

City of St. Helens
RESOLUTION NO. 1872

A JOINT RESOLUTION OF THE CITY COUNCIL AND URBAN
RENEWAL AGENCY OF THE CITY OF ST. HELENS MAKING
CERTAIN DETERMINATIONS AND FINDINGS RELATING TO AND
AUTHORIZING THE SALE OF AN APPROXIMATELY 8.35 ACRE
PARCEL LOCATED AT 1400 KASTER ROAD WITHIN THE CITY OF
ST. HELENS AND LOCATED WITHIN THE ST. HELENS URBAN
RENEWAL AREA

WHEREAS, on July 8, 2015, the City Council of the City of St. Helens (the "City Council") adopted Resolution No. 1707 authorizing the purchase of real property from Boise White Paper, LLC (the "Boise Cascade property") in an amount not to exceed Three Million Dollars (\$3,000,000) in order to foster the City's economic development, environmental and public use goals; and

WHEREAS, the Boise Cascade property consisted of approximately 204 acres of industrial property; and

WHEREAS, on June 21, 2017, the City Council ratified a Ground Lease Agreement with Option for Purchase entered into as of June 6, 2017 between the City of St. Helens (the "City") and ACSP LLC (the "Lessee") for 9.5 acres of the Boise Cascade property for an industrial agricultural facility in order to bring jobs back to the City and revitalize the Boise Cascade property; and

WHEREAS, on August 16, 2017, by Ordinance No. 3217, the City Council adopted the St. Helens Urban Renewal Plan (the "Plan"); and

WHEREAS, the Boise Cascade property is located within the St. Helens Urban Renewal Area and is subject to the St. Helens Urban Renewal Plan; and

WHEREAS, the approved Plan calls for the sale of properties not used for public improvements to private project developers to carry out the Plan's purposes; and

WHEREAS, the effect of the Plan is to declare city-owned land in the Urban Renewal Area as surplus if the property is not needed for public improvements; and

WHEREAS, the City Council is authorized by the Plan to act as the governing body of the St. Helens Urban Renewal Agency (the "Agency"); and

WHEREAS, ACSP LLC is interested in terminating the Ground Lease Agreement and purchasing an 8.35 acre parcel of the Boise Cascade property (the "Parcel") for industrial agricultural purposes; and

WHEREAS, the City has commenced a partition of the Parcel from the Boise Cascade property to enable a lawful sale of the Parcel; and

WHEREAS, ACSP LLC has commenced use of the Parcel and begun improving the Parcel, which is within a time deemed reasonable by the City Council; and

WHEREAS, the offered price is not less than the fair market value of the property and is its fair reuse value; and

WHEREAS, because the Parcel is adjacent to a railroad right of way and pursuant to the requirements of ORS 271.310(3)(a), the City notified the Department of Transportation of the proposed sale on October 9, 2018; and

WHEREAS, pursuant to ORS 221.725(2), the City published notice of the proposed sale and public hearing on November 7, 2018; and

WHEREAS, pursuant to ORS 221.725(3), on November 15, 2018, not earlier than five days after publication of the notice, the City Council acting as both the City Council and the Urban Renewal Agency held a public hearing on the proposed sale of the Parcel; and

WHEREAS, pursuant to ORS 221.725(4), information was provided at the public hearing which fully disclosed the nature of the sale and which included an appraisal reflecting the market value of the property; and

WHEREAS, there was an opportunity to present both written and oral testimony at the public hearing; and

WHEREAS, after further consideration of the public testimony brought forth at the November 15, 2018 hearing and subsequent negotiations with ACSP the City desires to liquidate the property at fair market value; and

WHEREAS, the City commissioned an independent appraisal to determine the fair market value; and

WHEREAS, the independent appraisal determined a fair market value of one million five hundred and fifty thousand dollars (\$1,550,000.00); and

WHEREAS, the City desires to sell the property at fair market value; and

WHEREAS, pursuant to ORS 221.725(2), the City republished notice of the proposed sale and public hearing on December 11, 2019; and

WHEREAS, pursuant to ORS 221.725(3), on December 18, 2019, not earlier than five days after publication of the notice, the City Council acting as both the City Council and the Urban Renewal Agency held a public hearing on the proposed sale of the Parcel; and

WHEREAS, there was an opportunity to present both written and oral testimony at the public hearing; and

WHEREAS, pursuant to the authority found in ORS 457.230 and Section 5 of the Plan, the Agency is authorized to dispose of property within the Urban Renewal Area; and

WHEREAS, the City has met the requirements of ORS 221.725 and ORS 271.310(3) and may sell real property when it finds it necessary or convenient, and in compliance with the Plan.

NOW, THEREFORE, THE CITY OF ST. HELENS RESOLVES AS FOLLOWS:

Section 1. The foregoing Recitals are incorporated herein as findings.

Section 2. The City Council finds it convenient and in the public interest to sell the Parcel to ACSP LLC for use as an industrial agricultural facility.

Section 3. The Agency finds that the Parcel was acquired not for public improvements but to support private redevelopment and that sale of the Parcel to ACSP will promote the expansion of employment opportunities and industrial development in accordance with the adopted goals of the Plan.

Section 4. The City Council acting as both the governing body for the City and the board for the Urban Renewal Agency hereby authorizes the sale of an 8.35 acre parcel located at 1400 Kaster Road within the City of St. Helens and located within the St. Helens Urban Renewal area. A map of the Parcel subject to the sale is attached as Exhibit A.

Section 5. The City Administrator and Mayor, or either of them, is authorized to negotiate the termination of the Ground Lease Agreement and the sale of the Parcel with seller financing in an amount not less than \$1,550,000.00, and to sign all agreements and documents necessary to complete the sale.

Section 6. This Resolution supersedes all previous actions taken by the City Council to approve the sale of the 8.35 acre parcel of the former Boise Cascade property and all such previous actions are of no further effect.

Approved and adopted by the City Council on December 18, 2019, by the following vote:

Ayes: Carlson, Morten, Scholl

Nays: Topaz

Abstained: Locke



Rick Scholl, Mayor

ATTEST:



Kathy Payne, City Recorder

