

RESOLUTION NO. 1802

A RESOLUTION ACCEPTING DEEDS OF DEDICATION FROM VENTURE PROPERTIES, INC. FOR OPEN SPACE TRACTS E AND I (T3S, R1W, SECTION 12BD, TAX LOTS 8600 AND 9000) CANYON CREEK ESTATES.

WHEREAS, the City of Wilsonville has an adopted Parks and Recreation Master Plan (1994), including a plan for neighborhood, community and regional parks; and

WHEREAS, the City Council identified a need to acquire public park land in the northeast quadrant of the City for the growing residential population in that area; and

WHEREAS, the City Council adopted Goal III in FY 2002-2003, which was to *Provide Quality Parks, Trails, And Protect Significant Open Spaces And Natural Areas*; and

WHEREAS, Venture Properties, Inc., the owner and developer of the Canyon Creek Estates subdivision has developed a park at a location consistent with the Parks and Recreation Master Plan, thus assisting in fulfilling the City Council Goal from FY 2002-2003; and

WHEREAS, Venture Properties, Inc. has proposed the dedication of Open Space, Tracts E and I of Canyon Creek Estates to the City, as shown in the Deed of Dedication, a copy of which is attached hereto as "Exhibit 1", and incorporated by reference as if fully set forth herein; and

WHEREAS, the majority of Tracts E and I have been mapped as significant natural resources as part of Ordinance No. 516, Significant Resource Overlay Zone (SROZ) containing important headwater areas of Boeckman Creek; and

WHEREAS, Tracts E and I contain pedestrian trails, wetlands, wildlife habitat and riparian corridors; and

WHEREAS, Venture Properties, Inc. and the City of Wilsonville have entered into an Agreement for Dedication of Tracts E and I as shown in "Exhibit 2", a copy of which is attached hereto and incorporated by reference as is fully set forth herein; and

WHEREAS, the Agreement to Dedicate Tracts E and I provides that Venture Properties, Inc. will monitor and maintain the wetland mitigation in Tracts E and I for the life of Division of State Lands (DSL) fill permit FP #16766, a period of three years from August 1999, the date the mitigation was completed and such report has not been provided to the City; and

WHEREAS, Venture Properties, Inc. is required to fulfill all conditions of approval placed by DSL on the project regarding wetland impacts and the approved mitigation and monitoring plan; and

WHEREAS, in the event that DSL determines that there has not been successful habitat replacement consistent with the mitigation plans and conditions of approval for FP #16766, Venture Properties shall be solely responsible for all contingency measures required by DSL and Oregon Department of Fish and Wildlife to ensure achievement of the mitigation plan objectives, and for as long as DSL has jurisdiction to enforce its permit; and

WHEREAS, when the duties under the FP #16766 have been completed, performed and no further obligation is owing, Venture Properties, Inc. shall provide the City documentation from DSL of such completion and duly inform the City that the obligations have been satisfied; and

WHEREAS, the Parks and Recreation Advisory Board reviewed and forwarded a recommendation for approval to the Development Review Board of trails alignment on Tract E and landscape plans for the Canyon Creek Park and the at their regular meeting in September of 1999; and

WHEREAS, the Development Review Board reviewed and approved the plans for Canyon Creek Park (Case File 99DB26), including trails at their meeting on October 11, 1999; and

WHEREAS, the City Council accepted a deed of dedication for Canyon Creek Park (Resolution 1742) on January 24, 2002; and

WHEREAS, Tracts E and I are contiguous with and located south and east of Canyon Creek Park containing trail connections to the adjacent residential communities to the north and south; and

WHEREAS, because of its location, the park will serve an employment area in addition to a residential area; and


WHEREAS, in this circumstance it is appropriate for the City to maintain the public facilities since the park will serve a wider area than a park of neighborhood size; and

WHEREAS, City Staff has reviewed and found that the requirements of the City's Land Acquisition Policies set forth in the City's Fiscal Management Policy for acceptance of land have been met, including that a public benefit will be enjoyed by acquisition of this land.

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

1. Based on the above recitals, the City of Wilsonville accepts the dedication of Tracts E and I of the Canyon Creek Estates development for use of the public as set forth in "Exhibit A", and the Mayor is hereby authorized to sign the acceptance on the Deed of Dedication, "Exhibit 1", subject to completion of condition #4 below.
2. Venture Properties, Inc. shall continue to comply with the conditions of approval and monitoring, and in accordance with the Agreement of Dedication between the City of Wilsonville and Venture Properties, Inc. (Exhibit 2), and DSL Permit FP#16766 for three years or longer as may be necessary, as set forth therein.
3. Venture Properties, Inc. shall notify the City through its Community Development Department Director when all obligations under permit FP#16766 have been completed and provide documentation by DSL of such completion
4. Venture Properties, Inc. shall repair and replace the vertical stringers on the handrail of the pedestrian bridge to Tract E consistent with the requirements of the Building Division.
5. This resolution is effective upon adoption.

ADOPTED, by the City Council of the City of Wilsonville at a regular meeting thereof on the 4th day of November, 2002.



CHARLOTTE LEHAN, Mayor

ATTEST:



SANDRA C. KING, CMC, City Recorder

SUMMARY OF VOTES:

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

DEED OF DEDICATION FOR:
Grantor - Corporation

KNOW ALL MEN BY THESE PRESENTS, that Venture Properties, Inc. hereinafter referred to as "GRANTOR" does hereby dedicate, grant, transfer and convey to the CITY OF WILSONVILLE and its assigns for the use of the public forever, certain real property described as follows, to-wit:

Canyon Creek Estates Tracts "E" and "I" as shown on EXHIBIT "A" Legal Description and EXHIBIT "B" Locational Map attached hereto, and incorporated by reference as if fully set forth herein.

TO HAVE AND TO HOLD the above described and dedicated premises unto the City of Wilsonville for the Public forever; provided, however, in the event said premises are not used or cease to be used for public purpose, the premises shall revert to the GRANTOR.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$-0-.

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 TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, the undersigned GRANTOR has executed this dedication this 22nd day of June, 2001.

Grantor: VENTURE PROPERTIES, INC
(Name of Corporation)

By: [Signature]
(Signature of Duly Authorized Representative)

PRESIDENT
Title

After recording, return to:
CITY RECORDER
CITY OF WILSONVILLE
30000 SW Town Center Loop E.
Wilsonville, OR 97070

Until further notice, send all tax statements to:

STATE OF OREGON)
) ss
County of)

On this 22nd day of June, 2001, before me, a notary public in and for said County and State, personally appeared Christy Wiegand known to me to be the person whose name _____ subscribed to the within instrument and acknowledged that _____ executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunder set my hand and official seal on the day and year above written.



Misty McAdams
NOTARY PUBLIC FOR OREGON
My Commission Expires: 2/10/04

APPROVED AS TO FORM
this 27th day of October, 2001
Michael E. Kohlhoff
Michael E. Kohlhoff, City Attorney
City of Wilsonville, Oregon

APPROVED AS TO LEGAL DESCRIPTION
this 20th day of September, 2001
Michael A. Stone
Michael A. Stone, P.E., City Engineer
City of Wilsonville, Oregon

ACCEPTED on behalf of the City of Wilsonville,
OR, this 6th day of November, 2002
Charlotte Lehan

ATTESTED TO:
Sandra C. King
Sandra C. King, CMC, City Recorder
Date: 11-6-02

STATE OF OREGON)
) ss
County of Clackamas)

On this 6th day of November, 2002, before me personally appeared Charlotte Lehan, personally known to me to be the person whose name is subscribed to this instrument, and acknowledged that she executed the same.



Diane M. Pankonin
NOTARY PUBLIC FOR OREGON
My Commission Expires: 11/29/03

ALPHA ENGINEERING, INC.

EXHIBIT "A"

JUNE 25, 2001

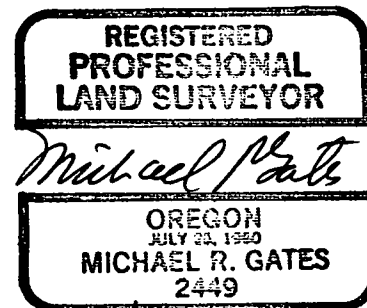
LEGAL DESCRIPTION

TRACTS E AND I "CANYON CREEK ESTATES"

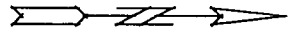
JOB NO. 402-004

2 PARCELS OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, DESCRIBED AS FOLLOWS:

TRACTS E AND I OF THE PLAT OF "CANYON CREEK ESTATES" RECORDED IN BOOK 117 PAGE 26 CLACKAMAS COUNTY PLAT RECORDS.

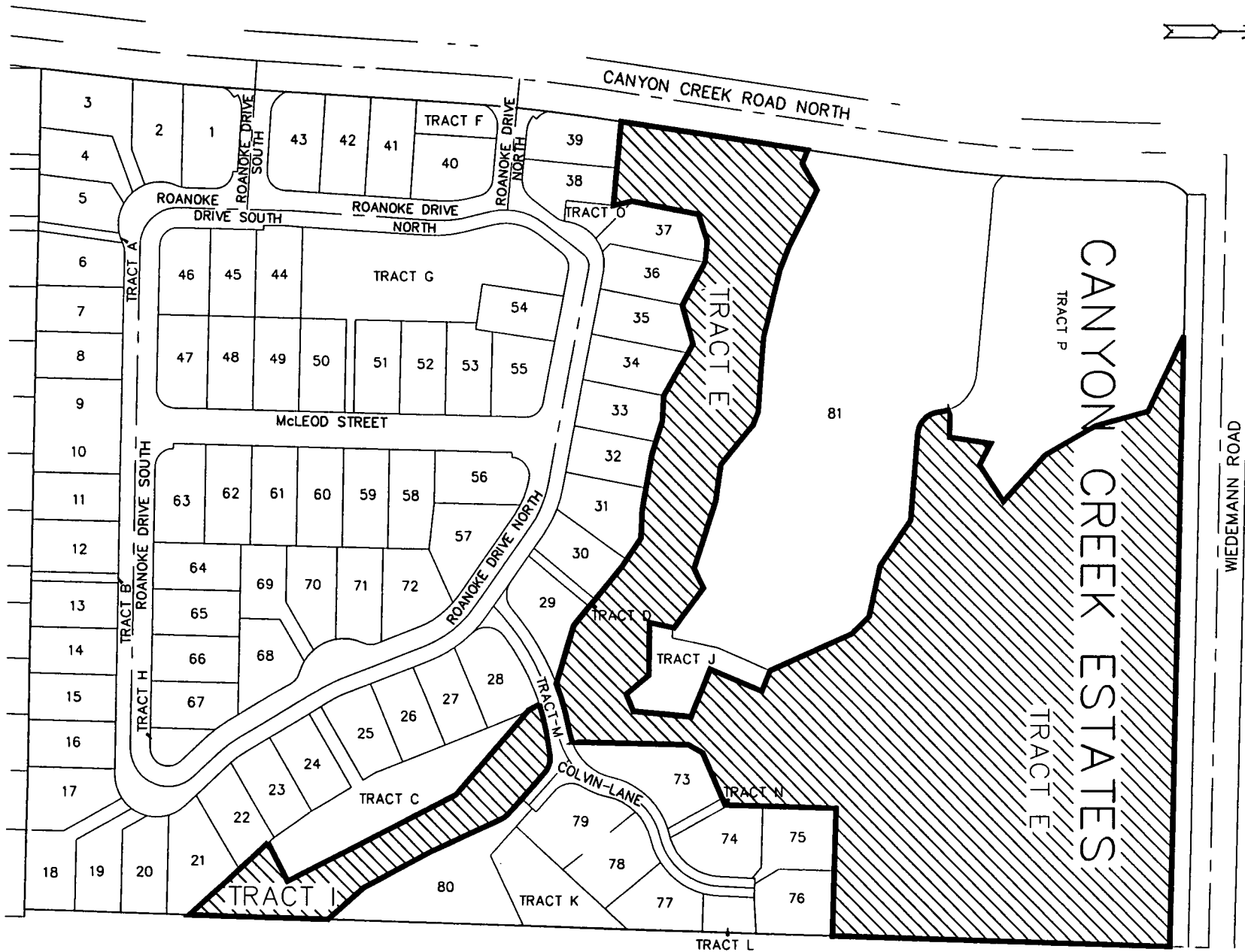


Valid until 6/30/03



NOT TO SCALE

EXHIBIT "B"



After recording, return to:
CITY RECORDER
CITY OF WILSONVILLE
30000 SW Town Center Loop E.
Wilsonville, OR 97070

Agreement

Between

Venture Properties, Inc. and the City of Wilsonville
For Dedication of Open Space (Tracts E and I)

Recitals

1. Venture Properties, Inc. has obtained approval (98DB48) for an 80-lot single family subdivision known as Canyon Creek Estates. In conjunction with the subdivision, conceptual approval was granted for a mixed use commercial/ residential center ("the Development").
2. Within the Development are a number of associated tracts lettered A through P.
3. The Canyon Creek Estates Home Owner Association shall own and maintain Tracts A, B, C, D, F, G, H, K, L, M, N and O. Such ownership shall be indicated on the Plat and shall be referenced in the CCRs.
4. Tract J shall be owned and maintained by Venture Properties, Inc., its successors and assigns for a water quality facility in conjunction with the development of the mixed-use commercial/residential center.
5. Venture Properties, Inc. intends to dedicate Tracts E and I to the City of Wilsonville.

Agreement

Now, therefore Venture Properties, Inc. and the City of Wilsonville agree to the following:

1. Venture Properties, Inc. agrees to complete the wetlands mitigation as required by ACOE/DSL permit # FP-16766 and obtain any related easements and rights of entry for construction, wetland mitigation and maintenance purposes. Venture Properties, Inc. agrees to monitor and maintain the wetland mitigation in Tracts E and I for the life of the permit (FP-16766).
2. Venture Properties, Inc. agrees to dedicate Tracts E and I to the City of Wilsonville.
3. Upon fulfillment of the obligations of FP-16766 including the three-year monitoring and maintenance, the City of Wilsonville shall be solely responsible for maintenance of Tracts E and I.

VENTURE PROPERTIES, INC.

Christy Wiegand
 By: PRESIDENT
 Date: 9/11/2001

CITY OF WILSONVILLE

Ann Lobe
 By: City Manager
 Date: 10/10/2001



STATE OF OREGON)
 County of Clackamas) ss

On this 11th day of September, 2001, before me, a notary public in and for said County and State, personally appeared Christy Wiegand known to me to be the person whose name she subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

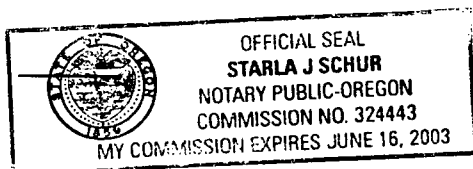
IN WITNESS WHEREOF, I have hereunder set my hand and official seal on the day and year above written.

Lauren K. Ihlenburg
 NOTARY PUBLIC FOR OREGON
 My Commission Expires: July 14, 2003

STATE OF OREGON)
County of Clackamas) ss

On this 10th day of OCTOBER, 2001, before me, a notary public in and for said County and State, personally appeared Arlene Loble known to me to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunder set my hand and official seal on the day and year above written.



Starla J. Schur

NOTARY PUBLIC FOR OREGON
My Commission Expires: June 16, 2003

APPROVED AS TO FORM
this 8th day of Oct. 2001

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

APPROVED AS TO LEGAL DESCRIPTION
this 23rd day of SEPTEMBER 2001

Michael A. Stone
Michael A. Stone, P.E., City Engineer
City of Wilsonville, Oregon

EXHIBIT "A"

JUNE 25, 2001

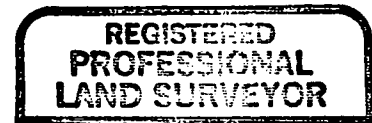
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TRACTS E AND I "CANYON CREEK ESTATES"

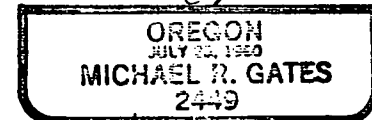
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Michael R. Gates



Valid until 6/30/03



NOT TO SCALE

EXHIBIT "B"

