

RESOLUTION NO. LXXXVIII (88)

A RESOLUTION AUTHORIZING AGREEMENT WITH WILLAMETTE FACTORS, INC.
FOR ADVANCE DEPOSIT FOR SEWER CONNECTIONS

WHEREAS, Willamette Factors, Inc. (hereinafter referred to as WILLAMETTE) is the developer of "CHARBONNEAU", a residential dwelling complex in the City of Wilsonville; and planned developments for the entire project have previously been approved by the City. Some have been constructed and others will be constructed as required by demand; and

WHEREAS, all development in "CHARBONNEAU" will use City water and sewer services, and the City needs funds for expansion of sewer facilities, and Willamette has funds which it is willing to pay to the City now as an advance deposit on future required sewer connections. Such advance payment would be without claim by Willamette for interest or other allowance on the payment, and would be used solely by the City for costs of sewer expansions. The advance payment will be the property of the City and entitle Willamette to sewer connections at sewer connection rates as established for particular classes of service as set forth in Ordinance No. 36 as amended by Ordinance No. 50 of the Wilsonville ordinances but not exceeding the extent of the advance payment; now, therefore, it is hereby

RESOLVED by the Common Council of the City of Wilsonville, Oregon, that the "AGREEMENT" between the City and Willamette Factors, Inc. pertaining to the matters set forth in the preamble to this Resolution, and a copy of which is attached hereto marked Exhibit "A", is hereby approved; and the Mayor attested by the City Recorder is hereby authorized and directed to execute and deliver said Agreement on behalf of and in the name of the City.

Adopted by the Wilsonville City Council at a regular meeting
thereof August 1 , 1977.

William G. Lowrie
WILLIAM G. LOWRIE - Mayor

ATTEST:

Deanna J. Thom
DEANNA J. THOM - City Recorder

A G R E E M E N T

This Agreement is made between the City of Wilsonville, a municipal corporation, hereinafter called "Wilsonville" and Willamette Factors, Inc., an Oregon corporation, hereinafter called "Willamette".

It is understood that Wilsonville needs funds for expansion of its sewer facilities and Willamette needs certain sewer connection rights for its planned and approved building expansion.

Now, therefore, in consideration of Willamette's present payment of \$149,990, receipt whereof is hereby acknowledged by Wilsonville, Wilsonville agrees to and does hereby grant and sell sewer connections to Willamette.

It is agreed that no interest shall be charged upon the monies paid to Wilsonville and that these sewer connection rights may be used by Willamette in the future as needed. However, this advance payment of sewer connections shall not entitle Willamette to make a sewer connection during the period of any moratorium on city sewer connections or sewer use otherwise which has been lawfully imposed by any county, state or federal agency or by resolution or ordinance of Wilsonville; nor shall it entitle Willamette to make a sewer connection which is in violation of any interim growth policies or comprehensive land use plans as adopted by the city.

It is further agreed that these advanced funds will be used by Wilsonville only for expansion of its sewer facilities.

The cost per sewer connection shall be in accordance with the rates as established for particular classes of service as set forth in Ordinance No. 36 as amended by Ordinance No. 50 of the Wilsonville City Ordinances.

IN WITNESS WHEREOF, the City of Wilsonville by authority of resolution of its City Council has caused this agreement to be executed by its Mayor and City Recorder and Willamette Factors, Inc., by authority of its Board of Directors, has caused this agreement to be executed by its duly authorized officers.

CITY OF WILSONVILLE

By

William H. Lowrie
Mayor

DATED:

August 8, 1977

By

Deanna J. Thom
City Recorder

WILLAMETTE FACTORS, INC.

By

Patrick C. Jordan
President

DATED:

August 12, 1977

By

Don Herr
Secretary