

## Legislation Details (With Text)

<b>File #:</b>	21-439	<b>Version:</b>	1
<b>Type:</b>	Action Item	<b>Status:</b>	Passed
		<b>In control:</b>	City Council
<b>On agenda:</b>	10/11/2021	<b>Final action:</b>	10/11/2021
<b>Title:</b>	Purchase and Sale Agreement with the Barfknecht Revocable Living Trust for acquisition of real property located at 1508 Wallace Road NW in conjunction with the Marine Drive NW project		
	Ward(s): 8		
	Councilor(s): Lewis		
	Neighborhood(s): WSNA		
	Result Area(s): Good Governance; Natural Environment Stewardship; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Property Map, 2. Agreement, 3. Previous Agreement, 4. Public Comment received by 2:00 p.m. 10-11-21.pdf		

Date	Ver.	Action By	Action	Result
10/11/2021	1	City Council		
10/11/2021	1	City Council	approved	Pass

**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

**FROM:** Kristin Retherford, Urban Development Department Director

### SUBJECT:

Purchase and Sale Agreement with the Barfknecht Revocable Living Trust for acquisition of real property located at 1508 Wallace Road NW in conjunction with the Marine Drive NW project

Ward(s): 8

Councilor(s): Lewis

Neighborhood(s): WSNA

Result Area(s): Good Governance; Natural Environment Stewardship; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community

### SUMMARY:

On June 10, 2019, Council directed staff to use funds from the 2008 Streets and Bridges Bond to acquire right-of-way for a portion of the Marine Drive NW alignment (Alignment). A portion of the Alignment runs through property located at 1508 Wallace Road NW (Property) (Attachment 1). The

Property is owned by the Barfknecht Revocable Living Trust, Leroy E. Barfknecht, Trustee (Seller), lies adjacent to, but outside of, the City of Salem, and is bifurcated by the Urban Growth Boundary. Acquisition of the Property includes a full fee acquisition of land and the Seller's personal residence.

**ISSUE:**

Shall City Council authorize the City Manager to execute the attached Purchase and Sale Agreement for the acquisition of real property located at 1508 Wallace Road NW?

**RECOMMENDATION:**

Authorize the City Manager to execute the attached Purchase and Sale Agreement for the acquisition of real property located at 1508 Wallace Road NW.

**FACTS AND FINDINGS:**

Staff and Seller have come to terms on a Purchase and Sale Agreement (Agreement) (Attachment 2) for acquisition of the Property. Key terms of the Agreement are below.

Price:	\$1,100,000
Site Size:	6.18 acres
Earnest Money:	\$15,000
Closing:	no later than November 30, 2021

**BACKGROUND:**

On May 26, 2020, Council authorized City Manager to execute a Purchase and Sale Agreement with the Seller for fee acquisition of a portion of the property in addition to an easement for Marine Drive NW right-of-way (Attachment 3). Upon completion of survey work and submittal of partition documents, unforeseen land use issues arose requiring actions which Seller was unwilling to undertake. In order to acquire the necessary right of way for Marine Drive NW, it is necessary to acquire the entire parcel of land and complete the required land use actions at a later date when the City is in full control of the Property.

Funding for this acquisition will come from a combination of funding sources including: 2008 Streets and Bridges Bond/Marine Drive NW funds, Stormwater Utility Rate funds, and American Rescue Plan Act (ARPA) funds.

Clint Dameron  
Real Property Services Manager

Attachments:  
1. Property Map

- 2. Agreement
- 3. Previous Agreement