

RESOLUTION NO. 1742

A RESOLUTION ACCEPTING A DEED OF DEDICATION FROM VENTURE PROPERTIES, INC. FOR A PUBLIC PARK AND OPEN SPACE TO BE KNOWN AS CANYON CREEK PARK (TRACT P, SECTION 12BD, T3S, R1W) CANYON CREEK ESTATES.

WHEREAS, the City of Wilsonville has an adopted Parks and Recreation Master Plan (1994), including a plan for neighborhood, community and regional parks; and

WHEREAS, the City Council identified a need to acquire public park land in the northeast quadrant of the City for the growing residential population in that area; and

WHEREAS, the City Council adopted Goal III in FY 1999-2000, which was to *provide quality parks and protect significant open spaces and natural areas*, and in particular to *acquire sufficient property for park development to serve the northeast corner of the community*; and

WHEREAS, Venture Properties, Inc., the owner and developer of the Canyon Creek Estates subdivision has developed a neighborhood park at a location consistent with the Parks and Recreation Master Plan, thus assisting in fulfilling the City Council Goal from FY 1999-2000; and

WHEREAS, Venture Properties, Inc. has proposed the dedication of the property known as Wiedemann Neighborhood Park (Tract P) to the City as shown in the Deed of Dedication, a copy of which is attached hereto as Exhibit A and incorporated by reference as if fully set forth herein; and

WHEREAS, the City of Wilsonville and Venture Properties, Inc., have entered into an Agreement for Dedication of Wiedemann Park, attached as Exhibit B and incorporated by reference as if fully set forth herein; and

WHEREAS, Venture Properties, Inc. has agreed to monitor and maintain the wetland mitigation in Tract P for the life of Division of State Lands (DSL) permit FP #16766, a period of three years from August 1999, the date the mitigation was completed; and

WHEREAS, Venture Properties, Inc. is required to fulfill all conditions of approval placed by DSL on the project regarding wetland impacts and the approved mitigation and monitoring plan; and

WHEREAS, in the event that DSL determines that there has not been successful habitat replacement consistent with the mitigation plans and conditions of approval for FP #16766, Venture Properties, Inc. shall be solely responsible for all contingency measures required by DSL and Oregon Department of Fish and Wildlife to ensure achievement of the mitigation plan objectives, and for as long as DSL has jurisdiction to enforce its permit; and

WHEREAS, when the duties under the FP Permit #16766 have been completed, performed and no further obligation is owing, Venture Properties, Inc. shall provide the City documentation from DSL of such completion and duly inform the City that the obligations have been satisfied; and

WHEREAS, after the monitoring and maintenance duties have been completed under FP Permit #16766 it is likely that little or no maintenance of the wetlands and the mitigated natural area will be required; and

WHEREAS, as provided in Exhibit B, the City and Venture Properties, Inc. agreed that the park will be financed through systems development charges credits, will be maintained by the City after dedication, and may be renamed to avoid confusion with similarly referenced property; and

WHEREAS, Wiedemann Park was named in the Parks Master Plan but another facility is already named Wiedemann Park, thus creating a likelihood of confusion; and

WHEREAS, the park being dedicated is located on Canyon Creek Road next to Canyon Creek Apartments and would be appropriately named Canyon Creek Park; and

WHEREAS, the Parks and Recreation Advisory Board reviewed and forwarded a recommendation for approval to the Development Review Board of layout and landscape plans for the Wiedemann Neighborhood Park at their regular meeting in September of 1999; and

WHEREAS, the Development Review Board reviewed and approved the proposed Neighborhood Park layout and landscape plan as part of the design review package for the Canyon Creek Estates project (Planning Case File 99DB 26); and

WHEREAS, in Resolution No. 99DB26, the Development Review Board approved the park layout and landscape plan and adopted condition of approval #18 which states: *“The development of Wiedemann Park shall be in compliance with the plans approved by the Parks and Recreation Advisory Board dated September 14, 1999 and as revised by plans dated October 22, 1999, unless modifications are approved by the City”*; and

WHEREAS, based on the reports from Staff, the City Council has determined that Venture Properties Inc. has satisfied condition #18; and

WHEREAS, due to the park amenities of restroom and parking facilities, the park will draw on wider public community than the immediate neighborhood, and is likely to serve a greater public than would customarily use a neighborhood park; and

WHEREAS, because of its location, the park will serve an employment area in addition to a residential area; and

WHEREAS, this park is the first public park to be located north of Boeckman Road; and

WHEREAS, in this circumstance it is appropriate for the City to maintain the public facilities since the park will serve a wider area than a park of neighborhood size; and

WHEREAS, upon final acceptance of the park by the City, a proportional refund of systems development charges for parks will be returned and park maintenance will become the City’s responsibility; and

WHEREAS, ensuring survival and irrigation of park all plant material with a non-city outside source is the responsibility of Venture Properties, Inc. until such time as the water treatment plant is on line providing water at which time the automatic irrigation system can be used; and

WHEREAS, Venture Properties, Inc. has agreed to pay the prorated portion of property tax due and owing on the dedicated properties until such time as the deed of dedication for Tract P is recorded in Clackamas County; and

WHEREAS, City Staff has reviewed and found that the requirements of the City’s Land Acquisition Policies set forth in the City’s Fiscal Management Policy for

acceptance of land have been met, including that a public benefit will be enjoyed by acquisition of this land.

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

Section 1. Based on the above recitals, the City of Wilsonville accepts the dedication of Tract P of the Canyon Creek Estates development for use of the public as set forth in Exhibit A, and the Mayor is hereby authorized to sign the acceptance on the Deed of Dedication, Exhibit A, subject to completion of Conditions 1-6. This resolution shall be recorded in Clackamas County.

Section 2. The park described in Exhibit A shall be named Canyon Creek Park.

Condition 1. Notwithstanding the City Council's acceptance of Canyon Creek Park, Venture Properties, Inc. has the responsibility to maintain park landscaping including watering until such time as the water treatment plant is on line and permanent water is available.

Condition 2. Venture Properties, Inc. is required to enter into a hold-harmless agreement with the City for the installation of landscaping.

Condition 3. As weather allows and no later than July 1, 2002, Venture Properties, Inc. shall re-stripe the parking stalls to meet the requirements of the Americans with Disabilities Act (ADA) and the Building Code.

Condition 4. As weather allows and no later than July 1, 2002, Venture Properties, Inc. shall install eco-turf as originally approved by the Development Review Board.

Condition 5. Notwithstanding the City Council's acceptance of the Deeds of Dedication, Venture Properties, Inc. shall continue to comply with the conditions of approval placed on the project by the Division of State Lands as regards wetland mitigation and monitoring in DSL permit FP #16766 for three years or longer as may be necessary, as set forth herein.

Condition 6. Venture properties, Inc. shall notify the City through its Community Development Director when all obligations under permit FP #16766 have been completed and provide documentation by Division of State Lands of such completion.

ADOPTED, by the City Council of the City of Wilsonville at a special meeting thereof on the 24th day of January 2002.



CHARLOTTE LEHAN, Mayor

ATTEST:


SANDRA C. KING, CMC, City Recorder

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Councilor Helser	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Barton	<u>Yes</u>
Councilor Holt	<u>Yes</u>

DEED OF DEDICATION FOR:
Grantor - Corporation

KNOW ALL MEN BY THESE PRESENTS, that Venture Properties, Inc. hereinafter referred to as "GRANTOR" does hereby dedicate, grant, transfer and convey to the CITY OF WILSONVILLE and its assigns for the use of the public forever, certain real property described as follows, to-wit:

Canyon Creek Estates Tract "P" as shown on EXHIBIT "A" Legal Description and EXHIBIT "B" Locational Map attached hereto, and incorporated by reference as if fully set forth herein.

TO HAVE AND TO HOLD the above described and dedicated premises unto the City of Wilsonville for the Public forever; provided, however, in the event said premises are not used or cease to be used for public purpose, the premises shall revert to the GRANTOR.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$-0-. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, the undersigned GRANTOR has executed this dedication this 22nd day of June, 2001.

Grantor: VENTURE PROPERTIES, INC
(Name of Corporation)
By: Kristy Neal
(Signature of Duly Authorized Representative)
PRESIDENT
Title

After recording, return to:
CITY RECORDER
CITY OF WILSONVILLE
30000 SW Town Center Loop E.
Wilsonville, OR 97070

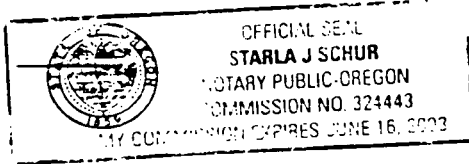
Until further notice, send all tax statements to:

STATE OF OREGON

County of Clackamas

On this 10th day of OCTOBER, 2001, before me, a notary public in and for said County and State, personally appeared Arlene Loble known to me to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunder set my hand and official seal on the day and year above written.



Starla J. Schur

NOTARY PUBLIC FOR OREGON

My Commission Expires: June 16, 2003

APPROVED AS TO FORM

this 8th day of Oct. 2001

Michael E. Kohlhoff
Michael E. Kohlhoff, City Attorney
City of Wilsonville, Oregon

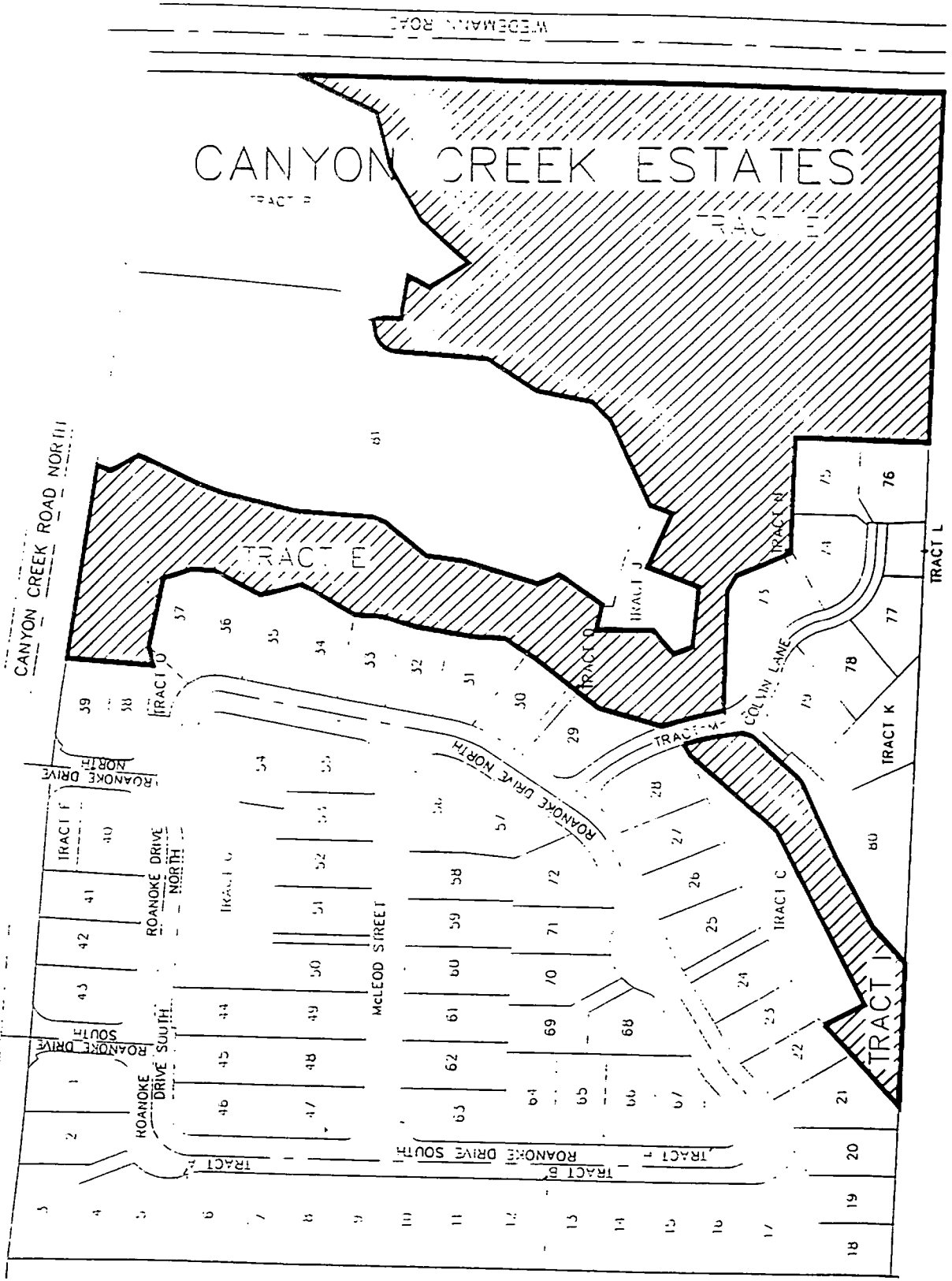
APPROVED AS TO LEGAL DESCRIPTION

this 28th day of SEPTEMBER 2001

Michael A. Stone
Michael A. Stone, P.E., City Engineer
City of Wilsonville, Oregon

EXHIBIT "B"

NOT TO SCALE



AGREEMENT

Between
Venture Properties, Inc. and the City of Wilsonville
for Dedication of Wiedemann Park

Recitals

1. Venture Properties, Inc., has expressed an interest in building a city park ("Wiedemann Park" or "Park") which is within the City of Wilsonville Park Master Plan.
2. Wiedemann Park is proposed to be financed with System Development Charges (SDCs) credits.
3. The City of Wilsonville Parks Board approved the design of the proposed park at its Board Meeting on September 21, 1999.
4. The City of Wilsonville Design Review Board (DRB) approved the design of the proposed park at the DRB hearing on October 14, 1999.

Agreement

Now, therefore, Venture Properties, Inc. and the City of Wilsonville agree to the following:

1. Venture Properties, Inc., agrees to obtain all of the necessary permits for construction of the Park and its improvements. Venture Properties, Inc., agrees to obtain any related easements and rights of entry for construction, wetland mitigation and maintenance purposes. Venture Properties, Inc., agrees to monitor and maintain the wetland mitigation in Tracts E and I for the life of DSL permit #16766.
2. Venture Properties, Inc., shall construct the Park and its associated improvements and will comply with Ordinance No. 386.
3. Upon completion of the Park and its associated improvements, Venture Properties, Inc., shall dedicate the Park to the City of Wilsonville.
4. Upon dedication of the Park, the City of Wilsonville shall be solely responsible for maintenance of the Park.
5. Upon dedication of the Park, the City of Wilsonville shall reimburse Venture Properties, Inc., for any Park SDCs paid prior to dedication.

**PLANNING DIVISION
STAFF REPORT**

TO: MAYOR LEHAN AND CITY COUNCIL

FROM: CHRIS NEAMTZU AICP, ASSOCIATE PLANNER

**SUBJECT: ACCEPTANCE OF DEED OF DEDICATION FOR TRACT P,
CANYON CREEK PARK, CANYON CREEK ESTATES**

DATE: JANUARY 16, 2002

SUMMARY:

Venture Properties, Inc. proposes to dedicate Tract P (formerly called Wiedemann Neighborhood Park) to the City of Wilsonville as part of the Canyon Creek Estates development project (Exhibit A). Canyon Creek Park (Exhibit B) measures 1.41 acres in size and has been improved with landscaping, picnic areas, a unisex restroom, parking, ADA accessibility, a wetland overlook and trails.

By improving this park to serve a larger population than the immediate neighborhood and dedicating this park to the public, Venture Properties Inc. is eligible to receive a proportional refund of systems development charges for parks as part of the Canyon Creek Estates subdivision. Public ownership of this parkland and open space helps to satisfy City Council Goal III from FY 1999-2000, which was to *provide quality parks and protect significant open spaces and natural areas*, and in particular to *acquire sufficient property for park development to serve the northeast corner of the community*.

A proposal for city acceptance of Tracts E and I, the headwater areas of Boeckman Creek, will be presented to the Council in the near future, which will involve a request for a policy determination on public ownership of natural areas.

City Staff has reviewed and found that the requirements of the City's Land Acquisition Policies (i.e. property descriptions, title reports, phase I environmental site assessment) set forth in the City's Fiscal Management Policy for acceptance of land have been met and a public benefit will be enjoyed by acquisition of this land.

RECOMMENDATION:

The Community Services Team recommends that the City Council approve the acceptance of the Deed of Dedication for Tract P, Canyon Creek Park (Wiedemann Neighborhood Park) in the Canyon Creek Estates development.

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BACKGROUND:

In the summer of 1999, the Parks and Recreation Advisory Board reviewed the proposed landscape plans for Wiedemann Park. Over the course of several meetings, the Parks Board fine tuned the site amenities and forwarded a recommendation of approval to the DRB.

In October of 1999, the Development Review Board (DRB) approved the park layout along with site and design review of the Canyon Creek Estates development project, which contains 80 single-family homes and a mixed-use commercial/multi-family component. The DRB adopted condition of approval #18 as part of Resolution 99DB26, which states: *"The development of Wiedemann Park shall be in compliance with the plans approved by the Parks and Recreation Advisory Board dated September 14, 1999 and as revised by plans dated October 22, 1999, unless modifications are approved by the City"*. With the exception of a few remaining items, Venture Properties, Inc. has installed the park in compliance with the plans approved by the Parks Board and DRB. A security bond in the amount of \$5,000 has been provided to the City to ensure replacement of any missing items or dead plant material prior to final acceptance.

After the City Council approves and accepts the park, the City will have responsibility for maintenance. The City will maintain this park because it has been constructed with amenities that serve more than the immediate neighborhood. Items such as a restroom and parking serve the larger Wilsonville population as well as the employment base found in the area. Operations Manager Floyd Peoples has analyzed the maintenance needs and determined that maintenance of the park will not pose a burden on the City staff and can be accommodated. The eco-turf mix that was approved is not yet installed but is a requirement prior to acceptance. Once the eco-turf is installed in the spring of 2002, the required maintenance will be far less than with traditional lawn.

Other items that will need to be provided by Venture Properties, Inc. prior to final recordation of the deed transfer include re-stripping of the Americans with Disabilities Act (ADA) parking stall to meet the ADA requirements and signing of a hold-harmless agreement for the landscaping that has been installed.

As part of the construction of the Canyon Creek Estates project, the applicant received approval from the Division of State Lands (DSL) to fill two small wetland areas. In particular, a fill permit was granted for the Colvin Lane road crossing to the eight-lot "Enclave" and the access road for the commercial part of the project. Wetland mitigation was conducted on-site in portions of Tracts P and E, specifically, the east side of the park adjacent to the wetland overlook and in Tract E north of the residential lots (Exhibit C).

Mitigation involved the creation of .14 acres of wetlands in the park and the enhancement of wetlands along Tract E. Venture Properties, Inc. is required to fulfill all conditions of the permit (Permit # FP16766) granted by DSL including the requirement to monitor the mitigation sites for three years after installation and ensuring plant survival and proper

functioning of the wetlands as designed. The monitoring reports are prepared annually and sent to DSL. Once three years have elapsed and the mitigation is accepted by DSL as complete, fulfilling the requirements of the permit, no ongoing reporting will be needed. At that point these areas should function as natural areas, with no regular maintenance being required. In the event the developer fails to perform the mitigation plan as required, or the plants do not survive the establishment period, the permit contains a contingency plan which allows the agencies (DSL and Oregon Department of Fish and Wildlife) to require measures necessary to ensure achievement of the mitigation objectives. Any obligations under such a contingency would remain with Venture Properties, Inc. as holder of the DSL permit rather than the City.

The applicant voluntarily constructed the park for a show of homes while the City was under a moratorium on development for lack of public water facilities and subsequent public facilities strategies. Irrigation of the landscaping in the park has been the responsibility of the developer, and has been occurring via truck from a source outside City. Venture Properties, Inc. will continue to be responsible for irrigation until such time as the City's water treatment plant is on line and producing water. The water meters for the restroom and the irrigation system have been installed, and the Community Development Director has determined that city water may be used unless restrictions are necessary before the water treatment plant is on line. In that event, Venture Properties would have to continue to truck in water from a source outside the city. The hold-harmless agreement would ensure that Venture Properties is responsible in the event that any landscaping dies and needs to be replaced.

Acceptance of this property will result in much needed public parkland for the northeast portion of the City and will serve an important public benefit by serving both residents and employees. .

R = 031.00'
L = 147.20'

D = 04°49'50"
R = 1769.00'
L = 149.14'

D = 06°51'45"
R = 1431.00'
L = 171.40'

D = 46°58'47"
R = 40.00'
L = 32.80'

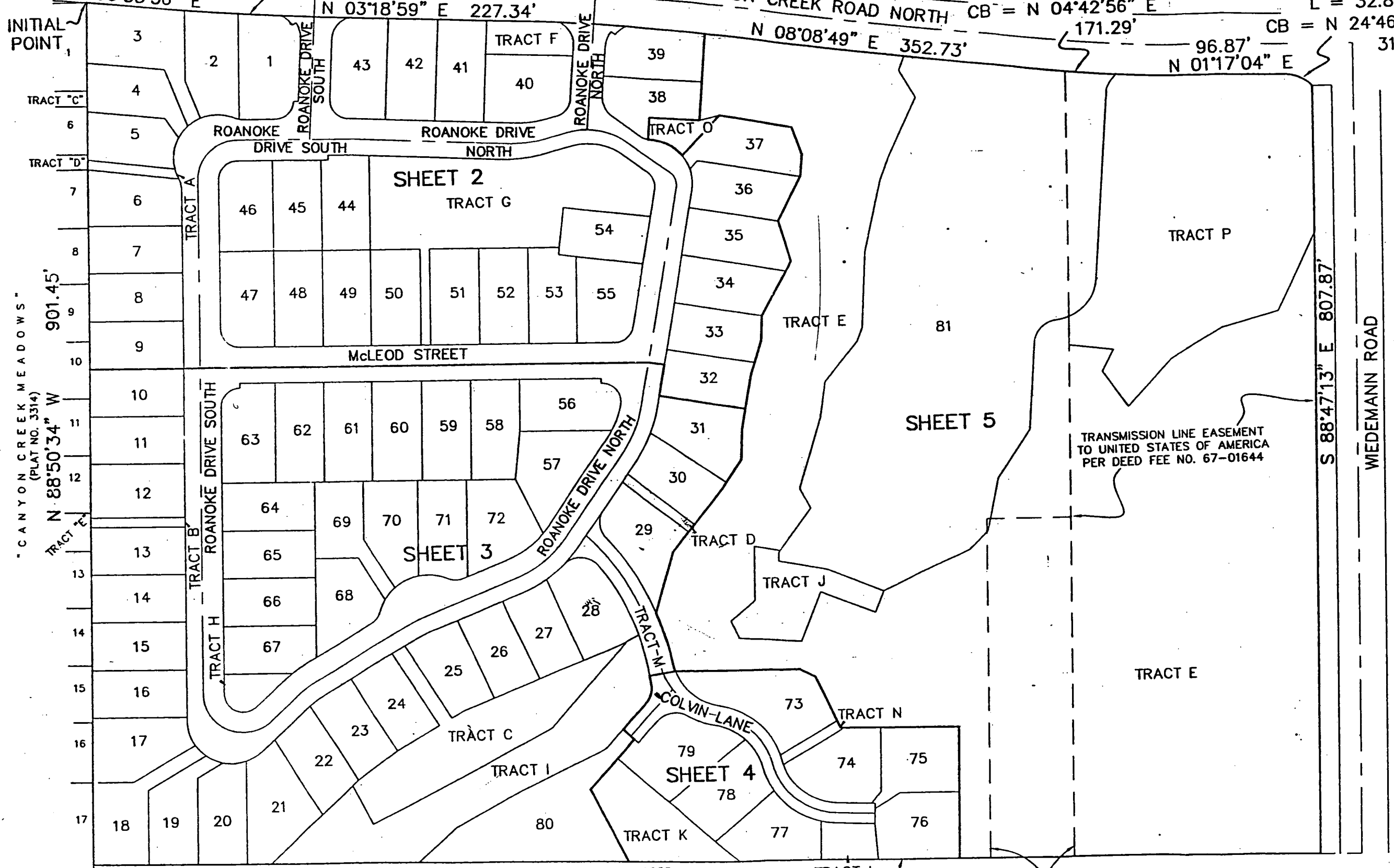
CB = N 04°42'28" E
82.07' 147.19'

CB = N 05°43'54" E
149.10'

CB = N 04°42'56" E
171.29'

CB = N 24°46'27" E
96.87' 31.89'

INITIAL POINT



"CANYON CREEK MEADOWS"
(PLAT NO. 3314)
901.45'
N 88°50'34" W

DEED DOCUMENT NO. 97-102060

S 01°35'50" W 1250.87'

NORTH/SOUTH ONE-QUARTER SECTION LINE PER P.S. 22,941

"DANGER TREE" RESTRICTION PER DEED FEE NO. 67-01644

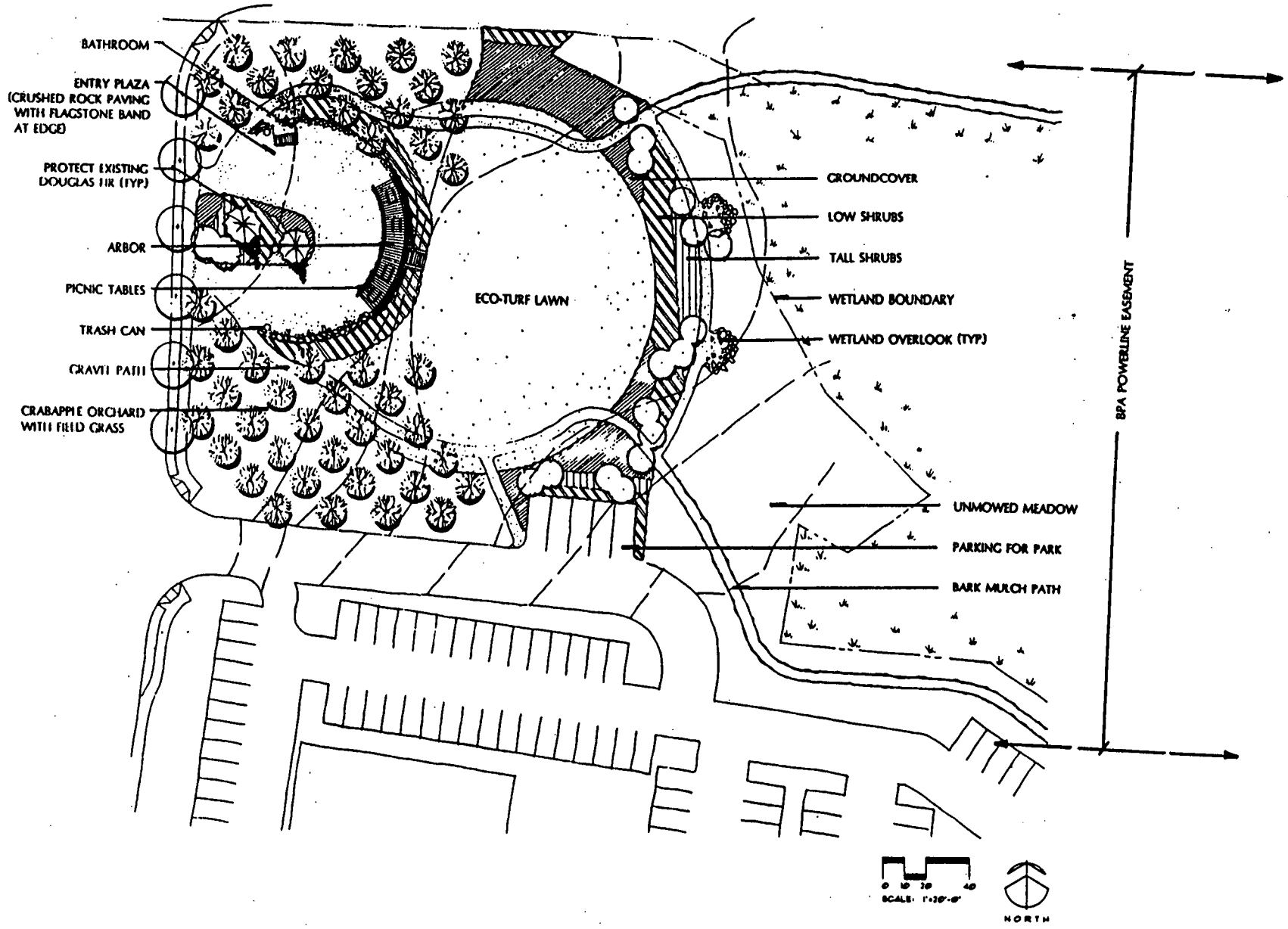
TRANSMISSION LINE EASEMENT TO UNITED STATES OF AMERICA PER DEED FEE NO. 67-01644

SHEET INDEX
SHEET 1 OF 6

Exhibit A

5.
9.
10.
11.
12.
13.
14.
NA
1.
2.

Exhibit B



Client
VENTURE PROPERTIES
 5000 S.W. MEADOWS
 #151
 LAKE OSWEGO, OR
 503.620.7538

Project Title
PARK LANDSCAPE CONCEPT PLAN

WEIDMANN ROAD COMMUNITY PARK

DATE: JULY 20, 1999
 REVISIONS:

DRAWN BY: MDT
 CHECKED BY: OMA
 JOB NO. 99081
 APPROVED: OMA

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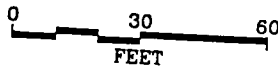
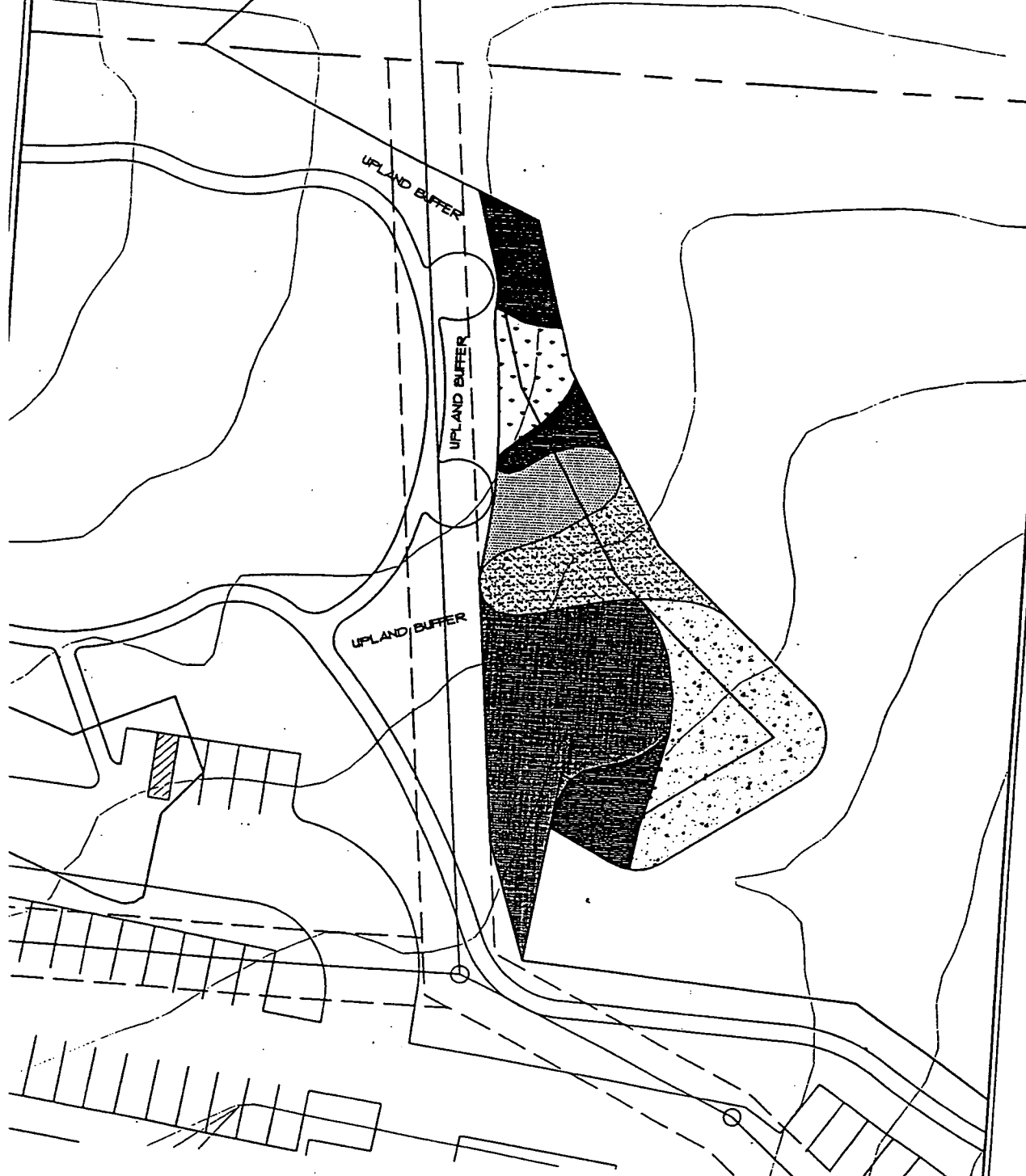
SHEET
 OF 3 **L3.0**

WEIDEMANN ROAD

UPLAND BUFFER

UPLAND BUFFER

UPLAND BUFFER



	<i>Spiraea douglasii</i>
	<i>Fraxinus latifolia</i>
	<i>Rosa pisocarpa</i>
	<i>Crataegus douglasii</i>
	selected emergents
	<i>Salix lasiandra</i>

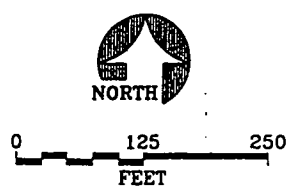
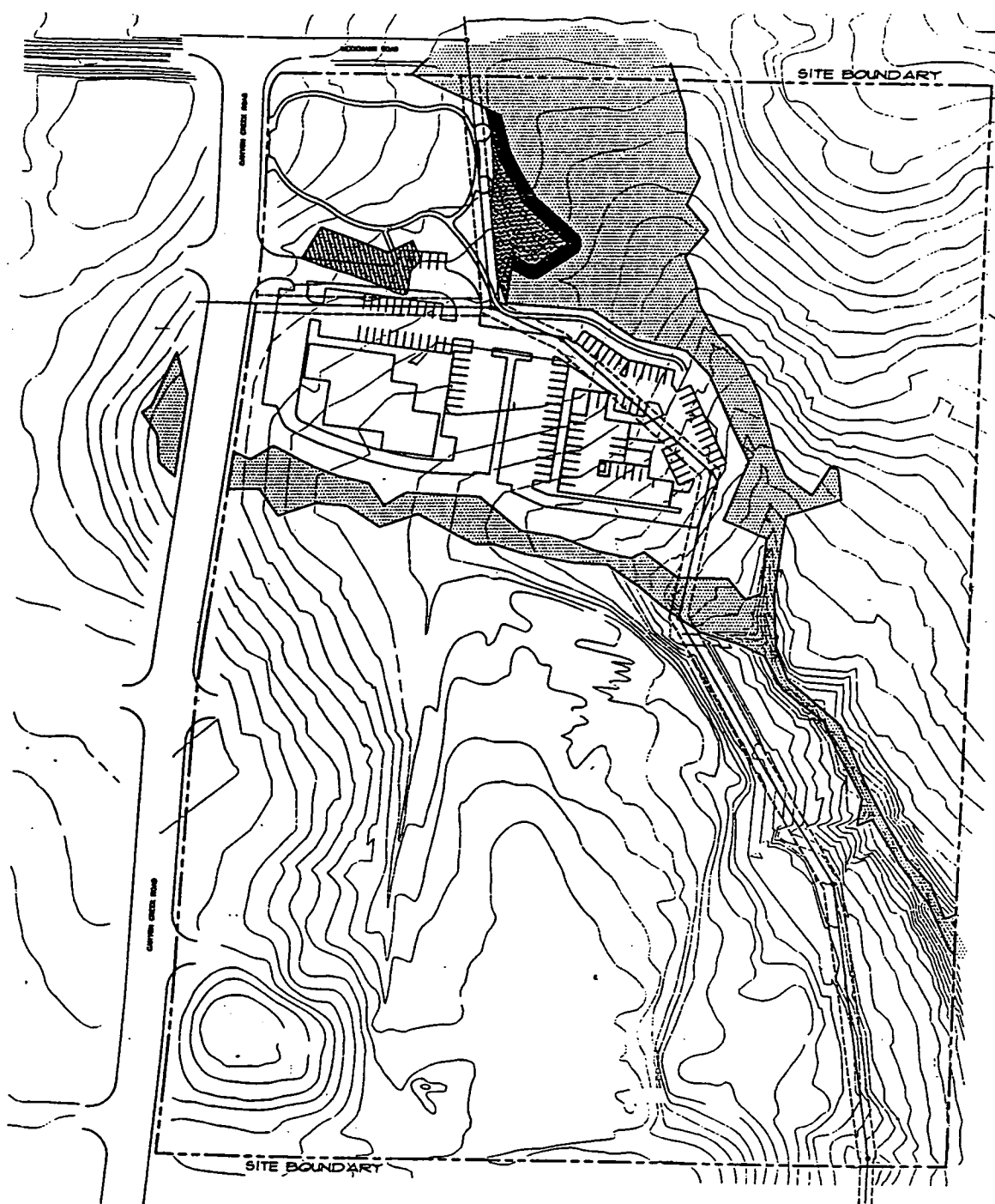
1 Henderson Land Services, 2000 & Alpha Engineering, Inc., 2000

Planting plan for the mitigation area at the proposed Wiedemann Park, located south of Wiedemann Road and east of Canyon Creek Road in Hillsouville, Oregon.

2004/05 2/1/00

Exhibit C

SHAPIRO
ASSOCIATES, INC.



	Wetland
	Wetland impact
	Wetland creation
	Wetland enhancement

Base from Henderson Land Services, 2000 & Alpha Engineering, Inc., 2000

2001045 2/4/00

Wetland impact, wetland creation area, and wetland enhancement area of the proposed Wiedemann Park, located south of Wiedemann Road and east of Canyon Creek Road in Willsonville, Oregon.

Exhibit C



**PUBLIC WORKS DEPARTMENT
OPERATIONS DIVISION
MEMORANDUM**

DATE : November 30, 2001

TO : Joan Kelsey
Assistant City Attorney

FROM : Floyd Peoples
Operations Manager

RE : Weideman Park and Associated Tracts Maintenance Cost

In regards to the yearly maintenance cost of Weideman Park. Weideman Park (Tract P) is located on the eastside of Canyon Creek Road North adjacent to the BPA power transmission lines south of Elligsen Road. It is approximately 1.4 acres in size with a restroom facility, paved paths, a trellised observation area, formal plantings and irrigated turf. The area is designed to have moderate maintenance needs in as much as the plantings are made up of mostly native material with hardy non native material mixed in where appropriate. The restrooms were designed and built for low maintenance with stainless steel fixtures and block wall construction. The turf area is a low maintenance Eco-Type mix with little or no need for weed control and /or supplemental watering after establishment. The trellised observation area and the paved pathways present no great maintenance demands. The yearly cost for maintaining Weideman Park including labor and material is approximately \$5,500.

Tracts "E" and "I" are adjacent to Weideman Park and are about 6.8 acres total in size. They are for the most part undeveloped. There is a small trail system in Tract "E" comprised of a combination of crushed rock and wood chip trails. There is also a small wooden bridge on the trail route in Tract "E". There is a less formal non-designed trail in Tract "I". Generally speaking the market cost of maintaining these types of areas runs from \$500 to \$800 per acre depending on how much they are developed and how accessible they are. I found that there is little development and the area for the most part is accessible. I would estimate the total cost of maintaining these two tracts, including labor and material, to be approximately \$3,400 per year.

Total cost of maintenance per year of both Weideman Park (Tract P) and Tracts "E" and "I" is \$8900. If one projects this cost out over a five year period and introduces a modest 3% inflation factor the overall cost for five years of maintenance would be \$45,000 to \$46,000.

:fp

pc: Chris Neamtzu
Jeff Bauman