

RESOLUTION NO. 590

A RESOLUTION AUTHORIZING THE SETTLEMENT AND COMPROMISE BETWEEN THE CITY OF WILSONVILLE AND OWNERS OF TAX LOT 200, IN REGARDS TO THE VACATION OF PARKWAY AVENUE, STATION 0+00N to 18+00N AND THE PERFORMANCE OF THE CONDITIONS THERETO.

WHEREAS, on October 6, 1986, the City Council of the City of Wilsonville did consider and did adopt Ordinance No. 303 vacating Parkway stations 0+00N to 18+00N; and

WHEREAS, a dispute had arisen between the owners of Tax Lot 200, namely, Mr. Fredrick A. Anderson, Ms. Sherilynn Young, Mrs. E. Jean Young, Ms. Marlene Young, Mr. David Young, Harold Laswell, et ux, and John Grossmann and the City of Wilsonville as to the compensation for said vacation to the owners of Tax Lot 200, Clackamas County, Oregon Map 3S 1W 14D, hereinafter referred to as Tax Lot 200; and

WHEREAS, it appearing the during public hearing on Ordinance No. 303, the parties had reached a settlement and compromise of said dispute which needs to be formalized; and in full satisfaction, and for good and valuable consideration thereof, the parties are in agreement to the following:

1. The City of Wilsonville shall provide two dedicated accesses for the benefit of Tax Lot 200 and the public as set forth and described in that certain agreement entitled "Agreement Between City of Wilsonville and Owners of Wilsonville Park, Plaza Royal, and Pacific Plaza Center Properties, Concerning Local Improvement District #5 Improvements", and said agreement being a matter of public record and on file with the City Recorder and its provisions

remaining unaltered, and;

2. The City agrees to be responsible for providing half street (30 foot wide) street improvements to the aforementioned and described accesses to be made at such time as a plan is presented and implemented for development of the property; provided, however, it is not the intent of such condition to limit the City from going forward with the improvements before the property is developed. The cost of construction is estimated to be approximately \$25,000.00, and in no event shall the City of Wilsonville be obligated to pay more than \$50,000.00 for the construction of these half street improvements.

3. Such improvements are for streets which are classified as collectors or arterials and the estimated cost to fund the said improvements shall be set aside from the System Development Fee Fund to assure availability when needed.

4. At such time as the additional improvements are necessary, the owners of Tax Lot 200 agree to share equally in improvement costs with the owners of property abutting those improvements.

5. A settlement and compromise agreement in the form as set forth in Exhibit "A", attached hereto and incorporated herein, shall be entered into and executed by the parties.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wilsonville that:

1. The City of Wilsonville shall provide two

accesses for the benefit of Tax Lot 200 as set forth and described in that certain agreement entitled "Agreement Between City of Wilsonville and Owners of Wilsonville Park, Plaza Royal, and Pacific Plaza Center Properties, Concerning Local Improvement District #5 Improvements", and said agreement being a matter of public record and on file with the City recorder, and;

2. The City agrees to be responsible for providing half street (30 foot wide) street improvements to the aforementioned and described accesses made at such time as a plan is presented and implemented for development of the property; provided, however, it is not the intent of such condition to limit the City from going forward with the improvements before the property is developed. The cost of construction is estimated to be approximately \$25,000.00, and in no event shall the City of Wilsonville be obligated to pay more than \$50,000.00 for the construction of half street improvements.

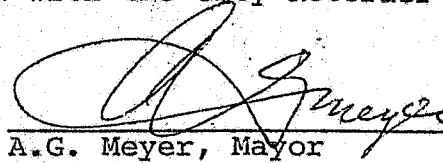
3. Such improvements are for streets which are classified as collectors or arterials and the estimated cost to fund said improvements shall be set aside from the System Development Fee Fund to assure availability when needed.

4. At such time as the additional improvements are necessary, the owners of Tax Lot 200 agree to share equally in improvement costs with the owners of property abutting those improvements.


5. The Mayor is authorized on behalf of the City of

Wilsonville to enter into a settlement and compromise agreement with the property owners of Tax Lot 200, a copy of which is marked Exhibit "A", attached hereto and incorporated herein.

ADOPTED by the Wilsonville City Council of the City of Wilsonville at a regular meeting thereof this 17th day of November, 1986, and filed with the City Recorder this same date.


A.G. Meyer, Mayor

ATTEST;


MARGO DILLINGER, City Recorder Pro-Tem

Wilsonville

Memo

TO: HONORABLE MAYOR AND COUNCILMEN
FROM: DEE THOM
SUBJECT: RESOLUTION NO. CB-R-253-86
DATE: OCTOBER 31, 1986

Attached is a copy of a resolution prepared by Mr. Kohlhoff to finalize the agreement of settlement and compromise with the Young's, et al, Laswell, Anderson and Grossman for the vacation of Parkway Avenue.

I have reviewed this document and it appears to be in order.

Pete Wall has not had an opportunity, as of 5:00 p.m., October 31, 1986, to review this document as it was not received by the city until Friday, noon.

Please review this resolution. If the Council feels comfortable with the resolution, it may be considered at the City Council meeting of November 3, 1986.

SETTLEMENT AND COMPROMISE
AGREEMENT BETWEEN THE CITY OF WILSONVILLE
AND OWNERS OF TAX LOT 200, IN REGARDS TO THE VACATION OF
PARKWAY AVENUE, STATION 0+00N to 18+00n

This agreement is entered into by the CITY OF WILSONVILLE, an Oregon municipal corporation, hereinafter called "City", and property owners of tax lot 200, located within the City limits of Wilsonville, hereinafter called "Owners".

WITNESSETH;

WHEREAS, a dispute has arisen between the owners of Tax Lot 200, namely, Mr. Fredrick A. Anderson, Ms. Sherilynn Young, Mrs. E. Jean Young, Ms. Marlene Young Rifai, Mr. David Young, Harold Laswell, ~~et ux~~, and John Grossmann and the City of Wilsonville as to the compensation for said vacation to the owners of Tax Lot 200; and

WHEREAS, the parties have reached a settlement and compromise of said dispute and in full satisfaction and for good and valuable consideration thereof, the parties are in agreement to the following:

1. The City of Wilsonville shall provide two accesses for the benefit of Tax Lot 200 as set forth and described in that certain agreement entitled "Agreement Between City of Wilsonville and Owners of Wilsonville Park, Plaza Royal, and Pacific Plaza Center Properties, Concerning Local Improvement District #5 Improvements", and said agreement being a matter of public record and on file with the City Recorder, and its provisions remaining unaltered, and;

2. The City agrees to be responsible for providing half street (30 foot wide) street improvements to the aforementioned and described accesses to be made at such time as a plan is presented and implemented for development of the property; provided, however, it is not the intent of such condition to limit the City from going forward with the improvements before the property is developed. The cost of construction is estimated to be approximately \$25,000.00, and in no event shall the City of Wilsonville be obligated to pay more than \$50,000.00 for the construction of half street improvements.

3. Such improvements are for streets which are classified as collectors or arterials arterially and the estimated cost to fund the said improvements shall be set aside from the System Development Fee Fund to assure availability when needed.

4. At such time as the additional improvements are necessary, owners of Tax Lot 200 agree to share equally in improvement costs with the owners of property abutting those roads.

5. This settlement and compromise fully satisfies any and all claims to damages from the City of Wilsonville, its employees, and agents pursuant to ORS 271.130 or otherwise by the aforementioned owners of Tax Lot 200, their heirs and assigns arising from or by reason of the City's vacation of Parkway Avenue as provided in Ordinance 303 and as set forth in the above mentioned agreement of record and on file with the City of Wilsonville.

6. The effective date of this agreement is November 3, 1986.

CITY OF WILSONVILLE,
a municipal corporation

By: _____
A.G. Meyer, Mayor

ATTEST: _____
Vera A. Rojas, City Recorder

Fred A. Anderson

Harold Laswell

John R. Grossmann

E. Jean Young

Sherilynn J. Young

David S. Young

Marlene A. Young

STATE OF OREGON)
)ss.
County of Clackamas)

_____, 1986

Personally appeared Fred A. Anderson and acknowledged
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the foregoing instrument to be his voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
)ss.
County of Clackamas)

_____, 1986

Personally appeared John R. Grossmann and acknowledged the foregoing instrument to be his voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
)ss.
County of Clackamas)

_____, 1986

Personally appeared Harold Laswell and acknowledged the foregoing instrument to be his voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
)ss.
County of Clackamas)

_____, 1986

Personally appeared E. Jean Young, Sherilynn J. Young, David S. Young and Marlene A. Young, and acknowledged the foregoing instrument to be their voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

Accepted by the Wilsonville City Council at its regular meeting thereof this ____ day of November, 1986, and filed with the Wilsonville City Recorder this same date.

A.G. Meyer, Mayor

ATTEST:

Vera A. Rojas, City Recorder