



January 5, 2023

BCC Agenda Date/Item: _____

Stephen L. Madkour
County Counsel

Board of County Commissioners
Sitting as North Clackamas Parks & Recreation District Board
Clackamas County

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

**Approval of a Reinstatement of an Intergovernmental Agreement
between NCPRD and Metro to donate NCPRD owned parcels of
Mt. Talbert Nature Park**

Previous Board Action/Review	May 20, 2010 Metro IGA for NCPRD Management of Mt. Talbert Nature Park; May 20, 2020 Amendment of IGA for Metro Management of Mt. Talbert Nature Park. September 29, 2022, Agenda Item II.A, Approval of the IGA. Briefed at Issues – January 4, 2023		
Performance Clackamas	1. Which indicator of success does this item affect? Build public trust through good government		
Counsel Review	JM, 12/28/2022	Procurement Review	N/A, IGA reinstatement
Contact Person	Jeffrey Munns, Asst. County Counsel	Contact Phone	503-742-5984

EXECUTIVE SUMMARY: Pursuant to the 1995 Metro Open Spaces Bond Measure, approved by the electors of Metro on May 16, 1995, Metro and NCPRD jointly acquired more than 190 acres of real property located in Clackamas County, Oregon, commonly known as the Mount Talbert Nature Park (the “Nature Park”). The largest of the three parcels to be transferred here was originally acquired by the County in 2000 as an open space dedication and conveyed to NCPRD in 2015. The other two small parcels were acquired by the Development Agency as part of the Sunnybrook extension and likewise transferred to NCPRD in 2015.

NCPRD and Metro were parties to an Intergovernmental Agreement effective May 20, 2010 for the management of the Nature Park (the “2010 Intergovernmental Agreement”). The Agreement provided for joint management of the Nature Park. Following the withdrawal of Happy Valley from NCPRD, NCPRD and Metro agreed to the transfer of NCPRD management responsibilities to Metro.

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NCPRD is the sole owner of approximately 5 acres of real property in the Nature Park. NCPRD no longer manages or programs any activities involving Mt. Talbert Nature Park. NCPRD recommends that the parcels be donated Metro as the owner of the other parcels of Park.

Due to delays during the due diligence and inspections as set forth in Section 4 of the Agreement, the Parties were unable to satisfy the conditions precedent to closing and the Agreement expired on January 2, 2023. NCPRD and Metro wish to reinstate the Agreement and extend the closing date. We anticipate closing this transaction as soon as it can be conveniently scheduled after approval of this reinstatement.

RECOMMENDATION:

Staff recommends the Board approve this IGA reinstatement to donate these parcels for Metro to manage Mt. Talbert Nature Park.

ATTACHMENTS:

1. IGA Reinstatement with Metro Donation Agreement.

Respectfully Submitted,



Jeffrey D. Munns
Assistant County Counsel



**REINSTATEMENT OF INTERGOVERNMENTAL AGREEMENT
Metro – NCPRD**

THIS REINSTATEMENT (this “Reinstatement”), dated effective as of the last day of signature set forth below (the “Effective Date”), is entered into under the provisions of ORS Chapter 190 by and between Metro, a metropolitan service district organized under the laws of the state of Oregon and the Metro Charter (“Metro”), and North Clackamas Parks and Recreation District, a county service district organized under ORS Chapter 451 (“NCPRD”), (each a “Party” or together the “Parties”).

RECITALS

A. NCPRD and Metro were parties to an Intergovernmental Agreement (the “Agreement”) effective October 4, 2022, whereby NCPRD agreed to donate and Metro agreed to accept certain real property (the “Property”) located in the County of Clackamas, State of Oregon, commonly known as Tax Parcels 1100, 1200 and 2200 in Section 3 of Township 2 South Range 2 East of the Willamette Meridian, and more particularly described on the attached Exhibit A.

B. Due to delays during the due diligence and inspections as set forth in Section 4 of the Agreement, the Parties were unable to satisfy the conditions precedent to closing and the Agreement expired on January 2, 2023.

C. NCPRD and Metro wish to reinstate the Agreement and extend the Closing Date.

NOW THEREFORE, in consideration of the recitals set forth above and for other good and adequate consideration, the Parties agree as follows:

TERMS

1. The Agreement is reinstated.
2. The Closing Date set forth in Section 2 of the Agreement is extended to forty-five (45) days after the Effective Date of this Reinstatement.
3. NCPRD and Metro hereby ratify and confirm this modification to the terms of the Agreement. All other conditions precedent to Metro’s closing, and all other terms of the Agreement, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Reinstatement effective as of the last date of signature specified below.

METRO,
an Oregon municipal corporation

NCPRD:

By: _____
Marissa Madrigal
Chief Operating Officer

By: _____
Tootie Smith
Chair

Date: _____

Title: _____

Date: _____

Exhibit A
Property Legal Description

PARCEL I:

Tract "A", PARKSIDE, in the County of Clackamas and State of Oregon.

EXCEPTING THEREFROM that portion conveyed to Clackamas County and dedicated for road purposes by instrument recorded April 18, 2008 as Recorder's Fee No. 2008-027933.

PARCEL II:

Lot 6, Block 2, PARKSIDE, in the County of Clackamas and State of Oregon.

EXCEPTING THEREFROM that portion conveyed to Clackamas County and dedicated for road purposes by instrument recorded February 13, 2008 as Recorder's Fee No. 2008-009748.

PARCEL III:

Lot 7, Block 2, PARKSIDE, in the County of Clackamas and State of Oregon.

EXCEPTING THEREFROM that portion conveyed to Clackamas County and dedicated for road purposes by instrument recorded February 13, 2008 as Recorder's Fee No. 2008-009748.