

**ORDINANCE NO. 432**

**AN ORDINANCE AMENDING ORDINANCE NO. 430 TO CLARIFY INTENT OF SECTION II(3) AND TO CORRECT TYPOGRAPHICAL MISTAKES AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 430 (proposed No. CB-O-210-94) is entitled "AN ORDINANCE AMENDING ORDINANCE NO. 386 TO INCLUDE PHASE I WILSONVILLE ROAD/I-5 INTERCHANGE PROJECT, PROVIDING FOR SYSTEMS DEVELOPMENT CHARGES FOR TRAFFIC IMPACTS NECESSITATING THE PHASE I PROJECT, AND DECLARING AN EMERGENCY; and

WHEREAS, the City Council at its continued public hearing of August 1, 1994, on the proposed adoption of Ordinance No. 430, considered a clarifying amendment to Section II(3) proposed by Capital Realty Corp. by and through its attorney's letter of July 28, 1994, determined it was consistent with its intent, but desired staff to review the proffered language, and adopted Ordinance No. 430 and directed staff to submit the amendment with such language changes it may deem necessary at the City Council's meeting of August 14, 1994; and

WHEREAS, in reviewing the proffered amending language and adopted Ordinance No. 430, certain typographical mistakes were discovered and their corrections are being recommended by staff together with the amendment to Section II(3) as set forth below.

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

1. In Section I, paragraph F., the figure \$1,9070 shall be corrected to read \$1,970.
2. In Section I, paragraph I., the figure 41,247,023 shall be corrected to read \$1,247,023
3. In Section II, paragraph 1., in the addition to Article V of Ordinance 386, Section 3., the word "sole" in the fourth line of the paragraph shall be deleted.
4. In Section II, paragraph 3, the figure with strike through "2" shall be deleted.
5. In Section II, paragraph 3, the following shall be added at the end of paragraph 3:

"The Chili's restaurant, McDonald's restaurant, and Shari's restaurant are applicable projects who qualify for the exemptions provided for herein, but due to their agreement to conditions tying receipt of building permits to the timing of project construction in the Construction Finance Agreement with ODOT, they may not be accorded the same time provisions for the exemptions as others; therefore, the time period for the exemptions for which they respectively qualify shall be calculated to commence from the time each could first obtain a building permit under their respective agreed upon conditions of approval. If additional projects are determined by the Community Development Director to be similarly affected, they shall be afforded like kind treatment."

6. Ordinance No. 430 was adopted pursuant to an emergency provision for the reasons recited therein, and time is of the essence to adopt these corrections in keeping with the adoption of Ordinance No. 430. Therefore, an emergency is hereby declared.

SUBMITTED to the Wilsonville City Council and read the first and second time at a regular meeting thereof the 15th day of August, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall Annex, Community Development Hearings Room.

Vera A. Rojas  
VERA A. ROJAS, CMC/AAE, City Recorder

ENACTED by the Wilsonville City Council on the 15th day of ~~September~~<sup>August</sup>, 1994  
by the following vote: AYES: 5 NAYS: 0

Vera A. Rojas  
VERA A. ROJAS, CMC/AAE, City Recorder

DATED and signed by the Mayor this 17<sup>th</sup> day of ~~September~~<sup>August</sup>, 1994.

Gerald A. Krummel  
GERALD A. KRUMMEL, Mayor

SUMMARY of Votes:

- Mayor Krummel AYE
- Councilor Lehan AYE
- Councilor Benson AYE
- Councilor Hawkins AYE
- Councilor Sempert AYE