

RESOLUTION NO. 906

A RESOLUTION AMENDING THE DEVELOPMENT AGREEMENT AND AUTHORIZING TEMPORARY OCCUPANCY FOR WILSONVILLE MINI-STORAGE UPON SUBSTANTIAL COMPLETION OF BOONES FERRY ROAD IMPROVEMENTS.

WHEREAS, VLMK Properties have purchased the Wilsonville Mini-Storage project from LM Investments; and

WHEREAS, the City has been requested to amend Section 1 of the Development Agreement to allow occupancy prior to completion of the required Boones Ferry Road improvements; and

WHEREAS, the City Council approved the request for immediate occupancy of the Manager's Unit to deter vandalism at the March 2, 1992, Council Meeting; and

WHEREAS, Boones Ferry Road improvements are now under construction, but final acceptance by the City Engineer and ODOT may not occur for another 60 days;

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

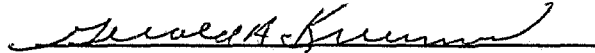
- (1) The City of Wilsonville hereby gives written consent to LM Investments assignment of the requirement of the Development Agreement dated May 7, 1990, to VLMK Properties as required in Section 10 of the Agreement;
- (2) The request for occupancy during the construction of Boones Ferry Road is denied because prospective mini-storage tenants and the general public would be unnecessarily exposed to traffic safety risk factors due to construction activity;
- (3) In accordance with the City's normal practice, temporary occupancy upon substantial completion will be allowed subject, but not limited to, the following conditions:
 1. All public water and sanitary systems be tested and approved;
 2. Sight distance from southerly driveway shall be certified by Design Engineer and verified by City to be 350 feet;
 3. Final lift of asphalt be in place and approved by City;

4. All curbs and driveway approaches poured and approved by City;
5. Temporary striping in place and approved by City.

(4) Section 1 of the Development Agreement is hereby amended as follows:

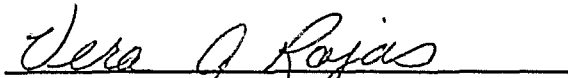
"VLMK Properties is entirely responsible for the cost of improvements to the identified section of road and the improvements shall be substantially completed as determined by the City Engineer before temporary occupancy shall be granted. By Council action at the March 2, 1992 regular meeting of the City Council, occupancy of the manager's unit to deter vandalism has been approved. Final occupancy permits shall be conditioned upon final approval by both the City Engineer and ODOT."

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>NO</u>
Councilor Lehan	<u>AYE</u>
Councilor Van Eck	<u>NO</u>