



Parks & Recreation Department  
Standard Operating Procedure

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Subject Area: Planning  
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**Title: LAND ACQUISITION STANDARD  
OPERATING (SOP) PROCEDURE**

**Authorization:**

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Director Parks & Recreation

Date: 12-20-16

Superintendent

Date: \_\_\_\_\_

**BACKGROUND**

The Department will, as applicable, implement the sound principles described in this document for real estate acquisition by fee simple or for other than fee simple, and shall comply with all federal, state, and local laws pertaining to real property acquisition, so ensuring the prudent use of public monies in real property transactions.

The Parks and Recreation Department (Department) strives to:

1. Ensure the discharge of its fiduciary responsibility for the use of public funds receives the highest priority;
2. Seek to preserve the public's confidence in our business practices and stewardship of real estate assets; and
3. Conduct real estate transactions in an atmosphere of openness, honesty and integrity with land owners and the public, and maintain the confidentiality of such transactions to the extent allowed by law when it serves the public interest or to avoid harm to private citizens' interests.

The Department will be guided by the City of Medford Leisure Services Plan (LSP) list of properties and areas of interest for park land acquisition found in chapters titled Capital Facilities Plan and Programmatic Needs. The Department may acquire properties on that list as they become available, subject to approval and the availability of funds.

The mission of the Medford Parks Foundation is to establish partnerships to finance and promote the value, use and benefits of Medford parks, recreational facilities and programs

**I. SOP for Acquisition of Parkland in Fee Simple**

A. The Department will be guided by the following best practices and procedures for the acquisition of parklands in fee simple. Prior to the final execution of land purchases and/or acceptance of gifts and bequests by fee simple, the Department will first provide:

- 1) A **Feasibility Study** which is to include a Programmatic Analysis, a Physical Site Analysis, and a Financial Analysis;

2) A **Summary Report** of the Feasibility Study to the Parks and Recreation Commission with a staff recommendation for possible direction and action.

B. A **Programmatic Analysis** will ensure the acquisition of the subject property aligns with the needs described in Leisure Services Programmatic Needs Analysis.

C. A **Physical Site Analysis** will ensure a full understanding of the opportunities and challenges of the site when compared to other available sites. The analysis will evaluate the suitability of the subject site with consideration of the following:

1. The LSP, Appendix E: Guidelines for Site Selection and Development. Include one or more Preliminary Site Plan Map(s) showing potential uses of the site consistent with the LSP.

2. Environmental Reports: The department will visually inspect the property and check records for historical uses.

a. Environmental Assessment Level One will be required where historical records or visual inspection reveals any uses that may have negative environmental impacts. See also at the end of this document and comply with: Appendix A: Environmental Assessment Level One and Two; and

b. Environmental Assessment Level Two will be required on properties when recommended by a Level One assessment.

3. A certified Title Report including:

a. Jackson County Tax Assessor map;

b. Legal description;

c. Deed history;

d. Recorded surveys;

e. History of tax payments;

f. Recorded easements and rights-of-way; and

g. List of encumbrances, including deed restrictions or covenants, liens and current expenses, if any.

4. A summary of comments received from the Legal Department and professional surveyor noting any potential issues found in the Title Report.

5. This department will meet with and then summarize comments received from the City of Medford Planning Department regarding the subject property including potential planning issues, General Land Use Plan zone designation, Medford City zone and zoning overlays, prior planning actions, any known constraints and opportunities, etc.

6. Determine the probability of wetlands by referencing the City's Local Wetland Inventory map.

Conduct a preliminary site evaluation, looking for wetlands indicators such as saturated soils or wetland plant species, historical photos or records. Specify measures needed to comply with wetland regulations, if any and list their costs.

7. Determine if the subject property is within a flood zone. Include a City FEMA Flood Zones map and note any intrusion into the 100-year and 500-year flood plain. Evaluate measures needed to comply with regulations for development within a floodplain and associated costs.

8. A summary of the infrastructure, evaluating the potential costs for adding infrastructure including: water, power, gas, sewer, phone, storm water drainage system.

9. A summary of any required Public Improvements including but not limited to improvements to the adjacent street, additional right-of-way land that will be requested, utility easements, traffic signal improvements, etc..

10. Include a preliminary traffic analysis to determine any potential costs and the probability of needing a full traffic impact study.

11. Determine if the subject property is within City of Medford Riparian Corridor. Identify development restrictions imposed by the Riparian Corridor Ordinance and their potential costs.
12. Evaluate the probability of Human/Cultural sites on the subject property. If applicable, list potential development restrictions and costs related to preserving sites as required by the Oregon State Historic Preservation Office cultural resource laws and regulations.
13. If applicable, list compliance requirements relevant to the City Landmarks and Historic Preservation Commission for new construction and remodels that would change the appearance of historic structures or districts. List potential costs.

D. **A Financial Analysis** will include an estimate of capital costs and projected operational cost for comparison to alternative acquisition opportunities, based on the appraisal of a State of Oregon Licensed Real Estate Appraiser.

1. Appraisal

- a. The Department will require an independent review when the appraised value exceeds \$250,000 to assure the fairness and accuracy of appraisals.
- b. The seller or other party may provide appraisals. If such appraisals meet the standards included in this SOP, the department may utilize them to support the purchase price.
- c. Appraisal shall meet “Uniform Standards of Professional Appraisal Practice”
- d. Appraisal timing: Appraisals upon which offers are made will be dated as close in time to the expected closing as possible, and not be older than one year.

E. Staff will provide a **Summary Report** to the Parks and Recreation Commission that includes all of the information contained in the Feasibility Study along with a staff recommendation for possible direction and action. The Commission is charged with reviewing the Summary Report and then denying the land acquisition or recommending City Council purchase the land based on the written recommendations of the Summary Report.

## II. SOP for Acquisition of Parkland by Gift

The Department will be guided by the following best practices and procedures for the acquisition of parklands by gift.

- A. This department will, to the extent permitted by the project’s schedule, allow the owner to set the times for closing the sale and delivery of the right to possession.
- B. The donor will provide a written statement outlining the purpose of gift along with the terms, assumptions, and agreements for the donation.
- C. Prior to acceptance of a proposed gift of real estate the following Physical Site Analysis information should be provided by the donor or will be attained by the City:
  1. Comply with items listed above titled *Physical Site Analysis 1 – 13*;
  2. A written statement from donor identifying any known documents relating to past or present Physical Site Analysis information as listed in the section titled Physical Site Analysis.
- D. Staff will provide a Summary Report to the Parks and Recreation Commission that includes all of the information of the Feasibility Study along with a staff recommendation for possible direction and action. The Commission is charged with reviewing the Summary Report and then denying the land acquisition or recommending City Council purchase the land based on the written recommendation of the Summary Report.

- E. Following review of the information provided by staff and the donor, a Commission decision will be made to accept or reject the donation. If the donation is to be accepted, the Commission will make a recommendation that the City Council accept the proposed gift based on the written recommendation of staff the Feasibility Study.

### **III. SOP for Exchange of Parkland**

- A. When considering an acquisition that includes a sale or exchange of real property owned by the Department, the Department will:
1. Apply all elements of the criteria for acquisition provided in the LSP chapters titled Capital Facilities Plan and Programmatic Needs.
  2. Apply the provisions of sections 'B' or 'C' of this rule.
- B. For exchanges that are initiated by this department, the Department will:
1. Identify for the Commission the reasoning and justification for an exchange based on the Department's mission, strategies, objectives, and work plan, and
  2. Undertake exchanges only if there is a significant benefit to the Department. Examples of a significant benefit to the Department include, but are not limited to:
    - a. Adding properties that adjoin properties owned by the Department,
    - b. Improving the Department's access to one or more properties owned or operated by the Department,
    - c. Property line adjustments that facilitate operations or management, and
    - d. Acquiring identified property needs.
- C. For exchanges that a party other than this Department initiates, the Department will:
1. Determine whether the exchange aligns with the Department's goals and strategies as defined by the LSP;
  2. Inquire whether the Medford community supports the exchange;
  3. Determine whether the exchange will be in the best interest of the Department;
  4. Determine the exchange does not violate prior agreements including the terms of US National Park Service Land and Water Conservation Fund grant;
  5. Require the proponent provide the Department a written Feasibility Study as defined in this document for all lands the Department is to receive in the exchange. The Department may determine that an environmental report provides information that further requires that the proponent to provide additional environmental assessment, and
  6. Require that proponent submit a section I. Feasibility Study and Summary Report of this document.
- D. To approve an exchange that a party other than the Department initiates, the Commission will forward to the City Council a proposal to exchange properties, providing an overwhelming public benefit to the City of Medford Parks and Recreation (MPR) system will be met. The City Council has sole discretion to determine whether a proposal provides an overwhelming public benefit to the MPR system, its visitors, and citizens, which is resounding, clear and obvious.

**APPENDIX A:**  
**Environmental Assessment Level One and Two**

**I. Environmental Assessment Level One Scope**

A. Depending upon precise protocols utilized, there are a number of variations in the scope of a Phase I study. The tasks listed here are common to almost all Phase I ESA:

1. Perform an on-site visit to view present conditions (chemical spill residue, die-back of vegetation, etc.); hazardous substances or petroleum products usage (presence of above ground or underground storage tanks, storage of acids, etc.); and evaluate any likely environmentally hazardous site history. Asbestos-containing materials are not typically surveyed or sampled in a Phase I site inspection, but suspect building materials may be noted;
2. Examine municipal or county planning files to check prior land usage and permits granted;
3. Conduct file searches with public agencies;
4. Examine historic aerial photography of the vicinity;
5. Examine current maps to scrutinize drainage patterns and topography; and
6. Examine chain-of-title for Environmental Liens and/or Activity and Land Use Limitations.

**II. Environmental Assessment Level Two Scope**

A. Environmental Assessment Level Two will be required on properties when recommended by a Level One Assessment.

B. Environmental Assessment, Outside Services

1. In most cases, the need for an Environmental Assessment Level Two will trigger the need for a professional consultant to take over the management of the Environmental Assessment Level II from staff.
2. Environmental Assessment Services will ensure the appropriate measures are taken to perform a complete Environmental Assessment Level II including but not limited to public file searches, historical research and chain-of-title examinations, investigation of contamination, etc.

