



Resolution of the West Multnomah Soil & Water Conservation District

Resolution #2019-06-12c

Granting District Manager Delegation of Authority for the Purpose of Acquiring Real Property Rights and Entering into Permanent Agreements for the Sturgeon Lake Restoration Project

WHEREAS, Oregon Revised Statute 568.550(e) states that the West Multnomah Soil & Water Conservation District (the District) board (the Board) has the power to acquire by purchase, lease, and grant any property, real or personal or rights or interests therein, to maintain, administer and improve any properties acquired in carrying out the purposes and provisions of ORS 568.210 to 568.808 and 568.900 to 568.933,

WHEREAS, Oregon Revised Statute 568.550(r)(C) states that the Board has the power to enter into written agreements with, coordinate activities with and provide assistance to landowners, managers and residents within the district and federal state and local governments, relating to natural resource issues, including but not limited to issues of watershed management and ecosystem health,

WHEREAS, Oregon Revised Statute 568.550(v) states the Board has the power to hold conservation easements under ORS 271.715 to 271.795,

WHEREAS, the District is the local sponsor of the Sturgeon Lake Restoration Project (the Project) that was constructed in conjunction with the Columbia River Estuary Study Taskforce, a multijurisdictional organization that specializes in environmental planning and habitat restoration for fish and wildlife in the Columbia River Estuary, and the Bonneville Power Administration, through its Fish and Wildlife Program, in cooperation with the US Army Corps of Engineers and other partners,

WHEREAS, the Project purpose is to restore the hydrologic connectivity between Sturgeon Lake and the flow and tidal influences of the Columbia River through the Dairy Creek channel on Sauvie Island, and improve ecological function of Sturgeon Lake within the Lower Columbia River estuary, thereby improving fish and wildlife habitat and providing other environmental benefits,

WHEREAS, the Project is within the jurisdictional boundary of the District,

WHEREAS, the Project required the voluntary participation of four private landowners, two public landowners, and Multnomah County which has jurisdiction over NW Reeder Road, which traverses the Project,

WHEREAS, through Board Resolution #2018-04-11B, the District entered into purchase agreements (the Purchase Agreements) with four private landowners for the acquisition of the property rights needed to complete the Project, including but not limited to the acquisition of four (4) permanent conservation easements (the Conservation Easements) and one (1) road purposes easement required to accommodate sufficient area around the new bridge constructed on NW Reeder Road (the Road Purposes Easement),

WHEREAS, the Conservation Easements will encumber approximately 6.2 acres in total along Dairy Creek over portions of the properties commonly known as Multnomah County Tax Lots 3N1W35B 00300, 3N1W35C 00100, 3N1W35C 00200, and 3N1W35C 00300 that are located at 24508 NW Reeder Road, 24500 NW Reeder Road, and 24325 NW Reeder Road, and 23820 NW Gillihan Road, Portland, Oregon 97231,

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WHEREAS, the Road Purposes Easement will encumber approximately 0.1 acres in total over portions of the properties commonly known as Multnomah County Tax Lots 3N1W34 00100 and 3N1W35B 00300 that are located at or near 24508 NW Reeder Road, Portland, Oregon 97231,

WHEREAS, following execution of the Road Purposes Easement, the District will assign its interest in the Road Purposes Easement to Multnomah County, the road authority for NW Reeder Road,

WHEREAS, acquiring the Conservation Easements and Road Purposes Easement are in the public interest to achieve the Project purpose,

WHEREAS, the District will enter into a permanent Intergovernmental Agreement with the Oregon Department of Fish and Wildlife and Multnomah County to assign responsibilities for the long-term maintenance and monitoring of the Project,

WHEREAS, the Board provided notice and conducted a public hearing on May 8, 2019 on the acquisition of the Conservation Easements pursuant to ORS 271.735,

NOW THEREFORE BE IT RESOLVED, that the Board of Directors of the West Multnomah Soil & Water Conservation District approves and authorizes the acquisition and acceptance of the Conservation Easements and Road Purposes Easement pursuant to ORS 93.808,

BE IT FURTHER RESOLVED, that the Board of Directors of the West Multnomah Soil & Water Conservation District authorizes the District Manager to determine at their discretion what conditions in the Purchase Agreements shall or shall not be waived in the case such waiver is necessary to ensure acquisition of the Conservation Easements and Road Purposes Easement in a timely manner,

BE IT FURTHER RESOLVED, that the Board of Directors of the West Multnomah Soil & Water Conservation District authorizes and directs the District Manager to complete the acquisition of the Conservation Easements, the Road Purposes Easement and the Monitoring and Maintenance IGA; and to sign all necessary documents and instruments on behalf of the District for that purpose including assigning the Road Purposes Easement to Multnomah County,

APPROVED AND ADOPTED BY THE BOARD OF DIRECTORS THIS 12th DAY OF JUNE, 2019.

Terri Preeg Riggsby, Board Chair

Date

ATTEST:

Shawn Looney, Board Secretary

Date