

**RESOLUTION NO. 2180**

**A RESOLUTION OF THE CITY OF WILSONVILLE DECLARING CITY-OWNED REAL PROPERTY LOCATED AT 9415 SW WILSONVILLE ROAD ALSO KNOWN AS THE SMART BUILDING AS SURPLUS PROPERTY AND AUTHORIZING STAFF TO DISPOSE OF THE PROPERTY THROUGH SALE**

WHEREAS, under and by virtue of the laws of the State of Oregon the City of Wilsonville is duly authorized and empowered to efficiently and economically dispose of real property that is determined by the City to be surplus; and

WHEREAS, the City owns real property, known as the SMART Property, located at 9415 SW Wilsonville Road and further described as tax lot 3S1W14D 01301; and

WHEREAS, in January 2009, SMART operations were relocated from the SMART Property; and

WHEREAS, the City has no further public need or use for the SMART Property; and

WHEREAS, it would be economically beneficial to the City to declare the SMART Property as surplus property and dispose of it through sale;

WHEREAS, the SMART Property is a .46 acre parcel and the building on the SMART Property has a gross building area of 2,068 SF; and

WHEREAS, the .46 acre SMART Property is subject to various easements to be further investigated by any prospective purchaser of the property; and

WHEREAS, the building on the SMART Property was constructed in 1967 with renovations in the early 1990's; and

WHEREAS, the City hired PGP Valuation to prepare an appraisal of the SMART Property dated December 22, 2008 and the As-Is Market Value established in the report is \$450,000; and

WHEREAS, the appraised market value of \$450,000 shall be the minimum acceptable price of the SMART Property for the purposes of a sale; and

WHEREAS, the City will consider offers to purchase the SMART Property that meet or exceed this minimum acceptable price of \$450,000 beginning at 8 am on July 13th, 2009 and ending at 5 pm on July 17<sup>th</sup>, 2009; and

WHEREAS, all offers must be made in writing and in addition to the financial offer must include a brief explanation describing the nature of the buyer's interest in the property and proposed use, and a statement of pre-qualification for financing or demonstration of cash reserves for closing; and

WHEREAS, the City will review any reasonable offer but has the right to accept or reject any and all offers; and

WHEREAS, the SMART Property is to be sold "AS IS" on a cash basis; and

WHEREAS, any accepted offer for the SMART Property must result in a cash closing through escrow; and

WHEREAS, upon closing in escrow the City will convey title to the purchaser and shall convey by bargain and sale deed only such right, title and interest in the SMART Property as is now vested in the City; and

WHEREAS, all inquiries relating to the property shall be directed to Kristin Retherford either in person at Wilsonville City Hall or by telephone at (503) 570-1539 or by email at Retherford@ci.wilsonville.or.us.

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

1. The above recitals are incorporated by reference herein as findings and conclusions of the City Council and staff shall carry out the actions set forth therein.
2. The real property, known as the SMART Property, located at 9415 SW Wilsonville Road and further described as tax lot 3S1W14D 01301 is hereby declared surplus property and no longer needed by the City of Wilsonville for public use.
3. Beginning at 8 am on July 13th, 2009 and ending at 5 pm on July 17<sup>th</sup>, 2009, the City will consider offers for the SMART Property that meet or exceed the appraised value of \$450,000.
4. City will review any reasonable offer but has the right to accept or reject any and all offers.
5. In selecting an acceptable offer, City Council will consider price, the buyer's proposed short term or interim use of the property, the buyer's proposed long term use of the property, the buyer's ability to close on the transaction, and any other factors Council may determine to be relevant to the sale of surplus public property and in the public's best interest.

6. The City Council authorizes the City Manager to execute all necessary agreements and deeds relating to the transaction.


7. In the event Purchaser fails to meet the terms of the accepted earnest money agreement, all rights of the Purchaser in said real property shall cease and all right, title and interest in said real property shall continue to remain vested in the City, free of any claim or equity in the Purchaser or those claiming through the Purchaser, and the City shall retain all payments or deposits as liquidated damages for failure of Purchaser to complete the agreement.

8. This resolution is effective upon adoption.

ADOPTED by the City of Wilsonville at a regular meeting thereof this 1<sup>st</sup> day of June 2009 and filed with the Wilsonville City Recorder this date.

  
TIM KNAPP, Mayor

ATTEST:

  
Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

|                  |     |
|------------------|-----|
| Mayor Knapp      | Yes |
| Councilor Kirk   | Yes |
| Councilor Ripple | Yes |
| Councilor Núñez  | Yes |
| Councilor Hurst  | Yes |

**COMMUNITY DEVELOPMENT**  
**STAFF MEMO**

TO: Honorable Mayor Knapp and Councilors

FROM: Kristin Retherford, Urban Renewal Project Manager

DATE: June 1, 2009

SUBJECT: Public Hearing to Declare the SMART Property Surplus

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Staff recommends that the City Council adopt a resolution declaring the SMART Property located at 9415 SW Wilsonville Road as surplus property no longer needed by the City. In January 2009, SMART operations were relocated from the SMART Property. SMART operations are now housed at the Fleet facility on Elligsen Road and at SMART Central on Barber Street. As the Wilsonville Road facility is no longer need for SMART operations, and there is no further public need for the SMART property, it would be economically beneficial to the City to declare the SMART Property as surplus property and dispose of it through sale.

The SMART property is a .46 acre parcel and the building on the SMART property has a gross building area of 2,068 SF. The building was constructed in 1967 with renovations in the early 1990's. Further information on the building and the proposed sale is available on the City's website.

In December of 2008, the property was appraised at \$450,000. Staff recommends that Council accept proposals to purchase the SMART property at minimum acceptable price of \$450,000, beginning at 8 am on July 13th, 2009 and ending at 5 pm on July 17<sup>th</sup>, 2009. Staff would present all received proposals to City Council for their consideration at their regularly scheduled Council meeting on July 20<sup>th</sup>, 2009. Staff will respond to proposers with acceptance or rejection of their proposals by July 22, 2009 and immediately enter into an Earnest Money Agreement with the accepted proposer with the intent of closing the transaction by the end of August, 2009.

City Council will have the right to accept or reject any and all proposals. If no offer is accepted by City Council, the City may a) initiate a second round of proposals or b) make the determination to retain the property for disposal at a later date.