

RESOLUTION NO. 2046

A RESOLUTION OF THE CITY OF WILSONVILLE APPROVING TOLLING OF J. C. REEVES CORPORATION'S MEASURE 37 CLAIM UNTIL TIME OF DEVELOPMENT APPLICATION.

WHEREAS, J. C. Reeves Corporation, through its President, J. C. Reeves, has filed an ORS 197.352 (Ballot Measure 37) claim for loss of value of certain property owned in the City due to restrictive land use regulations since acquisition of the property, a copy of the claim is on file with the City Recorder; and

WHEREAS, the City has certain defenses to the claim and City staff has been in negotiations with J.C. Reeves; and

WHEREAS, J. C. Reeves requested by letter of March 28, 2007, a tolling of the claim until a development application is tendered and specific regulations are applied or enforced; and

WHEREAS, at the City Council meeting of April 2, 2007, staff recommended approval of the tolling request and the City Council by motion duly made and seconded, approved the request and directed staff to provide a resolution to memorialize the request.

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

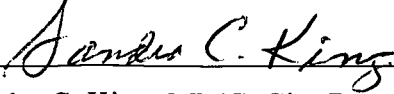
1. The above recitals are incorporated by reference as findings as if fully set forth herein;
2. The tolling agreement as set forth in the above referenced letter of March 28, 2007, a copy of which is marked Exhibit A, attached hereto and incorporated by reference as if set forth herein and approved by motion at the April 2, 2007, City Council meeting is hereby further authorized, approved, and ratified;
3. The tolling agreement is a compromise of a disputed claim agreed upon by the parties with conditions and is not a land use regulation;
4. This resolution shall take effect upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 16th day of April, 2007, and filed with the Wilsonville City Recorder this date



CHARLOTTE LEHAN, MAYOR

ATTEST:



Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES

Mayor Lehan	Yes
Councilor Kirk	Yes
Councilor Knapp	Yes
Councilor Ripple	Yes
Councilor Núñez	Yes

Attachment: Exhibit A

March 28, 2007

VIA FIRST CLASS MAIL RETURN RECEIPT REQUESTED

City of Wilsonville
Attn: Planning Department
Sandi Young, Planning Director
Wilsonville City Hall
29799 SW Town Center Loop East
Wilsonville, Oregon 97070

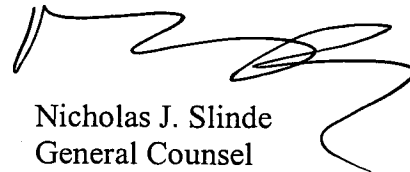
RE: Claim for Compensation Pursuant to Ballot Measure 37 (2004)

To Whom It May Concern:

This letter regards the November 8, 2006 demand issued pursuant to Section (4) of Ballot Measure 37 (2004) for compensation for the approximately 8.69 acres owned by Jerry C. Reeves, located in the vicinity of 9900 Wilsonville Rd., Wilsonville OR. a.k.a Map 31W23B00100 and 31W23B0010101. After speaking with Paul Lee regarding the filed claim and upcoming hearing, I hereby request that the claim filed by Jerry C. Reeves be tolled pending the outcome of Wilsonville's formal processing of our development proposal for these parcels. It has come to our attention that the City of Wilsonville shares our desire to develop these parcels in a manner consistent with neighboring uses and sound principles of city planning. This collaborative effort should be the favored course over a necessarily adversarial council hearing on the pending Measure 37 claim. As I mentioned to Mr. Lee, the City of Portland has implemented this tolling strategy in an effort to use its existing land use processes over the more adversarial Measure 37 process. Further, Mr. Lee advanced the City's position that Mr. Reeves claim is not ripe because a final decision has not been given to a land use application which seeks to accomplish our development goals.

Please advise of your willingness to enter said agreement by the close of business April, 4 2007.

Very truly yours,



Nicholas J. Slinde
General Counsel

Cc: council@ci.wilsonville.or.us
king@ci.wilsonville.or.us
lee@ci.wilsonville.or.us