

November 14, 2024

BCC Agenda Date/Item: \_\_\_\_\_

Board of County Commissioners  
 Clackamas County

**Approval of an Amendment to a Purchase and Sale Intergovernmental Agreement with the North Clackamas Parks and Recreation District for the purchase of the property at 15301 SE 92nd Avenue, Clackamas. Purchase price is \$3,500,000. Funding is through Supportive Housing Services, Community Mental Health Program, and American Rescue Plan Act funds. No County General Funds are involved.**

<b>Previous Board Action/Review</b>	List, by date and agenda item, any relevant Board deliberation or decision Several Executive Sessions Issues Meetings, June 25 and Sept. 10, 2024 Policy Session: August 7, 2024 Business Meeting: October 17, 2024		
<b>Performance Clackamas</b>	<ul style="list-style-type: none"> <li>Which indicator of success does this item affect?                      Ensure safe, healthy, and secure communities</li> </ul>		
<b>Counsel Review</b>	Yes	<b>Procurement Review</b>	No
<b>Contact Person</b>	Cindy Becker	<b>Contact Phone</b>	503-930-6894

**EXECUTIVE SUMMARY:** Health, Housing & Human Services requests Board approval of an amendment to the Intergovernmental Agreement (IGA) with the North Clackamas Parks and Recreation District (NCPRD) for the purchase of the property 15301 SE 92<sup>nd</sup> Avenue in Clackamas for \$3,500,000.

The Board approved the original IGA at the October 17, 2024, Business Meeting; however, that IGA included a zoning contingency (Section 12) which allowed the property to be returned to NCPRD if re-zoning wasn't completed. The Board decided to purchase the property regardless of the zoning; therefore, the following language should be deleted:

*12. **Rezoning Contingency.** Upon Closing and receipt of the funds, Seller shall deposit the \$3,500,000 into a separate interest-bearing account, which may not be commingled with any of Seller's other funds. Seller shall not use the \$3,500,000 until Buyer has provided written notice that the rezoning of the Property has been successfully completed.*

*In the event Buyer provides Seller written notice that the rezoning has been successfully completed, or the Property has not been rezoned within eighteen (18) months of Closing of this Agreement and Buyer has not requested return of the \$3,500,000, as provided below, Seller may immediately access the \$3,500,000, together with any accrued interest.*

*In the event Buyer provides Seller written notice that the rezoning has not occurred, and Buyer has determined in its reasonable discretion that rezoning is not feasible or that the Property cannot be used for its intended purpose, the following shall occur: (1) Seller shall return the \$3,500,000 to Buyer, together with any accrued interest; and (2) Buyer shall immediately reconvey the Property to Seller by statutory warranty deed.*

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**RECOMMENDATION:** Staff respectfully request that the Board of County Commissioners amend the agreement to remove Section 12 and authorize Chair Smith to sign on behalf of Clackamas County.

Respectfully submitted,

*Rodney A. Cook*

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Director