

**RESOLUTION NO. 902**

**A RESOLUTION AUTHORIZING DEFERRAL OF SYSTEMS DEVELOPMENT CHARGES FOR STREETS FROM TIME OF ISSUANCE OF BUILDING PERMIT TO TIME OF ISSUANCE OF AN OCCUPANCY PERMIT FOR TANDY NAME BRAND RETAIL GROUP.**

WHEREAS, Tandy Name Brand Retail Group, a Division of Tandy Corporation, is obligated under the City of Wilsonville Ordinances and Resolutions to pay systems development charges for streets in connection with its proposed development in Town Center, currently proceeding under the title "Project Thunder", at the time of obtaining building permits; and

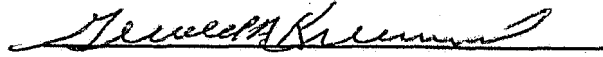
WHEREAS, the systems development charges for streets are estimated to be approximately \$370,880, and Tandy Name Brand Retail Group has duly applied to defer payment in lump sum from the time of issuance of a building permit to the time of issuance of an occupancy permit of whatsoever kind, and has submitted a surety bond in the sum of \$400,000 naming Tandy Name Brand (which Tandy Name Brand Retail Group represents and warrants by presentment is one and the same) as Principal, Safeco Insurance Company of America as Surety, and City of Wilsonville, Oregon as Obligee, to insure payment. A copy of the Community Development Memorandum of February 27, 1992, is marked Exhibit A, attached hereto and incorporated by reference herein, and it contains the letter of application of February 7, 1992, and copy of the Surety Bond and Power of Attorney; and

WHEREAS, Tandy Name Brand Retail Group has fully cooperated with the City in making substantial changes to its initially proposed development at significant cost, the deferral time proposed is of relatively short duration, and as set forth in the memorandum, Exhibit A, the actual impact upon the streets will occur at occupancy;

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

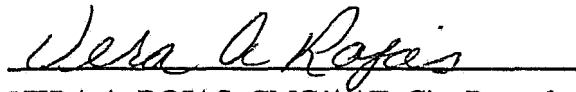
- (1) The requested deferral of payment of systems development charges for streets from time of issuance of a building permit to time of issuance of an occupancy permit of any kind whatsoever is granted to Tandy Name Brand Retail Group, a division of Tandy Corporation based upon the aforementioned recitals and findings.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof the 2nd day of March, 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>



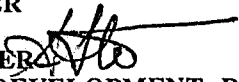
City of  
**WILSONVILLE**  
in OREGON

30000 SW Town Center Loop E • PO Box 220  
Wilsonville, OR 97070  
(503) 682-1011

COMMUNITY DEVELOPMENT DEPARTMENT  
MEMORANDUM

DATE: FEBRUARY 27, 1992

TO: ARLENE LOBLE  
CITY MANAGER

FROM: STEVE STARNER   
COMMUNITY DEVELOPMENT DIRECTOR

RE: TANDY CORPORATION - STREET SYSTEMS DEVELOPMENT  
CHARGE DEFERRAL REQUEST

As you know, the Wilsonville Systems Development Charge Ordinance No. 386 provides a mechanism for the deferral of SDC payment, if approved by City Council (Article VII, Section 5). Before review by Council, the deferral request must first be accompanied by a written agreement to pay the SDC and the agreement must be secured by collateral satisfactory to the City Manager (Article VII, Section 4).

The SDC deferral language adopted within the Wilsonville ordinance was obtained from the League of Oregon Cities SDC model ordinance. The purpose for providing opportunity for deferred payment carries over from state statutes predating Measure No. 5 which allowed a mechanism for Bancroft Bonding large fees owing to a local government. ORS 223.208 still allows the use of a Bancroft Bond method of financing for SDC payments, but a new Section 2 has been added to give the local government discretion in determining an appropriate alternate payment method other than cash at the time of building permit issuance. Also, a large project may require several months to construct and the case can be made that the basis of the infrastructure impact upon which the SDC assessment has been calculated (for street SDC - number of employees) does not actually occur until the project is completed.

In the case of the Town Center Tandy Project - Project Thunder - the estimated street SDC is \$370,880 (this value is subject to further refinement due to an analysis of the P.M. peak hour employee base). As the project is not anticipated to be ready for occupancy until December, 1992, the Tandy Corporation has requested deferral of the Wilsonville Street SDC (see exhibit No. 1). The SDC would be due and payable prior to issuance of an occupancy permit. By way of acceptable financial assurance of their ability to pay, Tandy has also submitted a Surety Bond, held in the city's name, in the amount of \$400,000 (see exhibit No. 2).

Leading up to this point in Project Thunder, two other concerns have required procedural follow up:

1. Access Provisions.

In concept, access provisions to the parcel to be developed by Tandy were established in 1985 as a component of LID No. 5. The town center loop median strip and curb cuts were constructed with those specific access provisions in mind. However, the Tandy site plan envisions a relocation of the access to Town Center Loop West. A formal change to the access location is subject to the city's street vacation process. Any construction permit issuance will not include approval for activity in the proposed access area until the formal vacation process has been completed.

2. Town Center Bike and Pedestrian Pathways.

As Town Center develops, it is important to identify an overall bike/pedestrian system in advance of project approvals. To that end, Associate Planner Blaise Edmonds, has suggested alternatives for bicycle and pedestrian access to the commercial, residential and public park areas proposed for Town Center (see exhibit No. 4 and No. 5). With respect to Tandy, Exhibit No. 4 is consistent with the currently approved site development plan (bike racks are to be installed on the south elevation of the building). Exhibit No. 5 indicates proposed revisions to the Design Review Board approval which staff is attempting to negotiate directly with Tandy and Capital Realty (Town Center Phase I developer).

Recommendation:

Approve the street SDC deferral request presented by the Tandy Corporation subject to payment in full prior to any occupancy of the Project Thunder development.

ss:md

Enc.

pc: Project file

**Tandy Name Brand Retail Group**

A Division of Tandy Corporation

1400 Two Tandy Center, Fort Worth, Texas 76102 FAX (817) 878-6535

**Richard D. Hollander**  
Vice President, Western Division  
(817) 878-4885

February 7, 1992

Steven Starner  
Community Development Director  
30000 Town Center Loop East  
Wilsonville, OR 97070

RE: Project Thunder

Dear Mr. Starner:

Under the provisions of the Wilsonville City Ordinance No. CD-0-156-91, Article VII there is a provision to allow a deferral of the Systems Development Charge on an initial construction project. Please accept this letter as our formal request to defer this charge until the completion of the project.

We have read the ordinance that created the Systems Development Charge and we understand our obligation for paying this fee. We further understand that this payment can be deferred until the completion of our project and that payment must be made prior to occupancy. Since the Systems Development Charge on our project is anticipated to be in excess of \$300,000, we have acquired and herewith attach a copy of a financial bond for \$400,000 to assure that payment will be made.

Please advise me if it will be necessary for a representative of our company to carry this before the City Council. Thank you in advance for your consideration of this request. We will anxiously await notification from your office to confirm your acceptance.

Best personal regards,



Rich D. Hollander  
Vice President - Western Division



POWER OF ATTORNEY

EXHIBIT No. 2

SAFECO INSURANCE COMPANY OF AMERICA  
GENERAL INSURANCE COMPANY OF AMERICA  
HOME OFFICE: SAFECO PLAZA  
SEATTLE, WASHINGTON 98185

No. 1675

**KNOW ALL BY THESE PRESENTS:**

That **SAFECO INSURANCE COMPANY OF AMERICA** and **GENERAL INSURANCE COMPANY OF AMERICA**, each a Washington corporation, does each hereby appoint

-----**GARY B. McELROY; LINDA F. HUGHES; TRACY L. GIFFORD; BONNIE S. WYATT;**  
**LINDA W. SINKU; Fort Worth, Texas**-----

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

**IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA** and **GENERAL INSURANCE COMPANY OF AMERICA** have each executed and attested these presents

this 13th day of June, 19 91

**CERTIFICATE**

Extract from the By-Laws of **SAFECO INSURANCE COMPANY OF AMERICA**  
and of **GENERAL INSURANCE COMPANY OF AMERICA**:

"Article V, Section 13. — **FIDELITY AND SURETY BONDS** . . . the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business . . . On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of **SAFECO INSURANCE COMPANY OF AMERICA**  
and of **GENERAL INSURANCE COMPANY OF AMERICA** adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
- (ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
- (iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, **Boh A. Dickey**, Secretary of **SAFECO INSURANCE COMPANY OF AMERICA** and of **GENERAL INSURANCE COMPANY OF AMERICA**, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 10th day of February, 19 92

SURETY BOND

BOND NO. 5683804

*KNOW ALL MEN BY THESE PRESENTS*, that we **Tandy Name Brand** as Principal and the **Safeco Insurance Company of America**, a corporation organized under the laws of the State of Washington, and authorized to transact the business of surety in the State of Oregon as Surety, are held and firmly bound unto the **City of Wilsonville, Oregon**, as Obligee in the sum of **FOUR HUNDRED THOUSAND AND NO/100 DOLLARS (\$400,000.00)** lawful money of the United States of America to be paid to the Obligee, its successors and assigns for the payment of which sum, well and truly to be made, we bind ourselves, our heirs, executors, administrators, and assigns, jointly and severally, by these presents.

*WHEREAS*, the Principal has requested the Obligee to issue building permits to the Principal for the premises located at 29400 Southwest Town Center, Wilsonville, Oregon; and

*WHEREAS*, as a condition precedent to the commencement and/or continuation of issuing building permits, the Principal has agreed to furnish the Obligee with a surety bond issued by the said Surety in an amount equal to the cash deposit which the Obligee would require if such surety bond were not so furnished, for the purpose of securing the payment of any and all building permits to the said premises;

*NOW, THEREFORE*, the condition of the obligation is such that if the Principal shall pay or cause to be paid to the Obligee all amounts that may be owing to the Obligee by the Principal for building permit fees prior to occupancy of the above mentioned building, then this obligation shall be void; otherwise this obligation shall remain in full force and effect.

The obligation of the Surety hereunder may be terminated and this bond may be canceled by the Surety thirty (30) days after receipt by the Principal and by the Obligee of Surety's written notice to Principal to be addressed to Principal at its premises located in Fort Worth, TX and such notice to the Obligee to be addressed to Obligee at the Obligee's office at 30000 Town Center Loop East, Wilsonville, Oregon 97070; provided, however, that such termination shall not limit or terminate this agreement with respect to issuing any building permits or any indebtedness which may have arisen within thirty (30) days thereafter.

*IN WITNESS THEREOF*, the parties hereto have caused this agreement to be duly executed this 10th day of February, 1992.

TANDY NAME BRAND

By: 

SAFECO INSURANCE COMPANY OF AMERICA

By: 

Tracy L. Gifford, Attorney-in-Fact

City of  
**WILSONVILLE**  
In OREGON

30000 SW Town Center Loop E • ~~PO Box 220~~  
Wilsonville, OR 97070  
(503) 682-1011

February 11, 1992

Kim Beach  
Vice President  
Capital Realty Corporation  
101 SW Main, Suite 1500  
Portland, Oregon 97204

Dear Kim:

In review of our meeting of February 10, 1992 and in response to your request, it is my understanding that the following has been accomplished with regards to the 91PC43 Conditions #11, 16 and 20.

Condition 11. Capital Realty has submitted a document entitled "Planned Business Community Declaration for Wilsonville Town Center Property". The form of document with the corrections noted on pages 9 (typographical) and 10 (paragraph 7.1.1 amending time period from 15 years to 20 years) is satisfactory. This condition shall be fully satisfied upon recording of the document. Proof of same shall be submitted to the City.

Condition 16. The aforesaid declaration document provides for the easements required by this condition together with the current temporary easements you provided. Recording of the document shall satisfy this condition. Proof shall be submitted to the City.

Condition 20. I am in receipt of a letter from Legacy Health Systems and Capital Realty, which is in agreement with changing the median strip in Town Center Loop West and providing a full intersection access for Project Thunder. This meets this portion of Condition 20, subject only to my receipt of written confirmation by Chicago Title of Legacy's ownership, which I understand just came about through a closing of January 31, 1992. I have discussed the confirmation with a representative of Chicago Title and have received oral verification. Chicago is to send written confirmation.

The rest of Condition 20 calls for Project Thunder (Phase II, Stage II of Capital's submitted Master Plan) to take access at prescribed access locations approved in Local Improvement District No. 5 along Town Center Loop West. It is my understanding that Project Thunder is desirous of adding an access for service delivery and relocating an existing access to the south. Appropriate application by Tandy should be made to the City to vacate the existing access and street and request approval to relocate the access and for the service access. Tandy should contact the City Planning Department. I am enclosing a copy of the ORS vacation requirements.



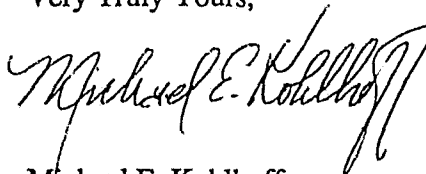
Kim Beach  
February 11, 1992  
Page 2

It is my further understanding you have, on behalf of Capital Realty, reached an understanding with our Planning staff on a process to address DRB and Park Commission concerns raised over the bike path plan and signage and placement of bicycles racks for usage.

Finally, as to Condition 10, the City and Capital Realty have reached an agreement as set forth in Resolution No. 892 to satisfy this condition. I will fax you a form of dedication and you will provide the metes and bounds legal for the 5.1 acre open space. You will also provide to the City for the benefit of the public access to this property over your reciprocal private access ways (vehicular, pedestrian and bicycle). These documents will be placed with Chicago Title in escrow in compliance with the agreement with mutually agreeable instructions.

The other process issues discussed at our meeting hopefully were fully answered.

Very Truly Yours,



Michael E. Kohlhoff,  
City Attorney

mek:vr

pc: Arlene Loble, City Manager  
Steve Starner, Community Development Director

LAND DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS that CAPITAL REALTY, INC., an Oregon corporation, hereinafter referred to as "Grantor," does hereby forever dedicate to the City of Wilsonville and its assigns for the use of the Public, certain real property located in the City of Wilsonville, County of Clackamas, and State of Oregon, that which is more particularly bounded and described as follows:

- 1. Legal description as set forth in EXHIBIT "A" attached hereto and incorporated by reference herein;
2. A map of the above legal description as set forth in EXHIBIT "B" and incorporated by reference herein.

TO HAVE AND TO HOLD the above described and dedicated premises unto the City of Wilsonville for the Public forever for the uses and purposes herein above mentioned; provided, however, in the event said premises is not used or ceases to be used for public purpose, the premises shall revert to the Grantor.

The true and actual consideration paid for the transfer, stated in terms of dollars, is NONE. However, the actual consideration consists of or includes other property or value given which is part of the consideration, the receipt whereof is hereby acknowledged. This dedication is in fulfillment of Condition No. 10, 91PC43, City of Wilsonville.

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 FOR THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OF COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

IN WITNESS WHEREOF, the Grantor does hereunto set its hand by and through its duly authorized representative this \_\_\_\_\_ day of \_\_\_\_\_, 1992.

GRANTOR: CAPITAL REALTY, INC.

By \_\_\_\_\_ Signature

\_\_\_\_\_ Title

STATE OF OREGON )
County of \_\_\_\_\_ ) ss

Personally appeared the above named \_\_\_\_\_, a duly authorized representative of Capital Realty, Inc., and acknowledged the foregoing instrument to be its voluntary act and deed.

Notary Public for Oregon
My Commission Expires: \_\_\_\_\_

Legal description approval by City Engineer on record with City Recorder.

APPROVED AS TO FORM this \_\_\_\_\_ day of \_\_\_\_\_, 1992:

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

ACCEPTED ON BEHALF OF THE CITY OF WILSONVILLE, OREGON  
this \_\_\_\_\_ day of \_\_\_\_\_, 1992:

\_\_\_\_\_  
Gerald A. Krummel, Mayor

ATTESTED TO:

\_\_\_\_\_  
Vera A. Rojas, CMC/AAE, City Recorder

Dated: \_\_\_\_\_

## DEFINITIONS

**271.005 Definitions.** As used in ORS 271.005 to 271.540:

(1) "Governing body" means the board or body in which the general legislative power of a political subdivision is vested.

(2) "Governmental body" means the State of Oregon, a political subdivision, the United States of America or an agency thereof.

(3) "Political subdivision" means any local government unit, including, but not limited to, a county, city, town, port, dock commission or district, that exists under the laws of Oregon and has power to levy and collect taxes. [1981 c.787 §2] •

## VACATION

271.010 [Amended by 1965 c.25 §1; 1971 c.287 §1; repealed by 1981 c.153 §79]

271.020 [Amended by 1953 c.283 §3; 1977 c.275 §1; repealed by 1981 c.153 §79]

271.030 [Amended by 1953 c.283 §3; repealed by 1981 c.153 §79]

271.040 [Repealed by 1981 c.153 §79]

271.050 [Repealed by 1981 c.153 §79]

271.060 [Repealed by 1981 c.153 §79]

271.070 [Repealed by 1981 c.153 §79]

**271.080 Vacation in incorporated cities; petition; consent of property owners.** (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

(2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be

sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing and duly acknowledged before an officer authorized to take acknowledgments of deeds.

**271.090 Filing of petition; notice.** The petition shall be presented to the city recorder or other recording officer of the city. If found by the recorder to be sufficient, the recorder shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition.

**271.100 Action by council.** The city governing body may deny the petition after notice to the petitioners of such proposed action, but if there appears to be no reason why the petition should not be allowed in whole or in part, the governing body shall fix a time for a formal hearing upon the petition.

**271.110 Notice of hearing.** (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

(2) Within five days after the first day of publication of the notice the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be; the notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be not less than 14 days before the hearing.

(3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treas-

ury and any surplus refunded to the depositor. [Amended by 1991 c.629 §1]

**271.120 Hearing; determination.** At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

**271.130 Vacation on council's own motion; appeal.** (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the

charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice or district court in civil cases.

**271.140 Title to vacated areas.** The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city. [Amended by 1981 c.153 §58]

**271.150 Vacation records to be filed; costs.** A certified copy of the ordinance vacating any street or plat area and any map, plat or other record in regard thereto which may be required or provided for by law, shall be filed for record with the county clerk. The petitioner for such vacation shall bear the recording cost and the cost of preparing and filing the certified copy of the ordinance and map. A certified copy of any such ordinance shall be filed with the county assessor and county surveyor.

**271.160 Vacations for purposes of re-dedication.** No street shall be vacated upon the petition of any person when it is proposed to replat or rededicate all or part of any street in lieu of the original unless such petition is accompanied by a plat showing the proposed manner of replatting or rededicating. If the proposed manner of replatting or rededicating or any modification thereof which may subsequently be made meets with the approval of the city governing body, it shall require a suitable guarantee to be given for the carrying out of such replatting or rededication or may make any vacation conditional or to take effect only upon the consummation of such replatting or rededication.

**271.170 Nature and operation of statutes.** The provisions of ORS 271.080 to 271.160 are alternative to the provisions of the charter of any incorporated city and nothing contained in those statutes shall in anywise affect or impair the charter or other provisions of such cities for the preservation of public access to and from transportation terminals and navigable waters.

**271.180 Vacations in municipalities included in port districts; petition; power of common council; vacating street along railroad easement.** To the end that adequate facilities for terminal trackage, structures and the instrumentalities of commerce



City of  
**WILSONVILLE**  
in OREGON

30000 SW Town Center Loop E • PO Box 220  
Wilsonville, OR 97070  
(503) 682-1011

TO: Deb Blesser

FROM: Blaise Edmonds *BE*  
Associate Planner

SUBJECT: Bicycle and pedestrian paths for Town Center.

DATE: February 13, 1992

You are aware of the rapid commercial growth in Town Center and the urgency to develop bikeways and pedestrian paths. Unfortunately, bikeways, pedestrian paths and sidewalks are not being constructed to a specific plan. The City bikeway plan, Figure 21 attached, generally shows a bikeway system. However, the right-of-way of Town Center Loop, has inadequate width for two shoulder-side bikeways. Attached is my plan showing a site specific solution for existing and future bikeways, including public sidewalks. I recommend that bicycles and pedestrians access commercial and residential properties by an internal bikeway / pedestrian network connected to external routes. Public sidewalks would continue to be constructed off-set with a five foot wide planting strip along public streets. Signage and striping would follow the State of Oregon design criteria for bikeways and pedestrian paths.

If my plan is implemented, each segment of the bikeway / pedestrian path would be a required on-site improvement imposed on Phase II of Clackamas Community College, Phase III of Wilsonville Town Center, the Post Office and on the development of the other affected commercial properties.

I look forward to any suggestions you may have.

cc. Arlene Loble, City Manager  
Mike Kohlhoff, City Attorney  
Steve Starner, Community Development Director  
Tom Barthel, Administrative Analyst  
Kim Beach, Capital Realty

MOBILE HOME PARK 272 UNITS

200 PLUS RESIDENTIAL UNITS UNDEVELOPED

SUNDIAL APARTMENTS

UNDEVELOPED COMMERCIAL

APARTMENTS

SHOPS

RETAIL

PHOS. DRIVE

UNDEVELOPED COMMERCIAL

TO FUTURE BOECKMAN CREEK PEDESTRIAN BICYCLE BRIDGE

TIRE STORE

UNDEVELOPED COMMERCIAL

POST OFFICE SITE

UNDEVELOPED COMMERCIAL

PARKWAY COURT

APARTMENTS

CLACKAMAS COMMUNITY COLLEGE

CHURCH

INTERSTATE 5

TOWN CENTER LOOP WEST

ELECTRONICS STORE

5.1 ac. PARK

KAISER PROPT.

DRAFT

COURTSIDE ESTATES SUBDIVISION

UNDEVELOPED COMMERCIAL

OFFICE COMPLEX

BANK

SHOPS

THRIFTWAY

CHURCH

LEGEND

EXISTING SIDEWALK

FUTURE SIDEWALK

EXISTING BIKEWAY

FUTURE BIKEWAY



NORTH NO SCALE

8 WIDTH OF BIKEWAY WIDTH IN FEET

BANK BANK

RETAIL

COMMERCIAL CENTER

SHOPS

PAD

PAD

PAD

PAD

PAYLESS SHOPS

CITY HALL

COMMERCIAL

POTENTIAL 600 UNIT HOUSING PRESENTLY UNDEVELOPED

LIBRARY TO MEMORIAL PARK

CITY OF WILSONVILLE

FEB. 11, 1992.



City of  
**WILSONVILLE**  
in OREGON

30000 SW Town Center Loop E • PO Box 220  
Wilsonville, OR 97070  
(503) 682-1011

February 25, 1992

James L. Faulkner  
Design Forum Architects  
3484 Far Hills Avenue  
Dayton, Ohio 45429

Re: Pedestrian / Bikeway at Tandy store.

Dear Jim:

Although the Design Review Board required minor changes in the pedestrian and bicycle paths proposed for the new Tandy store, Arlene Loble and I are concerned that its proposed course from Town Center Loop West to the park does not take the most practical alignment. We feel that given the short time Town Center is developing, planning for an user-friendly pedestrian / bicycle system has suffered.

I feel that we need to reconsider the pedestrian / bicycle plan approved for the Tandy store with Capital Realty. The path needs to take a more direct route from Town Center Loop West to the park in the alignment depicted on the attached plan. This path should be a least eight feet wide constructed in concrete with appropriate striping and signage. It is also my thought that the proposed five foot wide sidewalk along Town Center Loop West should be increased to eight feet in width to accommodate joggers and pedestrians. The shorter path to the park would likely off-set the cost for the wider sidewalk.

I know that you are about to begin construction of the Tandy store, I do feel that it is not to late to negotiate and ultimately construct a consistent and user -friendly pathway plan.

Please contact me at (503) 682-4960 so that we may discuss my proposal in further detail.

Sincerely,

Blaise Edmonds  
Associate Planner

- cc: Kim Beach, Capital Realty
- Arlene Loble, City Manager
- Steve Starner, Community Development Director
- Wayne Sorensen, Planning Director
- Deb Bleser, Parks & Recreation Director
- Tom Barthel, Administrative Analyst



