

RESOLUTION NO. 892

A RESOLUTION CLARIFYING CONDITION #10 OF PLANNING COMMISSION RESOLUTION NO. 91 PC 43 REQUIRING DEDICATION OF 5.1 ACRES OF PARK LAND FOR THE TOWN CENTER.

WHEREAS, in keeping with the duly adopted Master Plan for Town Center, the Planning Commission has conditioned its approval in Planning Commission Resolution No. 91 PC 43 for a Modified Stage 1, Master Plan, Phase II, Stage II, Site Development Plans for Town Center with, among other conditions, condition No. 10, which states:

"10. This approval amends Condition No. 16 of Resolution 89 PC 50 and Condition No. 8 of Resolution 90 PC 15 to state as follows:

"The applicant shall dedicate 5.1 acres for a public park before issuance of the Certificate of Occupancy for Phase II unless the applicant and the City Council reach an agreement for a later date. The City and the applicant will work toward resolving the access and time issues of the public park dedication up to including the time of the Certificate of Occupancy;" and

WHEREAS, the applicant in compiling the land for developing Town Center, Phase I and Phase II of Stage II, has done so by entering different purchasing agreements with different groups of property owners, and the location of the land to be dedicated for public park appears to be part of a different land ownership than that for the proposed Project Thunder, Stage II site development; thus creating a situation where the applicant cannot grant a dedication until April 1, 1994, when the land inclusive of the park site is fully paid off and the owners of Project Thunder are not purchasing the proposed park land as part of their development and ostensibly cannot provide the park land at the time of occupancy; and

WHEREAS, the applicant has advised that if Phase III of Stage II were to develop, it would then be in a position to effectuate an earlier than April, 1994 pay-off to obtain the land for dedication whereas it advises that the money it is to receive from Project Thunder is of itself insufficient to do so; and

WHEREAS, the applicant indicates that while the dedication of the land for a Town Center open space park land is a condition it does not oppose, it is of a significant value and it does not desire to have the responsibility to pay for specific improvements thereon

unless such provision is in keeping with public improvements otherwise associated with its project(s) within the Town Center area such as drainage, provision of public access or relocation of easements or in connection with any system development fee already in place or which may be adopted in the future for park development which is applied City-wide for all similar categories of users; and

WHEREAS, the applicant is also in agreement that it shall provide an easement to the City of Wilsonville for vehicular ingress and egress over its property to the 5.1 acre parcel.

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

1) The City agrees with the applicant, Capital Realty Corporation, that dedication of the 5.1 acre parcel, together with a grant of a vehicular easement for ingress and egress to the 5.1 acre property, shall occur the sooner of the City's issuance of building permits for Phase III, Stage II Site Development Plans or April 1, 1994, when it obtains title to the land. Escrow instructions and appropriate documents in keeping herewith shall be provided the escrow closing company for a April 1, 1994 closing and transfer of the dedicated land.. The alternative dates aforementioned are a later date(s) than the issuance of the Certificate of Occupancy for Phase II; and meets the extension of time agreement with the City contemplated by Condition #10, Planning Commission Resolution No. 91 PC 43. The location of the site is located as set forth on Exhibit A, attached hereto and incorporated by reference herein;

2) It is the intent of the City that the applicant, upon dedication, shall not be responsible for developing any of the park facilities except such facilities as would otherwise be provided by the development within Town Center Master Plan area such as location of drainage retention ponds, provision of vehicular, bicycle and pedestrian public access to and from the proposed land site or relocation of sewer or water line easements. Likewise, applicant's responsibility to pay system development fee charges now imposed for public facilities or which may be adopted and imposed in the future upon the applicant or its assigns or successor as part of a City-wide imposition of system development charges for like categories of users is not intended to be relieved by this Resolution;


3) The applicant, Capital Realty Corporation, shall be provided notice of any planning for the proposed park land in order to have opportunity to have input into the planning process;

4) As soon as practicable after adoption of this resolution, the applicant,


Capital Realty, shall provide a metes and bounds description of the 5.1 acre site, which shall be made a part of the record hereof, to better enable the City to master plan this property in conjunction with previously required open space land to the north which is contiguous to this site and with open space property which will be required upon future development on contiguous property to the east and to effectuate the necessary documents for escrow referred to in paragraph 1 above.

CONSIDERED by the City Council of the City of Wilsonville at a regular meeting thereof the 6th day of January, 1992 at which time the resolution was continued to January 21, 1992.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof the 21st day of January, 1992 and filed with the Wilsonville City Recorder this same day.

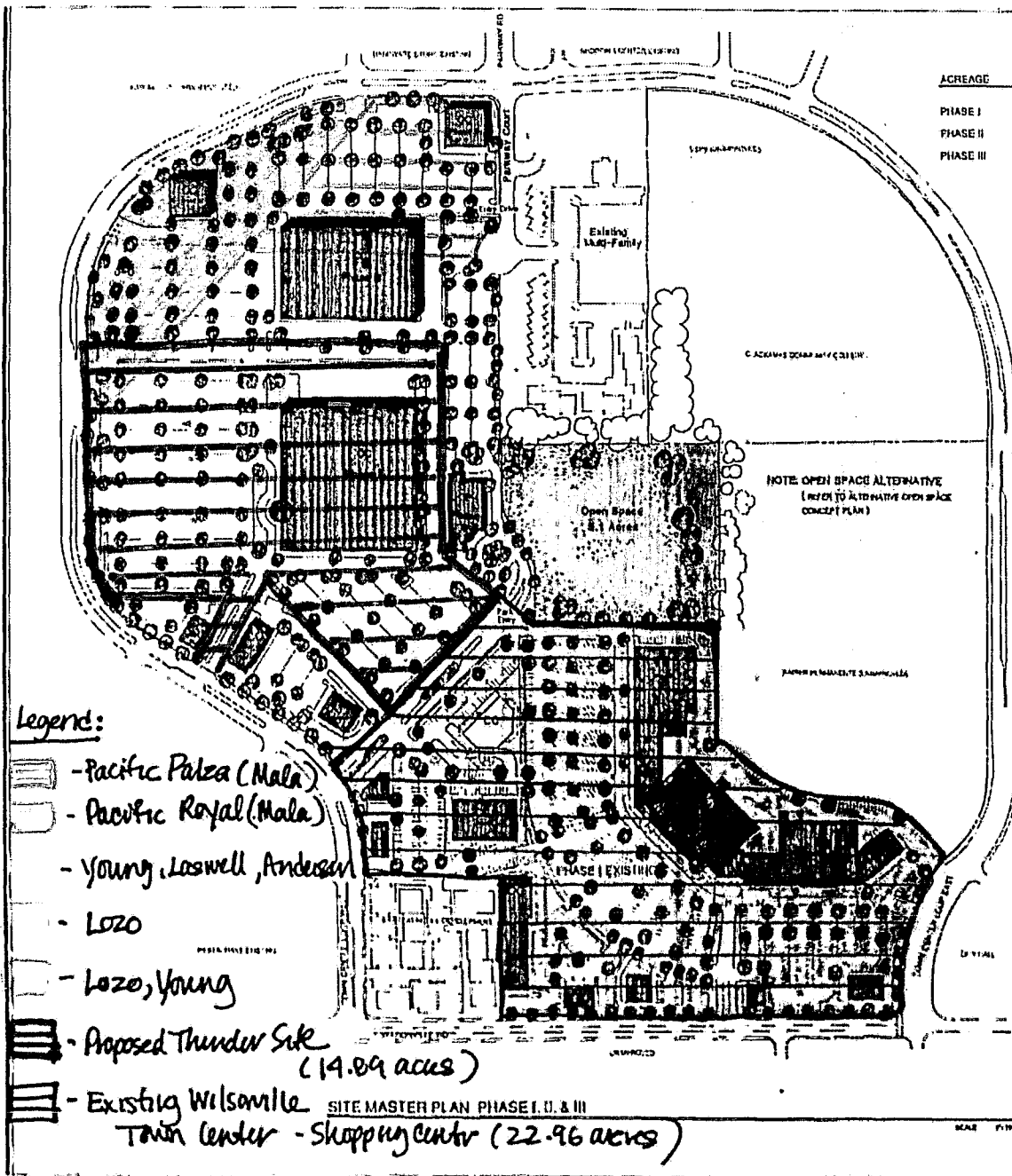

GERALD A. KRUMMEL, Mayor

ATTEST:

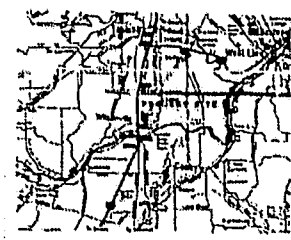

VERA A. ROJAS, CMC/AE, City Recorder

SUMMARY of Votes:

Mayor Krummel	<u>AYE</u>
Councilor Chandler	<u>ABSENT</u>
Councilor Carter	<u>AYE</u>
Councilor Van Eck	<u>AYE</u>
Councilor Lehan	<u>AYE</u>



ACREAGE	
PHASE I	22.96 ACRES
PHASE II	14.75 ACRES
PHASE III	22.09 ACRES
TOTAL	60.79 ACRES



VICINITY MAP

NOTICE

THIS PLAN IS THE PROPERTY OF JKS ARCHITECTS, P.C. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF JKS ARCHITECTS, P.C.

DATE: 03/20/10

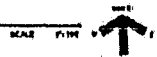
PROJECT: WILSONVILLE TOWN CENTER

SCALE: 1/8" = 1'-0"

Legend:

- Pacific Palza (Mala)
- Pacific Royal (Mala)
- Young, Laswell, Anderson
- Lozo
- Lozo, Young
- Proposed Thunder Site (14.89 acres)
- Existing Wilsonville Town Center - Shopping Center (22.96 acres)

SITE MASTER PLAN PHASE I, II, & III



JKS
JKS Architects PC
 142 SW 10th Street, Suite 200, Wilsonville, Oregon 97150
 503.375.4444

WILSONVILLE TOWN CENTER
 WILSONVILLE, OREGON



City of
WILSONVILLE
in OREGON

30000 SW Town Center Loop E • PO Box 220
Wilsonville, OR 97070
(503) 682-1011

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: MICHAEL KOHLHOFF, CITY ATTORNEY
DATE: JANUARY 15, 1992
SUBJECT: TOWN CENTER OPEN SPACE/PARK DEDICATION

As directed, I conferred with Kim Beech about a potential exchange of the 5.1 acres and the Boozier property. She indicated Capital Realty is not in a position to do so at this time.

Capital Realty prefers that the Council proceed to adopt Resolution CB-R-567-92 so Capital Realty has the ability to go forward and make commitments to purchase the land. In the interim period, between adoption of the Resolution and finalization of the dedication in 1994, Capital Realty is willing to explore exchange options with the City. This provides a more realistic time frame to accomplish an exchange.

mek/vr

City of
WILSONVILLE
in OREGON

30000 SW Town Center Loop E • PO Box 220
Wilsonville, OR 97070
(503) 682-1011

January 3, 1992

Ms. Kim Beach
Capital Realty Corporation
101 S.W. Main
Portland, OR 97204

Dear Kim:

I have reviewed your proposed language for adopting a later date for dedication. While I believe it is in keeping with our discussion, there is a need for further clarification; namely, that facilities such as access to the site or which might be relocated to the site would still be provided by the developer. Likewise, the City is in the process of amending its new systems development charges for park development to include commercial and industrial users (which were included in the old systems charges). This would be imposed City-wide as are the City's other SDC's. It was never the intent to exclude this type of charge, but rather the focus of our discussion was the exclusion of direct facility provision such as playgrounds, ball fields, etc.

Finally, as per our telephone discussion, the City will need to have a copy of your company's purchase contract so as to verify your position for our records.

Subject to the above, I have drafted a proposed Resolution for your review to be on the Council's agenda for its January 6, 1992, meeting. Please note, I have also provided for follow-through with an escrow after adoption of the Resolution.

If you have any questions, please call.

Very truly yours,

Michael E. Kohlhoff

mek:dp
Enclosure