and to effectuate the intent of the donors.

Page 3

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'S. Madkour', written over the text 'Respectfully submitted,'.

Stephen L. Madkour  
County Counsel

Attachments:

Bargain and Sale Deed  
License Agreement

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Acceptance of  
Land Donation for Parks Purposes  
Made by John and Marilee Wetten  
and Delegation of Authority to  
County Counsel to Complete the  
Transaction

Resolution No. \_\_\_\_\_

*Page 1 of 1*



WHEREAS, John and Marilee Wetten are residents of Clackamas County who own a 12.86 parcel of undeveloped land on South May Road in unincorporated Clackamas County; and

WHEREAS, the John and Marilee Wetten desire to donate that parcel of land to Clackamas County to be used as a park for the use and enjoyment of the public; and

WHEREAS, the property has many characteristics that lends themselves to a natural park setting: a spring-fed pond, a wetland area, established cedar, fir, cottonwood, and cherry trees, an active beaver colony, and walking trails;

**NOW THEREFORE, the Clackamas County Board of County Commissioners resolves as follows:**

1. That Clackamas County accept the generous donation of property by John and Marilee Wetten;
2. That Clackamas County will enter into an agreement to allow the existing neighbors to continue to pasture their pack horses on the portions of the property;
3. That Clackamas County commits to having the property preserved as a park or natural area for educational or conservation purposes do future generations can explore and enjoy the woods, springs and creek on the property;
4. That the area be named to commemorate the donors John and Marilee Wetten; and
5. That County Counsel is delegated authority to complete this transaction on behalf of the County.

**DATED** this 17<sup>th</sup> day of December 2020.

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary