

RESOLUTION NO. 18-24

A RESOLUTION CALLING FOR AN ELECTION TO AUTHORIZE THE USE OF PORTIONS OF JON STORM PARK AND SPORTCRAFT BOAT RAMP PARK UNDER SECTION 41 OF THE OREGON CITY CHARTER, ADOPTING A BALLOT TITLE, AND CONDITIONALLY RESCINDING RESOLUTION NO. 18-18

WHEREAS, Jon Storm Park and Sportcraft Boat Ramp Park are located in the City and were created through the purchase of property for use as a park; and

WHEREAS, Jon Storm Park and Sportcraft Boat Ramp Park are subject to protection under Chapter X of the Oregon City Charter, including a prohibition on the change of status of a park or the construction of improvements on park land without a vote of the people; and

WHEREAS, the owner of the property adjacent to both Jon Storm Park and Sportcraft Boat Ramp Park would like to widen Interstate 205, seismically upgrade Abernethy Bridge, provide additional parking facilities, and enhance Abernethy Creek that occupies the property adjacent to one or both parks to address congestion, traveler safety, and seismic resiliency of this regionally significant lifeline route; and

WHEREAS, the construction of improvements would require approximately 15 feet of additional right of way on each side of the bridge with the upgraded Abernethy Bridge being approximately 14 feet above Jon Storm Park and 32 feet above Sportcraft Boat Ramp Park; and

WHEREAS, construction of improvements would temporarily occupy approximately 0.4 acres of Jon Storm Park immediately adjacent to the bridge for up to 4 years once construction begins and approximately 0.3 acres of Sportcraft Boat Ramp Park for up to 2½ years once construction begins; and

WHEREAS, improvements would require a permanent easement of approximately 0.3 acres for access and maintenance to subsurface soil improvements that would be buried, would not be visible, and would not affect the facilities or activities; and

WHEREAS, recreational use of both parks would be maintained during construction and all areas impacted would be restored to current conditions or better following construction; and

WHEREAS, the City Commission has determined that it would be in the public interest to consider the use of a portion of Jon Storm Park and Sportcraft Boat Ramp Park for the I-205 widening and Abernethy Bridge seismic upgrade; and

WHEREAS, The City Commission previously adopted Resolution No. 18-18, which called an election for a similar ballot measure to allow for this project, but which did not include expansion of permanent right of way below the parks surface by approximately 0.3 acres; and

WHEREAS, If this measure is sent to the voters of Oregon City, there is no reason to send the measure approved in Resolution No. 18-18 and, therefore, if this measure reaches the voters of Oregon City, that resolution should be rescinded, and

WHEREAS, the City Commission has considered this matter on July 5, 2018, and after reviewing information presented, reached consensus to continue to further the City process and subject to this referral; and

WHEREAS, Section 41 of the City Charter of Oregon City requires voter approval of the sale, lease, transfer, or change in status of park land.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. A regular City election is called in and for the City of Oregon City, to be held Tuesday, November 6, 2018. The Clackamas County Clerk shall conduct the election.

Section 2. At that election a measure shall be submitted to the voters of Oregon City to allow the change in status of a portion of Jon Storm Park and Sportcraft Boat Ramp Park to allow permanent right of way for Abernethy Bridge above the parks and temporary occupancy within portions of the parks.

Section 3. The City Commission adopts the following ballot title to describe the measure to be placed before the voters at the November 6, 2018 regular City election. The City Manager is directed to file the following ballot title with the City Recorder:

Measure No. ____:

CAPTION: Authorize use of portions of public parks improving roadway safety.

QUESTION: Shall the City authorize some permanent and temporary use of Jon Storm and Sportcraft Boat Ramp parks by ODOT?

SUMMARY: The City Charter requires voter approval for the change in status of a City park and to allow improvements (other than for recreation) in a park. The Oregon Department of Transportation (ODOT) owns property adjacent to Jon Storm Park and Sportcraft Boat Ramp Park. This property owner wishes to expand permanent right of way, above the parks surface for the Interstate 205 (I-205) Abernethy Bridge abutting Jon Storm Park and Sportcraft Boat Ramp Park by approximately 15 feet on each, below the parks surface by approximately 0.3 acres, and also wishes to temporarily occupy a portion of both parks during the construction of the I-205 Widening and Seismic Improvements Project.

Section 4. If the City of Oregon City and Clackamas County Circuit Court receive a petition to challenge the ballot title set forth in this resolution by 5 p.m. on August 13, 2018, this resolution will become null and void. If there is no challenge received by 5 p.m. on August 13, 2018 then Resolution No. 18-18 will be rescinded.

Section 5. This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 5th day of July 2018.

DAN HOLLADAY, Mayor

Attested to this 5th day of July 2018:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney