

RESOLUTION NO. 1551

A RESOLUTION APPROVING THE CITY OF WILSONVILLE AND WIEDEMANN PARK APARTMENTS LIMITED PARTNERSHIP DEVELOPMENT AGREEMENT FOR STORM SEWER CONSTRUCTION ON WILSONVILLE ROAD AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY.

WHEREAS, the Wiedemann Park Apartments Limited Partnership (formerly identified in Resolution No. 1305 and 1309 as the Cascade Housing Group, LLC) has obtained City planning and zoning approval, has obtained financing and has initiated construction of the 58 unit Wiedemann Park Senior Apartments Project; and

WHEREAS, the City Council has been very supportive of the construction of low and moderate income projects in the City; and

WHEREAS, the City Council in Resolution No. 1305 has previously approved street and parks systems development charge credits; and

WHEREAS, the Wiedemann Park Apartments Limited Partnership has agreed to oversize a storm sewer in Wilsonville Road to accommodate flows from other property; and

WHEREAS, the City of Wilsonville and the Wiedemann Park Apartments Limited Partnership have reached an agreement which addresses the construction of the Wilsonville Road storm sewer and the proposed reimbursement for the City's share of the project to the partnership; and

WHEREAS, the summary of the costs for the project and the spreadsheet listing the benefited properties is attached and marked as Exhibit A, and by this reference is incorporated as fully set forth herein; and

WHEREAS, a copy of the agreement entitled "City of Wilsonville, Wiedemann Park Apartment Limited Partnership Development Agreement" is marked Exhibit B and by this reference is incorporated as fully set forth herein; and

WHEREAS, the request from Wiedemann Park Apartments Limited Partnership for participation and cost by the City is marked Exhibit C and by this reference is incorporated as fully set forth herein; and

WHEREAS, the City Council of the City of Wilsonville having fully reviewed Exhibits A, B and C and being advised in these premises; and

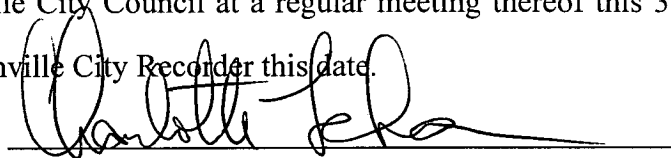
WHEREAS, a project must be in the capital improvements plan before the City can expend project funds; and

WHEREAS, the project for construction of the storm sewer will be included in the Five Year Capital Improvements Plan.

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

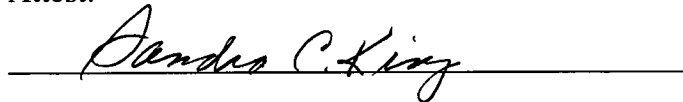
1. The City of Wilsonville , Wiedemann Park Apartments Limited Partnership Development Agreement, Exhibit B as recited above and incorporated herein is approved.
2. On behalf of the City the city manager is authorized to execute the City of Wilsonville, Wiedemann Park Apartments Limited Partnership Development Agreement as recited above and incorporated herein.
3. \$53,000 in Storm Sewer SDC's shall be included in the FY 99-00 Capital Projects budget to cover the City's proportionate share (22.35%) of the project cost.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 3rd day of May, 1999, and filed with the Wilsonville City Recorder this date.



CHARLOTTE LEHAN, Mayor

Attest:



SANDRA C. KING, CMC, City Recorder

SUMMARY OF VOTES:

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



DAVID EVANS AND ASSOCIATES, INC.

March 12, 1999

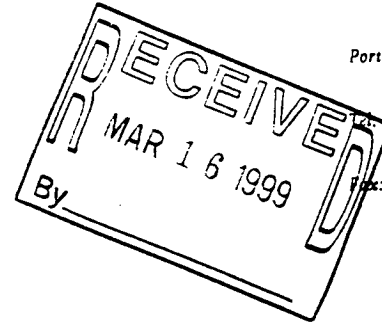
:828 SW Corbett Avenue

Portland, Oregon 97201

Tel: 503.223.6663

Fax: 503.223.2701

Dee Staten
 City of Wilsonville
 30000 SW Town Center Loop E
 Wilsonville, OR 97070



**REFERENCE: CASCADE HOUSING GROUP, LLC
 WILSONVILLE ROAD STORM TRUNK
 REQUESTED REFUND RESOLUTION
 DEA PROJECT NO. RARA0004**

Dear Dee:

This letter is a request to the City of Wilsonville, pursuant to Wilsonville Code Section 3.116, to pass a Resolution for the refund of excess costs related to the construction of a Storm Trunkline in Wilsonville Road from the Wiedemann Park Senior Apartments Project to Seely's Ditch. That offsite Storm Line is required in order to construct the proposed project, but benefits other properties. Attached to this letter, please find three documents:

1. A map showing the benefited properties,
2. a preliminary cost estimate for the improvements, and
3. a spreadsheet listing the 12 lot areas obtained from RLIS Metro data for the benefited properties, and the implied share of the project costs.

Added to the benefited properties obtained from RLIS is map number 13, the public right-of-way which would be served by the proposed improvement, but which is not served by existing storm drainage facilities. Since Council action is required to accomplish this, I would appreciate your further assistance in scheduling the matter as soon as practicable. Certainly, if you have any questions, please call me at 499-0222. Thank you very much for your help in this matter.

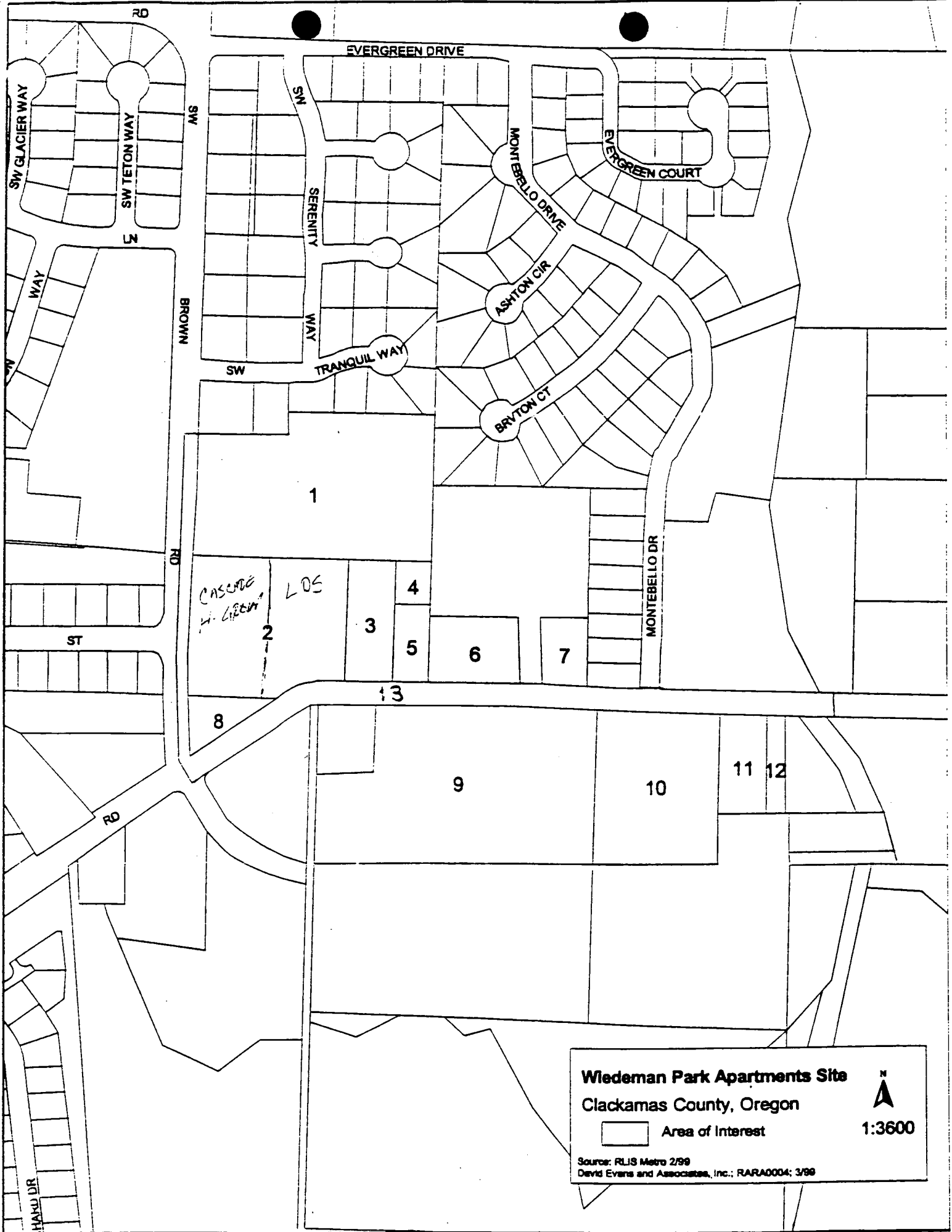
Sincerely,

DAVID EVANS AND ASSOCIATES, INC.

Bud Roberts, PE, PLS
 Development Group Manager

WARO:MTN O\INWAROWIEDTM2.DOC

CC:
 PHIL HEDRICK
 SCOTT REITER



Wiedeman Park Apartments Site

Clackamas County, Oregon

 Area of Interest

N

 1:3600

Source: RLIS Metro 2/99
 David Evans and Associates, Inc.; RARA0004; 3/99

Wilsonville Road Storm Trunkline Costs

Wilsonville Road Storm Trunkline

1	Mobilization.	1	L.S.	\$15,000	15,000
2	24" (C76)(RCP), in street	1,051	L.F. @	\$100.00	105,100
3	15" (C76)(RCP), in street	160	L.F. @	\$55.00	8,800
4	Oversize (84") M.H.	4	EA @	\$7,500	30,000
5	Standard (48") M.H.	2	EA @	\$4,800	9,600
6	Constr. Traffic Control	1	L.S.	\$20,000	20,000
7	Rip-rap, Class 50, in place.	10	C.Y. @	\$80.00	800
TOTAL Wilsonville Road Storm Trunkline					189,300

CONSTRUCTION COST SUMMARY

1	Wilsonville Road Storm Trunkline Construction Cost				189,300
2	Engineering & Administration			15%	28,395
3	Contingencies			10%	18,930
TOTAL COST Wilsonville Road Storm Trunkline					\$236,625

**Wilsonville Road Storm Trunkline
Benefited Properties
City of Wilsonville
Clackamas County, Oregon**

Map #	AREA (Ac.)	% of TOTAL	BLDG SQFT	Tax Lot ID	OWNER	OWNER ADDR.	OWNER CITY	OWNER ZIP	SITE ADDR.	LAND USE
1	4.87	19.33%	-	31W14C 00701	MARTIN JAMES M	29850 SW BROWN RD	WILSONVILLE OR	97070		AGR
2	1.55	6.15%	3,228	31W14C 00800	REORG CH LATTER DAY SAINTS	PO BOX 913	HILLSBORO OR	97123	10475 SW WILSONVILLE RD	SFR
3	1	3.97%	3,323	31W14C 00900	WIEDEMANN FRANCES MARIAN	10455 SW WILSONVILLE RD	WILSONVILLE OR	97070	10455 SW WILSONVILLE RD	SFR
4	0.28	1.11%	-	31W14C 00700	BARHAM GWINN J	10465 SW WILSONVILLE RD	WILSONVILLE OR	97070		SFR
5	0.42	1.67%	1,624	31W14C 01000	BARHAM GWINN J	10465 SW WILSONVILLE RD	WILSONVILLE OR	97070	10465 SW WILSONVILLE RD	SFR
6	0.92	3.65%	1,754	31W14C 01200	GOLDING RANDAL W	8400 NE PARRETT MT RD	NEWBERG OR	97132	10365 SW WILSONVILLE RD	SFR
7	0.69	2.74%	2,200	31W14C 01300	VERMANDE GERTRUDE J	10245 SW WILSONVILLE RD	WILSONVILLE OR	97070	10245 SW WILSONVILLE RD	SFR
8	2	7.94%	-	31W14C 00801	REORG CH LATTER DAY STS	PO BOX 913	HILLSBORO OR	97123		VAC
9	5.33	21.16%	-	31W23B 01400	BERNERT THOMAS I	PO BOX 37	WILSONVILLE OR	97070		AGR
10	3.54	14.05%	-	31W23B 01200	BERNERT THOMAS I	PO BOX 37	WILSONVILLE OR	97070		AGR
11	0.69	2.74%	3,669	31W23B 01100	DAIKER JEAN K TRUSTEE	14371 S BUCKNER CREEK RD	MULTINO OR	97042	10050 SW WILSONVILLE RD	SFR
12	0.27	1.07%	-	31W23B 01000	BERNERT THOMAS I	PO BOX 37	WILSONVILLE OR	97070		VAC
13	3.63	14.41%	-	Wilsonville Road	City of Wilsonville	30000 SW Town Center Loop E.	WILSONVILLE OR	97070		Street
	25.19	100.00%								

Map #	AREA (Ac.)	% of TOTAL	Proportional Share of Cost
1	4.87	19.33%	\$ 45,740
2	1.55	6.15%	\$ 14,552
3	1	3.97%	\$ 9,394
4	0.28	1.11%	\$ 2,627
5	0.42	1.67%	\$ 3,952
6	0.92	3.65%	\$ 8,637
7	0.69	2.74%	\$ 6,484
8	2	7.94%	\$ 18,788
9	5.33	21.16%	\$ 50,070
10	3.54	14.05%	\$ 33,246
11	0.69	2.74%	\$ 6,484
12	0.27	1.07%	\$ 2,532
13	3.63	14.41%	\$ 34,098
	25.19	100.00%	\$ 236,825

**City of Wilsonville, Wiedemann Park Apartments
Limited Partnership
Development Agreement**

This Development Agreement is made and entered into by the City of Wilsonville, an Oregon Municipal Corporation (the City) and Wiedemann Park Apartments Limited Partnership (the Partnership) in consideration of the promises, terms and agreements recited and agreed to below:

R E C I T A L S

WHEREAS, Wiedemann Park Apartments Limited Partnership is constructing 58 senior apartments on the east side of Brown Road north of Wilsonville Road; and

WHEREAS, Council has been very supportive of the construction of low and moderate income housing; and

WHEREAS, Council, by Resolution No. 1305 approved credits against street systems development charges for street improvements on Wilsonville Road on each side of Brown Road and for dedication of right-of-way adjacent to Wilsonville Road and Brown Road, and by Resolution No. 1305 Council approved a credit against the parks systems development charges for the Wiedemann Park Apartments for dedication of 0.37 acres of property for use as a nature park; and

WHEREAS, the Partnership had completed preliminary designs for construction of the apartments and related offsites; and

WHEREAS, the Partnership's engineer inadvertently designed the storm water run off incorrectly and the City has required the storm water design to be in compliance with requirements as outlined in Condition PF.16 of the City Council Adopted Conditions of Approval for Project 96 PC 09 that was approved by Council in Resolution No. 1309 on August 5, 1996; and

WHEREAS, the financing package for the Partnership did not anticipate the cost of constructing a storm sewer line to Seely Ditch as required in Condition PF16 as referenced above; and

WHEREAS, the Wiedemann Park Apartments Limited Partnerships has coordinated with the developers for the Greenhouse Estates project which were similarly conditioned for design of a storm sewer which would serve both facilities; and

WHEREAS, the revised storm sewer system has been oversized to accommodate other properties that would benefit from construction of this storm sewer on Wilsonville Road; and

WHEREAS, the Partnership has had David Evans and Associates, Inc. develop a map showing the benefited properties and a preliminary cost estimate for the improvements along with a spreadsheet listing the properties that would benefit from the construction of the project; and

WHEREAS, it is the opinion of the Wiedemann Park Apartments Limited Partnership that they do not have time to follow the buy-in/payback procedures in the Wilsonville City Code to obtain repayment from benefiting properties at the time other properties are developed; and

WHEREAS, the City of Wilsonville would benefit by 22.35% from development of the project for the accommodation of flows from the dedication of property at the intersection of Wilsonville Road and Brown Road to the City and from accommodation of the runoff from Wilsonville Road between Brown Road and the Seely Ditch; and

WHEREAS, in the absence of the oversizing by the Wiedemann Park Apartments Limited Partnership, the City would have to construct a storm sewer at a cost that would be significantly higher than participating in the project as designed by the Wiedemann Park Limited Partnership; and

WHEREAS, Wiedemann Park Apartments Limited Partnership has informally solicited proposals from contractors; and

WHEREAS, the Wiedemann Park Apartments can obtain construction of the project for \$169,480 which is below the \$189,300 as estimated by David Evans and Associates for construction with a total project cost of \$236,625.

TERMS AND AGREEMENTS

NOW, THEREFORE, the parties intending to be legally bound, agrees as follows:

The Wiedemann Park Apartments Limited Partnership will:

1. Contract for construction of approximately 1,050 linear feet of 24" storm sewer along Wilsonville Road from the vicinity of Seely Ditch to the west to tie to a 20" storm sewer which extends north to serve Greenhouse Estates and the Wiedemann Park Apartment project with capacity to serve these projects and others that would potentially benefit from the storm sewer construction on Wilsonville Road.
2. Wiedemann Park Apartments Limited Partnership will incorporate the wage price guidance as established by the State of Oregon Bureau of Labor and Industry for a public works project into the construction contract.
3. Wiedemann Park Apartments Limited Partnership will require the contractor to provide performance bonds, payment bonds and insurance as required by the City of Wilsonville Public Works Standards.
4. The Wiedemann Park Apartments Limited Partnership will bill the City for its proportional share of the project with monthly draws allowed and with recognition that the City will hold a retainage in accordance with the Attorney General Guide Specifications for Public Works Projects.
5. The Wiedemann Park Apartments Limited Partnership can include 10% of the construction costs to be paid by the City for project design survey and administration.
6. Construction will be accomplished to City of Wilsonville Public Works and American Public Works Association Standards with the plans approved by the city engineer.

7. The plan for management of traffic during construction will be as approved by the city engineer. The Partnership acknowledges and understands that traffic management may limit or prohibit construction during certain hours or days yet to be determined.
8. Wiedemann Park Apartments Limited Partnership shall obtain a public works permit. The cost can be included in the bill to the City on a pro rata share basis.
9. The Partnership will construct the storm sewer during the normal construction season to minimize wet weather construction costs subject to #7 above.
10. City staff will be afforded opportunity to review and approve any construction change order prior to any obligation for payment for such additional/revised work by the City.
11. The City of Wilsonville will be responsible for the following:
 - a. Payment of all monthly and final draws within 15 days of approval of the bill.
 - b. Ensuring that the storm sewer is on an approved capital improvement plan.
 - c. **Approve all construction and traffic control plans in accordance with the City standards.**
 - d. Providing a copy of the Bureau Labor and Industry Wage Price Guidelines to the Wiedemann Park Apartments Limited Partnership.
 - e. Issuing the Public Works Permit and providing City inspection services.
 - f. Paying its proportionate share of the project of 22.35% up to a total dollar value not to exceed \$53,000.

The undersigned are duly authorized to execute this Agreement on behalf of the respective parties, and enter this Agreement effective the 3rd day of May , 1999.

**Wiedemann Park Apartments
Limited Partnership**

City of Wilsonville

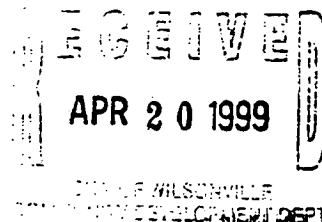
By _____

Arlene Loble, City Manager

Attest: _____
Sandra C. King
City Recorder

WIEDEMANN PARK APARTMENTS LIMITED PARTNERSHIP

3300 N.W. 185th Street Suite 222
Portland, Oregon 97229
503.356.0242 rel. 503.356.1543 fax



April 19, 1999

Mr. Eldon R. Johansen
Community Development Director
City of Wilsonville, Oregon
30000 S.W. Town Center Loop E.
Wilsonville, OR. 97070

RE: REQUEST FOR CITY PARTICIPATION OF STORM SYSTEM

Dear Mr. Johansen:

This letter serves to request the City of Wilsonville, as a benefited property owner, participate in the cost of installing a storm drain system. The storm drain will originate near the corner of Wilsonville Road and Brown Road and proceed east to the Seely ditch. The storm drain is necessitated as a result of the low income senior housing project, Wiedemann Park Apartments, under development near the same intersection.

David Evans & Associates (DEA) has designed the storm drain and calculated the pro rata percentage cost for benefited property owners of the system as outlined in a letter to Dee Staten dated March 12, 1999 from Bud Roberts of DEA. We have a bid for the completion of the project and I am proposing we create a development agreement between our Partnership and the City to identify the terms and conditions required to complete this task. I am further requesting the City Council consider the approval of this project participation at their May 3, Council session.

Thank you for your attention to this matter and I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip D. Hedrick".

Philip D. Hedrick
for the Partnership

c/ Bud Roberts, DEA