

## Oregon Parks and Recreation Commission

November 7, 2012

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Agenda Item: 10a

Action

Topic: Lake Oswego/Tigard Willamette River Pipe Crossing

Presented by: Jim Morgan

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**Background:** The Lake Oswego/Tigard Water Partnership (“Partnership”) proposes to construct a water supply pipeline beneath Mary S. Young Park in West Linn for conveying water from the Clackamas River to a water supply treatment plant owned and operated by Lake Oswego in West Linn. Mary S. Young Park is a 133-acre Willamette Greenway park owned by OPRD and managed under an agreement by City of West Linn. The purpose of the project is to replace obsolete and undersized municipal water supply infrastructure for Cities of Lake Oswego and Tigard.

The project includes horizontal directional drilling under the park (eliminating open trenching inside the boundaries of the park) and a small, temporary open trench in the construction area (~3,700 sq.ft.) inside OPRD Willamette Greenway parcels adjacent to the park along with the removal of 15 trees. The City of Lake Oswego has completed the requested due diligence and appraisal work requested by OPRD and has made a formal offer to acquire the easement needed for their project. The City has:

- (1) Established the easement value of \$61,072 by completing an appraisal of the new alignment based on mutually-agreed assumptions.
- (2) Developed a restoration plan to repair damage in the Willamette Greenway parcels affected.
- (3) Secured a financial commitment from the Partnership to fund implementation of an enhancement and restoration plan For Mary S. Young State Park. This plan was developed to meet the criteria of “overwhelming public benefit to the park system” as defined in OPRD Policy #PSP.010.
- (4) Obtained approval from SHPO for the protection of cultural and historical resources.
- (5) Currently working with the City of West Linn for permits and to satisfy any conditions required by their city code.

Natural resources and recreational uses in Mary S. Young Park would not be affected by this project since all pipeline construction under the park would be underground. The 3,700 sq.ft. area where construction equipment and open trenching is proposed to occur is located in undeveloped Willamette Greenway parcels owned by OPRD outside the boundary of the park and next to a West Linn sewer pump station.

**Prior Action by the Commission:**

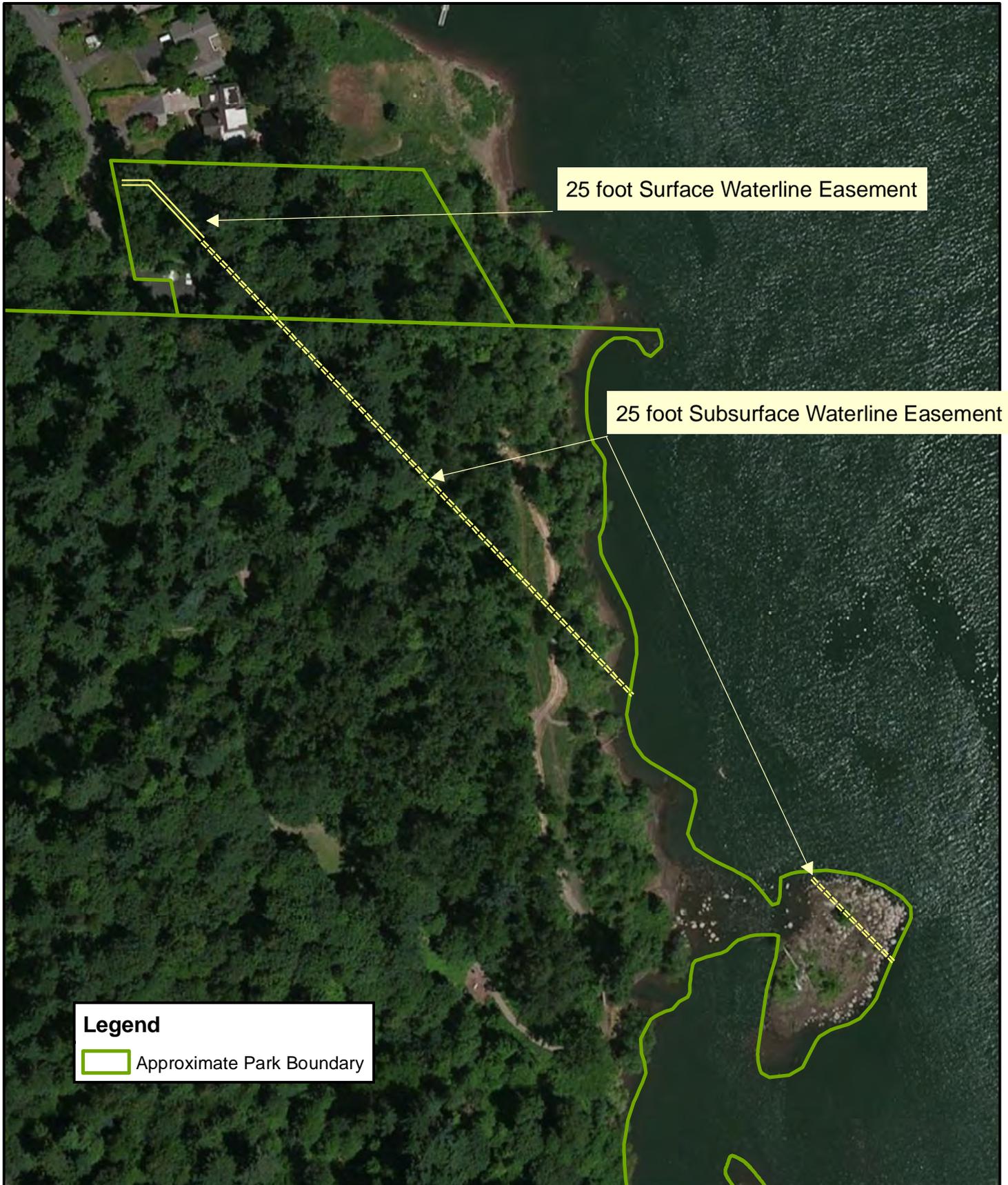
March 16, 2011-approval of the waiver of codes, covenants and restrictions on OPRD ownership for City of Lake Oswego (Greenway parcels next to Mary S. Young Park)

September 21, 2011-Information regarding the Water Partnership Project presented at Executive Session

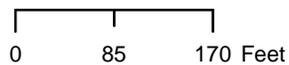
April 4, 2012- Request for Commission to approve staff proceeding through process of assuring all conditions described above were met prior to the Commissions consideration of grant of an easement.

**Action Requested:** Staff recommends the Commission approve the granting of both a temporary construction easement and a perpetual utility easement for the total fair market value amount of \$61, 072 contingent upon (1) Oregon Department of Justice approval of resolution of any deed restriction issues, at no cost or expense to OPRD, and (2) local land use approval. This amount, in combination with the estimated \$90,000 in enhancement and restoration detailed above, provides the overwhelming benefit to the park system consistent with the 2011 OPRD Acquisition Policy.

**Prepared by:** Alice Beals



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NMOB-3675 8/3/2012

E:8/3/2012

P:never

amb/Commission Item 8-12-2012

## Oregon Parks and Recreation Commission

November 7, 2012

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Agenda Item: 10b Action

Topic: Shepperd's Dell Parcel Conveyance to Multnomah County

Presented by: Jim Morgan

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### **Background:**

Oregon Parks and Recreation Department acquired 2.2 acres (gratis) next to Shepperd's Dell State Park from Multnomah County (see attached aerial photo). The Multnomah County deed for the property contains a public purpose restrictive covenant. Park staff was recently contacted by Multnomah County officials regarding the status of the parcel. Park staff reviewed the status of the property and concluded that OPRD had no operational need for the property nor was the property contributing toward meeting the agency's mission. Park staff discussed the potential transfer of the property back to Multnomah County with Multnomah County Counsel. The county's Counsel acknowledged the property would automatically revert back to the county if not being used for public purposes. However, Multnomah County is requesting that OPRD provide them with a quit claim deed for chain of title purposes.

**Action Requested** Staff requests Commission approval to quit claim the subject property back to Multnomah County.

**Prior Action by Commission:** August 29, 2012 Executive Session Informational Item

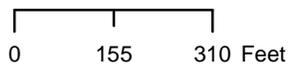
**Prepared by:** Mike Zdroy

# Sheppards Dell SNA

Oregon Parks & Recreation Dept.  
725 Summer St. NE, Suite C  
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NMOB-3675 8/3/2012

E:8/3/2012

P:never

amb/Commission Items 8-29-2012

## Oregon Parks and Recreation Commission

November 7, 2012

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Agenda Item: 10c

Action

Topic: Oswald West State Park Retaining Wall Improvement

Presented by: Jim Morgan

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The Oregon Department of Transportation (ODOT) is planning a “rock wall” repair project along U.S. Hwy. 101 next to Oswald West State Park. A small portion of that “rock wall” extends into Oswald West State Park (see attached map). ODOT is requesting that OPRD convey a permanent easement (200-500 sq. ft. +/-), which will allow ODOT to (1) complete the project while funding is available and (2) to maintain the “rock wall” in the future without requiring additional approvals from OPRD. When ODOT transferred Oswald West State Park to OPRD, the state highway commission retained a permanent easement for highway purposes. The transfer of the 200-500 sq. ft. +/- permanent easement will allow OPRD to clear up this boundary issue with ODOT. ODOT has prepared a legal description of the area. Staff research indicates that this part of the park is not covered by Federal Land and Water Funds thereby not requiring a conversion for this particular transfer.

Staff recommends granting a permanent easement to ODOT for the “rock wall” area to allow for their repair/maintenance project adjacent to Oswald West State Park. ODOT originally intended to provide a legal description of the easement area before this Commission meeting; however, their staff have been instructed to focus on higher priority projects. The “rock wall” work at Oswald West will not occur until September 2013. ODOT expects to have a legal description to OPRD by February 2013. OPRD Staff will review that description for accuracy and area calculation.

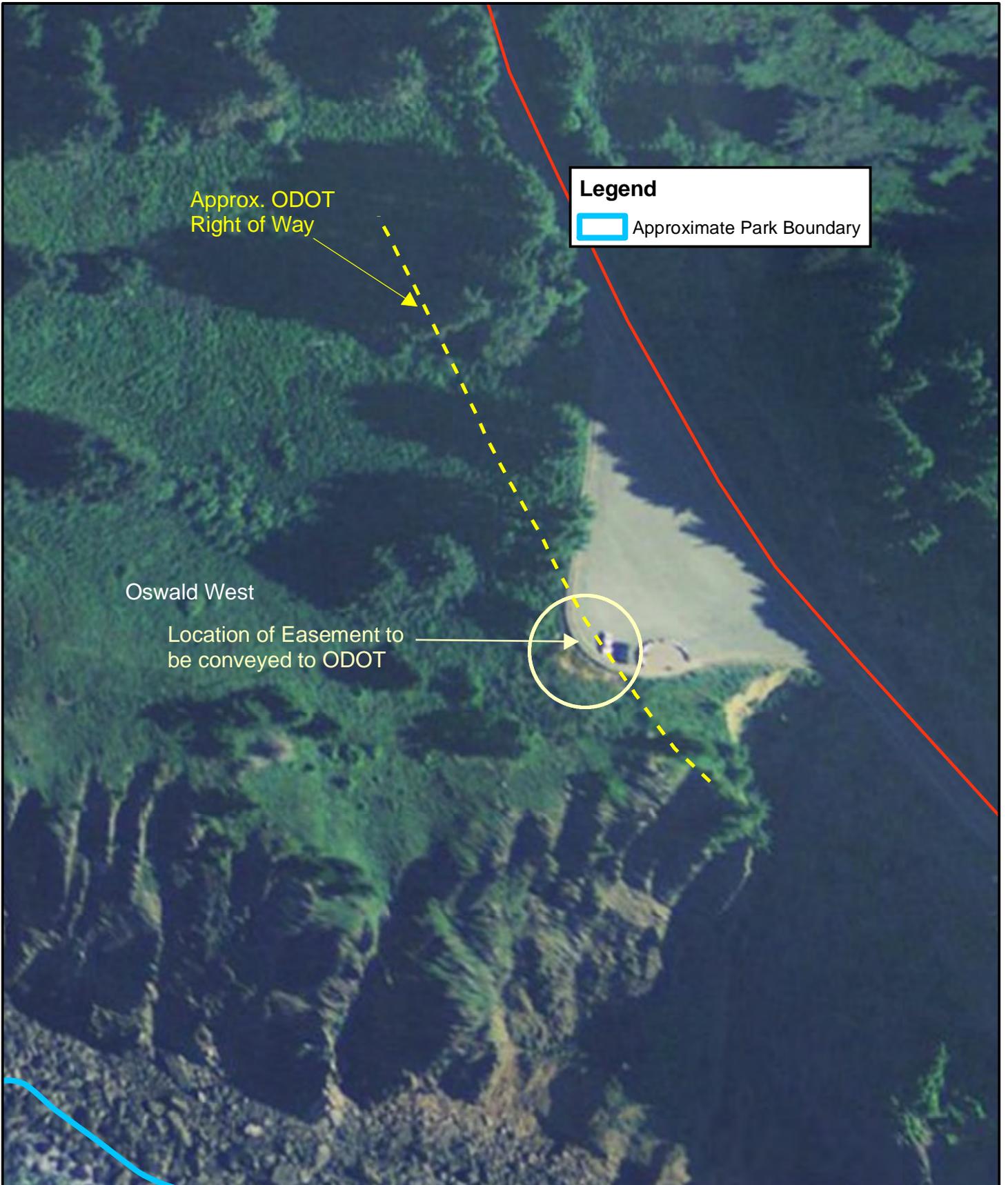
**Action Requested:** Staff requests Commission approval to grant a permanent easement, not to exceed 500 square feet, to ODOT contingent upon the satisfactory review of a legal description from ODOT by OPRD staff.

**Prior Action by Commission:** August 29, 2012 Executive Session Informational Item

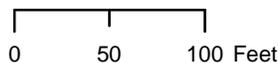
**Prepared by:** Mike Zdroy

# Oswald West State Park

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NMOB-3675 10/9/2012

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Commission 11-7-2012 Oswest/ODOT amb