

RESOLUTION NO. 904

A RESOLUTION TO INCLUDE FREEMAN DRIVE IMPROVEMENTS IN L.I.D. #10 AS A SPECIAL BENEFIT TO TAX LOTS 1802 AND 1903, TO APPROVE OREGON DEPARTMENT OF ECONOMIC DEVELOPMENT LOAN FINANCING FOR L.I.D. #10, AND TO PROVIDE FOR SPECIALLY ASSESSING BENEFITED PROPERTIES TO REPAY LOAN.

WHEREAS, City of Wilsonville adopted Resolution No. 766, accepting written petitions for 100% of the benefited property owners for formation of L.I.D. #10 and declared the City's intent to form L.I.D. #10, April 2, 1990; and

WHEREAS, the City received the initial L.I.D. deposit from property owners May 11, 1990; and

WHEREAS, the City of Wilsonville adopted Resolution No. 777, approving the engineer's report and the financial investigation report, July 2, 1990; and

WHEREAS, the City of Wilsonville adopted Resolution No. 782 declaring the City's intent to proceed with L.I.D. #10, July 16, 1990; and

WHEREAS, the City and the property owners initially contemplated financing through Bancroft Bonding; and

WHEREAS, proceeding has been delayed with consent of the property owners to

- (1) Provide for a method to equalize procedure for specially assessed (farm deferral) property to apply for assessment and installment assessment payments by Ordinance No. 376 enacted October 15, 1990;
- (2) To await November, 1990, election outcome of Measure #5 given the then Oregon Attorney General Opinions on its affects on Bancroft Bonding and local improvement districts;
- (3) After voter passage of Measure #5, to explore other financing alternatives, including private financing, with property owners in the late winter and spring, 1991;
- (4) In April, 1991, to review a request by property owner Our Associates (Shredding Systems), tax lot 1802, which was within the district, to include one-half of Freeman Drive, a 600 lineal foot collector running east and

west, provided it pay for any additional design/engineer fees, the item be bid as a separate item to establish the special benefit as a separate cost and assessment, and to pay a proportionate share of on-site project management as part of its special benefit cost;

- (5) To bring before City Council proposed City fee waivers to assist in the then proposed private financing alternative to provide the public improvement; and
- (6) To further assess financing alternatives after eight of the major property owners had financed the engineered construction drawings and obtained a bid in contemplation of private financing by the end of July, 1991, but all of the original L.I.D. petitioning property owners could not come to complete agreement on private financing; and
- (7) To conduct discussion with owners' representatives and State officials about the feasibility of special public works loan funding through the State and repayment by special assessments; and

WHEREAS, over two-thirds of the petitioning property owners owning over two-thirds of the specially benefited property have requested proceeding with L.I.D. #10 (95th Avenue) including amending the project scope to include Freeman Drive, provided that Our Associates, owner of Tax Lot 1802, and Wilsonville Associates, a Washington General partnership, Jack Martin, managing partner, owner of Tax Lot 1903, agree that they are each specially benefited and each would pick up 50% of the costs of Freeman Drive's design and construction, including management, and to be assessed in accordance therewith, and the City having received letters from Rexene Clevenger Waite, partner, Our Associates, and from Jack Martin, partner, Wilsonville Associates, agreeing to be included and assessed, which are marked Exhibits A & B respectively, attached hereto and incorporated herein; and

WHEREAS, over two-thirds of the petitioning property owners owning over two-thirds of the specially benefited property have advised the City they support a financing alternative of a State of Oregon Economic Development Commission loan of \$1,526,214.00 (total project with City's contribution \$1,616,102.00) to be paid back by assessing each of the property owners specially benefited their pro rata share on a per acreage basis and permitting each to apply for installment payments; and

WHEREAS, the City of Wilsonville, by Resolution No. 875, adopted November 4, 1991, authorized City staff to make a pre-application for a special public

work fund program loan from the Oregon Community Development Programs, Oregon Economic Development Department, which has been completed and the City has been notified it may make final application, and the City Council intends to authorize staff to make said final application, subject to the results of the public hearing upon the subject, and the public hearing and results hereon, with both public hearings having received due notice and placed on the agenda of the regularly scheduled City Council meeting of April 6, 1992,

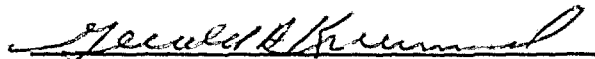
NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

- (1) That two-thirds or more of the affected property owners owning over two-thirds of the specially benefited property favor continuing with L.I.D. #10 and the construction of 95th Avenue through financing by means of a special public works fund program, Oregon Community Development Programs, Oregon Economic Development Program, and having their specially benefited property assessed as means of repayment by the City of Wilsonville of the loan, with the option to pay installment payments in such principal and interest sums as to match the installment principal and interest payments that the City shall be obligated to repay the State loan;
- (2) That two-thirds or more of the affected property owners owning over two-thirds of the specially benefited property favor the inclusion of Freeman Drive into the scope of the L.I.D. #10 project, provided that Our Associates and Wilsonville Associates/Jack Martin are assessed specially for the costs associated with Freeman Drive in accordance with the above recitals and that the other L.I.D. property owners are not assessed for Freeman Drive, and record reflects that Our Associates and Wilsonville Associates/Jack Martin are in agreement with inclusion as recited;
- (3) That L.I.D. #10 95th Avenue construction project from Hillman Court to Commerce Circle South Loop as identified in the record of the previous actions recited above, together with approved 600 lineal feet of 50 foot right-of-way with 36 feet of road improvement to City standards known as Freeman Drive shall proceed subject to the City of Wilsonville obtaining a special public works program loan in the sum of \$1,526,214.00;
- (4) That the properties which are specially benefited by L.I.D. #10 95th Avenue construction project are listed by tax lot number within the boundaries of L.I.D. #10 as set forth in Exhibit C attached hereto and incorporated herein.

Tax lot 1802 identified thereon as Shredding Systems is now identified as Our Associates. Tax lot 1903 identified thereon as Martin Development Company is now also identified as Wilsonville Associates, Jack Martin, partner. These tax lots will be given pro rata assessments for 95th Avenue construction along with each of the other identified tax lots at the time of the establishment of an assessment roll and lien docket. Any private agreements to pay assessments upon lots previously owned and/or created by partitioning or subdividing is between the private owners. Tax lots 1802 and 1903 will also be specially assessed each 50% of the L.I.D. costs associated with design, construction and construction management of Freeman Drive in the L.I.D. #10;

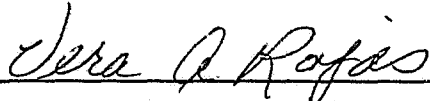
- (5) Staff is directed upon notification of loan approval to complete any necessary documents or appraisals and to proceed to bid and award contracts for construction of the 95th and Freeman Drive improvements within the applicable loan application amounts which shall be budgeted as a special fund, L.I.D. #10;
- (6) The City reserves the right to include any cost overruns and interim financing interest, if any, in the final amount to be assessed, or if assessment occurs prior to project completion and assessment is insufficient to cover costs and expenses, to supplementary assess or to reassess in accordance with Wilsonville Code 3.266 and 3.286. The City shall impose an administrative fee of .5% per annum on the unpaid principal in addition to the interest to be payed on the State's loan. The administrative fee shall be used to cover the cost incurred by the City for billing and receiving assessments and repaying loan financing from assessments on an installment basis.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof the 6th day of April, 1992, and filed with the Wilsonville City Recorder this same day.



GERALD A. KRUMMEL, Mayor

ATTEST:



VERA A. ROJAS, CMC/AAE, City Recorder

SUMMARY of Votes:

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

Exhibit "A"

February 24, 1992.

Ms. Arlene Loble
City Manager
City of Wilsonville
30000 S.W. Town Center Loop E
Wilsonville, OR 97070

Dear Ms. Loble:

Our Associates, owner of property leased to SSI Shredding Systems, requests to be included in 95th street LID.

Our Associates will pay back to the City of Wilsonville its allocated share of the cost to construct the full width street improvements of Freeman Drive from Sta. 0+00 to Sta 6+60.36.

Sincerely,



Rexene Clevenger Waite
Partner
Our Associates

RCW/dh

STATE OF OREGON, County of Clackamas ss.

This instrument was acknowledged before me
on February 24, 1992, by Rexene Clevenger Waite.


Notary Public for Oregon

My commission expires 1/25/93

MARTIN DEVELOPMENT

Exhibit "B"

April 7, 1992

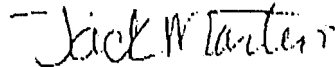
Ms. Arlene Loble
City Manager
City of Wilsonville
30000 S.W. Town Center Loop E.
Wilsonville, OR 97070

Dear Ms. Loble:

As owner of Tax Lot 1903, T3S-R1W, Section 11, I request to be included in the 95th Street LID.

I agree to pay back to the City of Wilsonville my allocated share of the cost to construct the full width street improvements of Freeman Drive from Sta. 0+00 to Sta. 6+60.36 (approximately 600 lineal feet).

Sincerely,



Jack Martin



HILLMAN PROPERTIES NORTHWEST

900 NORTH TOMAHAWK ISLAND DRIVE

PORTLAND, OREGON 97217-7999

(503) 283-4111

FAX (503) 283-4154

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February 14, 1992

Mr. Wayne Sorenson
City of Wilsonville
P.O. Box 220
Wilsonville, Oregon 97070

RE: 95TH AVENUE PROJECT - PUBLIC FUNDING

Dear Wayne:

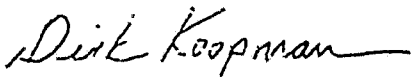
I have gotten word back from Jack Martin that with the availability of public funding he requests that the approximate 600 lineal feet half street construction of Freeman Drive in the original 95th Avenue Project be increased to full street construction.

Therefore, would you revise your application for the 95th Avenue Project Public Funding to change the Freeman Drive portion from a half street to a full street. For budgeting purposes, the additional construction cost will be approximately \$ 80,000. The design of which will only take 2-3 weeks, and can be done at the same time the plans and specifications are being revised for public bidding; i.e., should not add any time to the process.

If you have any questions, please give me a call.

Sincerely yours,

WILSONVILLE EIGHT
Hillman Properties Northwest - Managing Owner



Dirk Koopman
Senior Vice President

DK:cr

cc: Rexene Waite

911

EXHIBIT B
PAGE 2 2

March 10, 1992

Ms. Arlene Loble
City Manager
City of Wilsonville
30000 S.W. Town Center Loop E
Wilsonville, OR 97070

Dear Ms. Loble:

As owner of Tax Lot 1903, T3S-R1W, Section 11, I request to be included in the 95th Street LID.

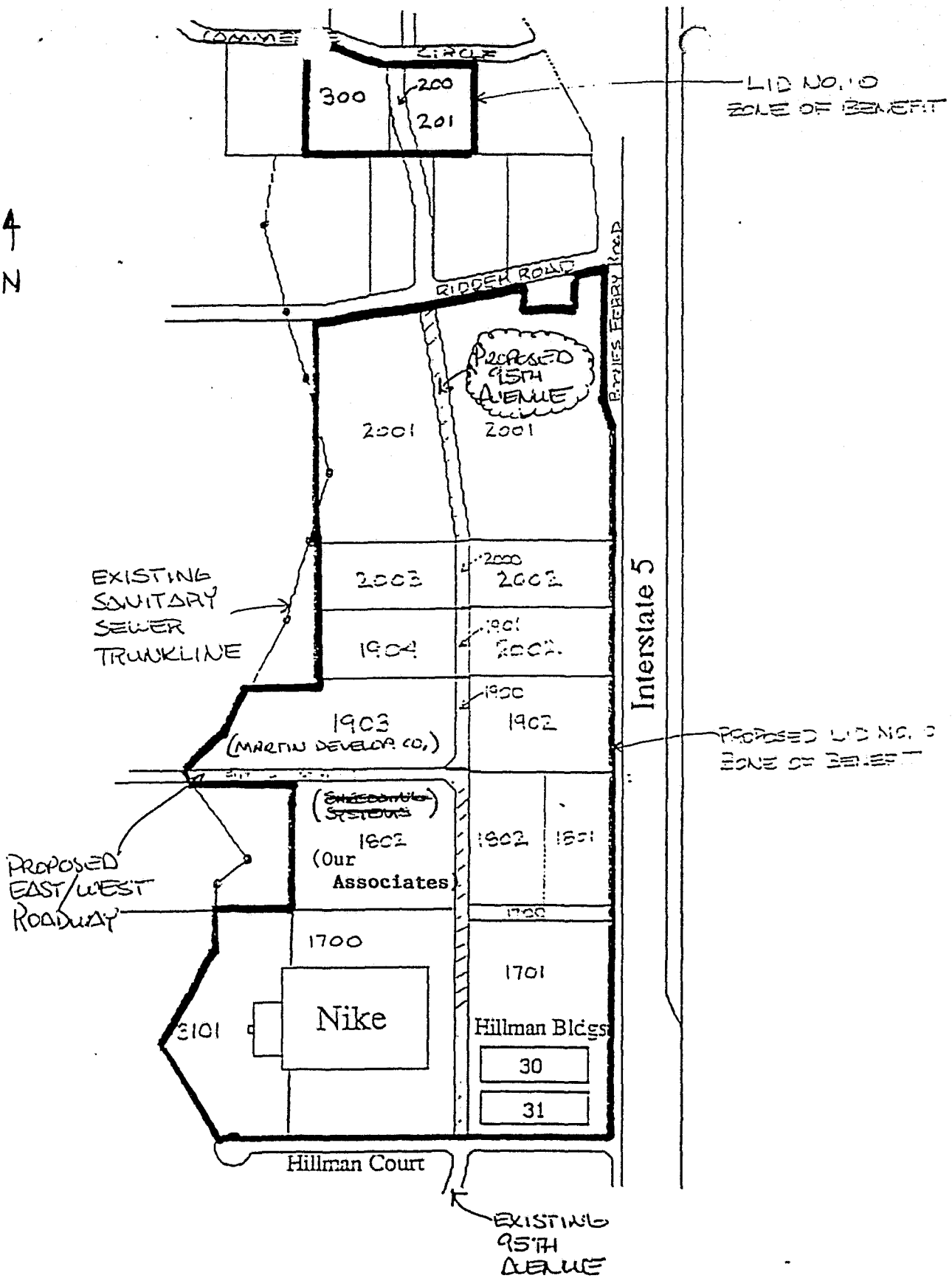
I agree to pay back to the City of Wilsonville my allocated share of the cost to construct the full width street improvements of Freeman Drive from Sta. 0+00 to Sta. 6+60.36 (approximately 600 lineal feet).

Sincerely,

Jack Martin

Exhibit "C"

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N



95th Avenue