

Agenda Item No.:	C
Work Plan:	State Forests Work Plan
Topic:	Land Exchange Approval – Tillamook County
Presentation Title:	Tillamook County Land Exchange
Date of Presentation:	April 25, 2018
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SUMMARY

The purpose of this Staff Report is to seek Board approval of an exchange of land with Tillamook County.

CONTEXT

Tillamook County operates Trask Park located on Board of Forestry land and the Oregon Department of Forestry (ODF) operates Sprague Memorial Wayside located on Tillamook County ownership. The land exchange proposal will align ownership and infrastructure investments on the parcels.

This proposal is brought to the Board to ensure it meets the applicable Oregon Revised Statutes (ORS 530.010 through 530.040), and Oregon Administrative Rules (OAR 629-033-0000 through 629-033-0055) pertaining to acquisitions and exchanges, including securing the Greatest Permanent Value to the State.

BACKGROUND AND ANALYSIS

In May 2016 ODF and Tillamook County entered into an Agreement of Intent to Explore Land Exchange.

The exchange proposes to transfer an 87 acre parcel of Board of Forestry land known as Trask Park to Tillamook County. In return, Tillamook County will transfer ownership of two parcels of County land totaling 154.5 acres known as Sprague Memorial Wayside to ODF. The parcels are shown on the vicinity maps, Attachment 1.

Through a 1991 agreement with ODF, Tillamook County has managed Trask Park for recreational purposes including the installation, operation and maintenance of recreation facilities.

The Sprague Memorial Wayside has been operated and maintained by ODF since 1997 and is utilized as a day-use site by travelers. The site has a parking area, vault toilets, picnic tables, interpretive kiosk and ½ mile loop trail.

The County would like to invest in upgrades to the infrastructure at Trask Park by obtaining grant dollars. An obstacle for the County to compete for grants or to prioritize investments is not

owning the land. Likewise, an obstacle to ODF for future investment at Sprague Memorial Wayside for upgrades or expansion is lack of ownership of the land. An exchange between the two parties resulting in alignment between the ownership of lands and infrastructure is mutually beneficial.

This land exchange furthers the objectives of ORS 530.010, OAR 629-035-0020, and OAR 629-033-0010 by providing recreational opportunities and social benefits to the public, streamlining management of the parcels which will provide economic and environmental benefits, and results in the consolidation of state forest lands making management more economically feasible.

The proposed exchange also complies with all provisions contained in the Oregon Administrative Rule (OAR 629-033) governing State Forest Land Acquisitions and Exchanges. See Attachment 2 for the details of how the exchange complies with OAR 629-033.

Environmental and Social Values: Biological and recreational assessments were completed on all of the parcels involved in the exchange and no issues or concerns were identified. Summary information from those assessments is contained in the Staff Analysis, Attachment 3.

Economic Values: An independent timber cruise and appraisal was conducted for all of the parcels which provided the following total acres and values for each landowner:

- County acres: 154.4 County Wholesale Value: \$589,000
- BOF acres: 80.0 BOF Wholesale Value: \$541,000

State and County have agreed to equalize values by adding 7 acres to the Trask Park parcel using the appraisal per/acre value of \$6,762.50 for a total of \$47,337.50 for the additional 7 acres.

Public Hearing and Public Comment Period: A public hearing was held in Tillamook Oregon on January 30, 2018 and the public comment period was open from December 20, 2017 until February 28, 2018. No public comments were received.

County Approval: The Tillamook County Board of Commissioners held a public hearing and approved the proposed exchange on March 21, 2018. The signed County Order is included as Attachment 4.

Approval of Preliminary Title Report: The preliminary title report and copies of the encumbrances for the County-owned Sprague Memorial Wayside parcel have been reviewed and approved by the Oregon Department of Justice subject to Board approval of the following encumbrances:

Bargain and Sale Deed from John B. Ebinger and Vada Ebinger to Tillamook County dated October 31, 1934 for easterly portion (approx. 100 acres) of the 154.5-acre parcel which contains the following reservation and restriction:

- a) “reserving, however, an equal right with said grantee in and to the waters of Park Creek and such rights of way, as grantors may select without causing unreasonable damage to grantee, for flowing said waters to the lands of grantors in said Section 11...”

- b) “To have and to hold said described premises unto Tillamook County, its successors, grantees and assigns, forever, as a public recreational area and not otherwise, inalienable save unto the United States, State of Oregon, and any body politic thereof or eleemosynary corporation, and then only if the purpose of this conveyance, to-wit: the public enjoyment of said lands for recreational purposes, may thereby be better served, or, when authorized by two-thirds of the legal voters of said county, to whomsoever and for whatever purpose, provided that the County court of said county may select rights of way over and across said lands, of such width and in such locations as the Court deems will best serve the public’s general interest.”

The Department currently owns and manages other Board of Forestry lands in Tillamook County with similar deed restrictions including the Trask Park parcel. The Department currently operates the Sprague Memorial Wayside parcel for recreational social benefits and intends to continue doing so.

RECOMMENDATION

The Department recommends that the Board approve the exchange of lands with Tillamook County and approve the title for the Sprague Memorial Wayside parcel with the above-described deed reservation and restriction.

NEXT STEPS

Assuming the Board approves this recommendation, the real estate closing is anticipated to happen in May 2018.

ATTACHMENTS

- (1) Vicinity Map
- (2) OAR Compliance Summary
- (3) Staff Analysis
- (4) County Order