

RESOLUTION NO. 2251

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT BETWEEN CITY OF WILSONVILLE AND WEST LINN WILSONVILLE SCHOOL DISTRICT TO EXCHANGE REAL PROPERTY KNOWN AS THE VILLEBOIS SCHOOL SITE AND ADVANCE ROAD SPORTS FIELD SITE.

WHEREAS, ORS 190.010 provides that units of government may enter into agreements for performance of any and all functions and activities that a party to the agreement, its officers or agencies have authority to perform; and

WHEREAS, the City of Wilsonville (City) will own real property suitable for an elementary school within the northwest portion of Villebois Village Master plan area (Villebois School Site); and

WHEREAS, the West Linn Wilsonville School District (District) owns real property suitable for community sports fields located on the east side of Wilsonville near Wilsonville Road and Advance Road (Advance Road Sports Field Site); and

WHEREAS, the District needs approximately 10 acres of property in the Villebois Master Plan Area for the construction of a new elementary school; and

WHEREAS, the City needs approximately 10 acres of property in order to construct community sports fields to serve the Wilsonville community as identified in the City's Parks and Recreation Master Plan; and

WHEREAS, the City and District have negotiated an exchange agreement to transfer legal title of the Villebois School Site and the Advance Road Sports Field Site; and

WHEREAS, it is necessary for the City and District to execute and enter into an Intergovernmental Exchange Agreement in order to construct a new elementary school and to construct community sports fields to serve the Wilsonville community; and

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The City Manager of the City of Wilsonville is hereby authorized to execute on behalf of the City of Wilsonville an intergovernmental agreement with West Linn Wilsonville School District concerning an exchange of the Villebois School Site and Advance Road Sports Field Site. A copy of the Intergovernmental Agreement is attached hereto as Attachment 1 and incorporated herein by reference;
2. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 9th day of September, 2010, and filed with the Wilsonville City Recorder this date.


TIM KNAPP, MAYOR

ATTEST:


Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp - Yes

Council President Kirk - Yes

Councilor Hurst - Yes

Councilor Núñez - Yes

Councilor Goddard - Yes

Attachment 1 - Villebois School Site and Advance Road Sports Field Site Exchange Agreement

Villebois School Site and Advance Road Sports Field Site Exchange Agreement

This Exchange Agreement (the "Agreement") is made on the _____ day of _____ 2010, by and between the City of Wilsonville (the "City") and the West Linn-Wilsonville School District (the "District").

BACKGROUND:

The City needs approximately 10 acres of property in order to construct community sports fields to serve the Wilsonville community as identified in the City's Parks and Recreation Master Plan. The District needs approximately 10 acres of property in the Villebois Master Plan Area for the construction of a new elementary school and associated play fields to serve the growing Wilsonville population. This Exchange Agreement outlines the basic terms under which the City and the District are prepared to exchange property (the "Exchange") to better meet each public entity's property needs and better serve the public.

NOW, THEREFORE, the parties agree as follows:

TERMS:

THE CITY PROPERTY:

The City will acquire all right, title, and interest in that certain real property described in Exhibit A attached hereto (the "Villebois School Site"). The Villebois School Site is approximately 11.4 acres and is located within the Villebois Master Plan Area of Wilsonville. The City is willing to exchange the Villebois School Site for land owned by the District on Advance Road as identified below.

THE DISTRICT PROPERTY:

The District owns property identified as tax lots 02000, 02300, 02400, and 02500 on tax map 3S1E18. This property is approximately 40.11 acres and is located on the east side of Wilsonville near Wilsonville Road and Advance Road. Of this larger 40.11-acre parcel, the District and the City have identified an approximately 10-acre portion which will be partitioned by the District into a separate legal parcel for the purpose of the Exchange (the "Advance Road Sports Field Site"). The Advance Road Sports Field Site consists of the

most northerly portion of Tax Lot 31E18 02000, including all frontage on Advance Road, more particularly shown in Exhibit B attached hereto. The diagram of the "Option 1A" layout of the fields on Exhibit B is for illustrative and general locational purposes of the 10 acres to the remainder of the site, as a final layout plan on the site has not been officially adopted by either party. The Advance Road Sports Field Site will be surveyed within a reasonable time hereafter, and the resulting legal description will be made Exhibit B-1 of this Agreement.

CITY COSTS:

The City will be responsible for fifty percent (50%) of the costs associated with escrow, recordation and closing of the Exchange together with the entire cost of any title insurance for the Advance Road Sports Field Site. The City is also responsible for the costs of constructing and maintaining sports fields and other site improvements on the Advance Road Sports Field Site subsequent to the Exchange.

DISTRICT COSTS:

The District will be responsible for fifty percent (50%) of the costs associated with escrow, recordation and closing of the Exchange together with the entire cost of any title insurance for the Villebois School Site. The District is also responsible for the remaining costs associated with master planning their 40-acre property and partition costs associated with creating the Advance Road Sports Field Site as a legal parcel for title transfer. Additionally, the District is responsible for certain costs associated with master planning for the Villebois School Site, costs of site development, construction and maintenance of the new elementary school and associated play fields on the Villebois School Site subsequent to the Exchange, which costs are more particularly described in the Intergovernment Cooperative Agreement (the "IGA") entered into by the parties contemporaneously with this Agreement.

PROPERTY VALUATION:

It is assumed for the purpose of the Exchange that the Villebois School Site is of greater value than the Advance Road Sports Field Site. The parties

agree that the District will construct a pocket park, play fields, and other improvements on the Villebois School Site at the time the school is constructed, as more fully set forth in the IGA. The constructed pocket park, play fields, and other improvements will be available for City use and programming, consistent with District policy, and therefore will be of sufficient benefit to the City that both parties will be considered to have made equal contributions to this Exchange. In the interest of promoting good will between the two public entities, no further financial exchange or compensation between the City and the District is necessary to complete the Exchange.

THE EXCHANGE:

It is understood by both parties that transfer of legal title to and delivery of possession of the Villebois School Site to the District will be carried out as soon as possible following execution of this Agreement and the IGA. This half of the Exchange will necessarily occur prior to the District's transfer of legal title and possession of the Advance Road Sports Field Site to the City. Thereafter, the District will proceed with reasonable diligence to take the steps necessary to partition the Advance Road Sports Field Site from the larger 40-acre parcel owned by the District on Advance Road, which is expected to require that the entire 40-acre parcel first be brought into the Metro Urban Growth Boundary, that it be annexed by the City, and that the land partition be completed. The Exchange will then be finalized through transfer of legal title by the District to the City and delivery of possession of the Advance Road Sports Field Site. The parties agree to devote their best efforts and cooperation toward the accomplishment of the foregoing steps of the Exchange and to take such other actions as may reasonably be necessary to achieve the intentions expressed in this Agreement. All documents of right, title, and interest in and to the respective properties shall be recorded in the real property records of Clackamas County.

ANNEXATION:

The City and the District agree to work jointly to bring into the Urban Growth Boundary and annex

to the City the entire 40.11 acres owned by the District and identified above as the District Property, which currently includes the Advance Road Sports Field Site.

INFRASTRUCTURE:

The City and the District agree that costs associated with necessary infrastructure improvements to serve the 30.11-acre remaining District-owned property on Advance Road subsequent to the exchange, and the 10-acre Advance Road Sports Field Site, shall be paid for by each party to equitably reflect the benefit received by each property owner from the infrastructure improvements.

SCHEDULE:

Each party agrees to act in good faith in an effort to accomplish and complete the Exchange on the following schedule. The Villebois School Site transfer is to be completed and the title document(s) recorded on or prior to December 31, 2010. The Advance Road Sports Field Site transfer is to be completed and the title document(s) recorded on or prior to December 31, 2012. If either half of the Exchange is delayed for any good faith reason past the foregoing dates, this Agreement shall continue in effect, unless the parties agree in writing otherwise, until the Exchange is fully completed, and the parties shall continue in good faith to devote their best efforts to complete the Exchange as soon as possible.

The West Linn/Wilsonville School
District

The City of Wilsonville

By: Roger Woehl

By: Arlene Loble

Date: _____

Date: _____

LEGAL DESCRIPTION
PROPOSED SCHOOL SITE - PARCEL 2
VILLEBOIS - CITY OF WILSONVILLE
WEST LINN - WILSONVILLE SCHOOL DISTRICT

#6788
7/14/10 MAR

EXHIBIT "A"

A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER AND SOUTHEAST ONE-QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF TRACT "CC", "LEGEND AT VILLEBOIS", A SUBDIVISION PLAT OF RECORD (NO. 4101) IN SAID CLACKAMAS COUNTY; THENCE N.01°27'35"E., 49.24 FEET; THENCE 167.84 FEET ALONG THE ARC OF A 210.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 45°47'33" (THE LONG CHORD BEARS N.21°26'11"W., 163.41 FEET); THENCE N.44°19'57"W., 54.77 FEET; THENCE 23.57 FEET ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°02'16" (THE LONG CHORD BEARS N.00°41'10"E., 21.22 FEET); THENCE N.45°42'19"E., 61.74 FEET; THENCE 177.23 FEET ALONG THE ARC OF A 229.50 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 44°14'44" (THE LONG CHORD BEARS N.23°34'57"E., 172.86 FEET); THENCE N.01°27'35"E., 83.02 FEET; THENCE 23.60 FEET ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°07'48" (THE LONG CHORD BEARS N.46°31'29"E., 21.24 FEET); THENCE S.88°24'37"E., 232.84 FEET; THENCE 176.69 FEET ALONG THE ARC OF A 121.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 83°40'04" (THE LONG CHORD BEARS N.49°45'21"E., 161.41 FEET); THENCE 21.90 FEET ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 83°40'03" (THE LONG CHORD BEARS N.49°45'23"E., 20.01 FEET); THENCE S.88°24'37"E., 65.01 FEET; THENCE 146.61 FEET ALONG THE ARC OF A 779.50 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 10°46'33" (THE LONG CHORD BEARS N.86°12'07"E., 146.39 FEET); THENCE 26.12 FEET ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 99°45'02" (THE LONG CHORD BEARS S.49°18'39"E., 22.94 FEET); THENCE S.00°33'52"W., 108.59 FEET; THENCE 243.72 FEET ALONG THE ARC OF A 212.50 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 65°42'44" (THE LONG CHORD BEARS S.32°17'30"E., 230.58 FEET); THENCE 21.17 FEET ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 80°52'03" (THE LONG CHORD BEARS S.24°42'51"E., 19.46 FEET); THENCE S.15°43'11"W., 7.70 FEET; THENCE 52.89 FEET ALONG THE ARC OF A 212.50 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14°15'36" (THE LONG CHORD BEARS S.08°35'23"W., 52.75 FEET); THENCE S.01°27'35"W., 307.56 FEET; THENCE 23.31 FEET ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 89°01'14" (THE LONG CHORD BEARS S.45°58'12"W., 21.03 FEET), TO THE NORTH RIGHT-OF-WAY LINE OF LISBON STREET (27.50 FEET FROM CENTERLINE) THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: N.89°31'11"W., 168.02 FEET; THENCE N.88°31'58"W., 94.76 FEET; THENCE N.01°27'35"E., 25.93 FEET; THENCE N.88°57'33"W., 467.09 FEET; THENCE 2.28 FEET ALONG THE ARC OF A 416.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 00°18'48" (THE LONG CHORD BEARS N.89°06'57"W., 2.28 FEET) TO THE POINT-OF-BEGINNING, CONTAINING 455,461 SQUARE FEET (10.46 ACRES) MORE OR LESS.

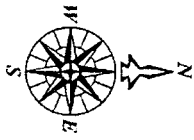
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael A. Raedemacher

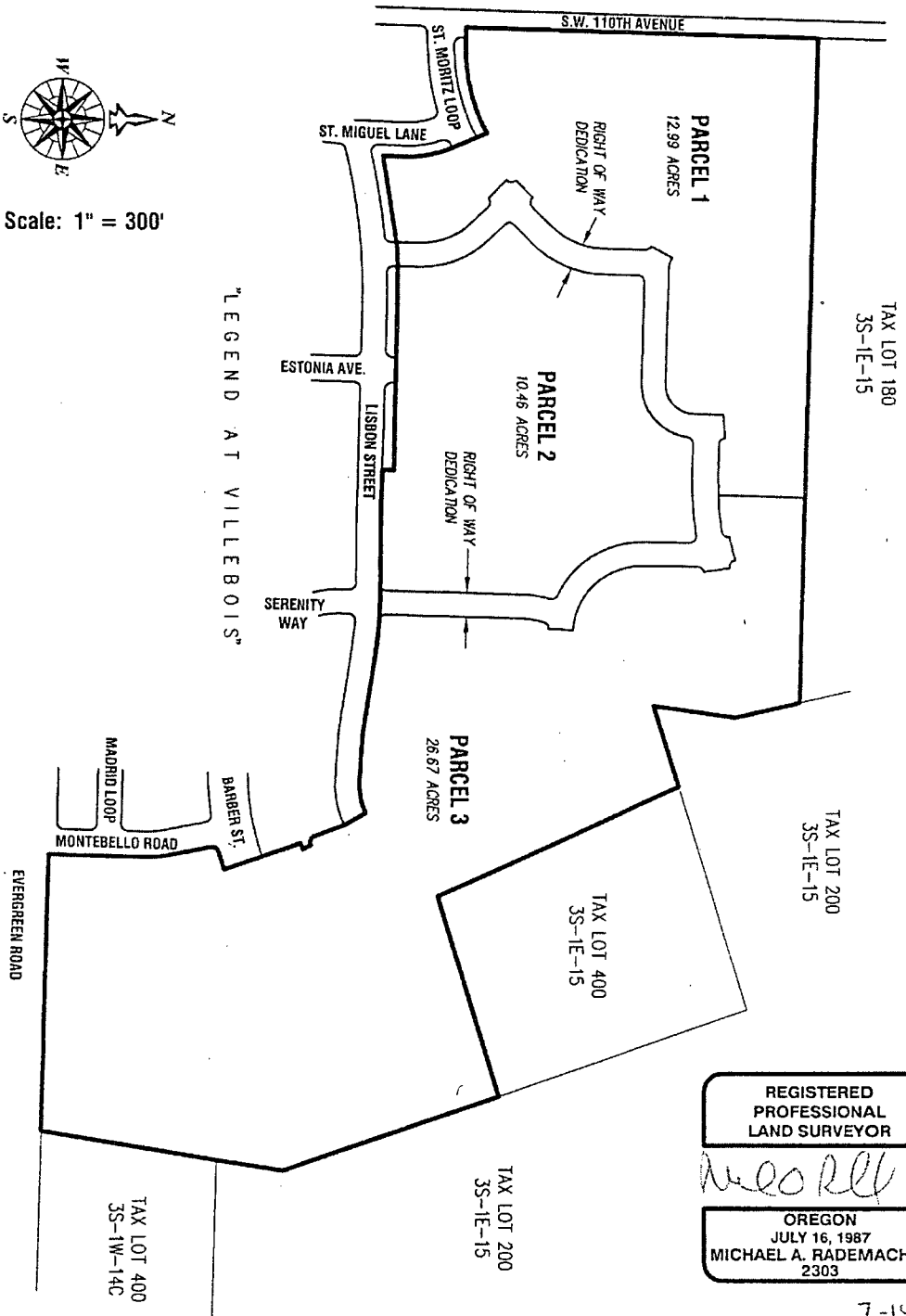
OREGON
JULY 16, 1987
MICHAEL A. RADEMACHER
2303

DATE OF SIGNATURE: 7-14-10

EXPIRES: 12/31/2010



Scale: 1" = 300'



REGISTERED PROFESSIONAL LAND SURVEYOR

Michael A. Rademacher
OREGON
JULY 16, 1987
MICHAEL A. RADEMACHER
2303

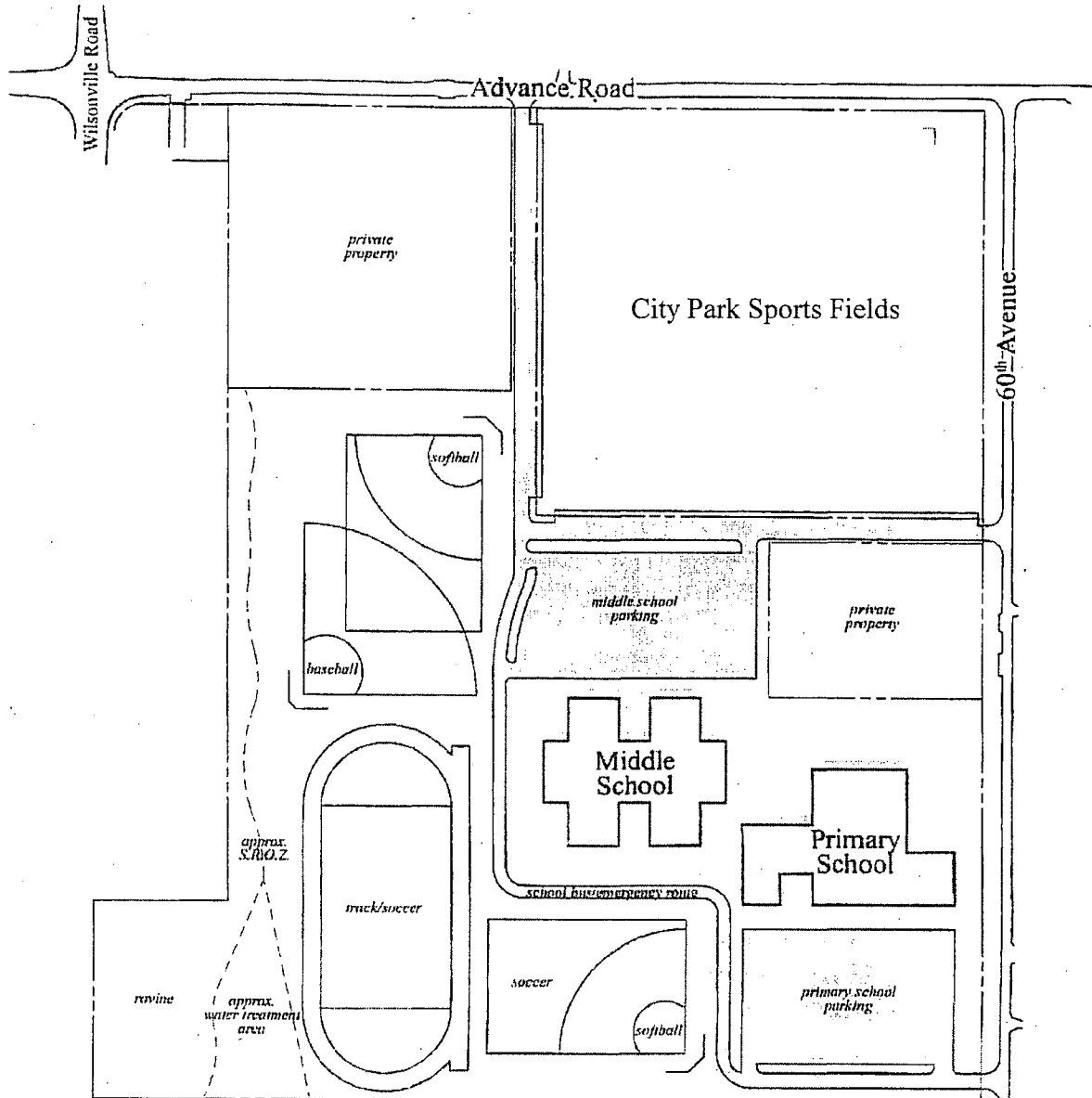
DATE OF SIGNATURE: 7-14-10
EXPIRES: 12/31/2010

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COMPASS ENGINEERING
ENGINEERING SURVEYING PLANNING
4105 S.E. INTERNATIONAL WAY, SUITE 501
MILWAUKIE, OREGON 503.653.9093

PROPOSED ZONE CHANGE
CLACKAMAS COUNTY
CITY OF WILSONVILLE



This page, Exhibit B Page 2, is to illustrate the general location of the proposed 10 acres to be exchanged to the City by the District for public park and recreation layout. The layouts of fields, buildings, parking etc. are for illustrative purposes only, and have not been adopted.

North
 0 80 160 320 feet

Option 1A
 Public Park
 at North

**Advance Road School/Park Site
 Master Plan**
 West-Linn - Wilsonville School District
 City of Wilsonville

Dull Olson Weekes Architects

26 April 2010

Kruse
 Road