

RESOLUTION NO. CXC (190)

A RESOLUTION AUTHORIZING UTILITY ACCEPTANCE AGREEMENT CONTRACT WITH WILLAMETTE FACTORS, INC., AN OREGON CORPORATION.

BE IT HEREBY RESOLVED BY THE CITY OF WILSONVILLE that the City Council of the City of Wilsonville authorizes its Mayor, on behalf of the City of Wilsonville, to enter into with Willamette Factors, Inc., the Utility Acceptance Agreement Contract appended to this Resolution, marked as Exhibit "A" and incorporated as reference as if fully set forth herein, and it shall be adopted and ratified by this Council by such attachment.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 16th day of November, 1981, and filed with the Wilsonville City Recorder this same date.

  
WILLIAM G. LOWRIE, Mayor

ATTEST:

  
DEANNA J. THOM, City Recorder

Acceptance Agreement Contract

This agreement entered into this 19 day of October 1981 between the City of Wilsonville, herein after referred to as City and Willamette Factors, Inc. an Oregon corporation, herein after referred to as Owner is for the purpose to settle amiably and to compromise differences which have arisen between the parties as to the necessity of effectuating certain repairs to utility systems within the Charbonneau Village planned development, Wilsonville, Oregon, determining the part and future responsibility for same, together with apportioning of the costs for same between the parties.

The parties have reached an accord in these matters without any admission of liability on the part of either party as follows:

Utility Repairs

The Owner and City have identified the following repairs to the utility systems required for formal City Acceptance for Maintenance.

(W.W.) Waste Water System Repairs:

	<u>Problem</u>	<u>Location</u>	<u>Repair Needed</u>
W.W. 1	Manhole is buried underground	Near 32200 Boones Bend Road	Locate Manhole-bring manhole to grade-repair all damage in manhole
W.W. 2	Manhole lid and cone is broken	Near 8255 Fairway Drive	Replace lid or repair or replace cone whichever may be necessary
W.W. 3	Manhole top is broken	Near 7219 Molalla Bend Road	Replace Manhole top
W.W. 4	Manhole offset	Near 7000 Molalla Bend Road	Reset cone on manhole and regrout
W.W. 5	Manhole not to grade	Near 32180 Boones Bend Road	Locate manhole-bring up to grade-repair any damage
W.W. 6	Sewer line is broken and leaks	Near 8092 Sacajawea	Repair leaks and damaged riser
W.W. 7	Cleanout buried	Near 7210 Molalla Bend Road	Locate cleanout-bring up to grade-repair any damage
W.W. 8	Insufficient grouting	Near 7875 Fairway Drive	Regrout ring to cone

W.W. 9	Broken doughnut on manhole	Near 7805 Fairway Drive	Remove and replace doughnut grout to manhole ring, repair any damage
W.W.10	Leakage evident at doughnut no channel in manhole VII B-7c-1	Near 32241 Boones Bend Road	RegROUT manhole and re-shape channel and grout
W.W.11	Doughnut, cone, riser leak in manhole VII B-7f	Near 32224 Boones Bend Road	RegROUT entire manhole
W.W.12	Doughnut riser and cone leak in manhole	Near 8075 Winchester Road	RegROUT entire manhole
W.W.13	Leak evident ground base-doughnut and ring of manhole VII C-7b	Near 8276 Lafayette Way	RegROUT doughnut ring and base
W.W.14	Leaks at the doughnuts and risers	Near 6940 Molalla Bend Road	RegROUT leaks at doughnut and risers

(S.D.) Storm Drainage System Repairs:

	<u>Problem</u>	<u>Location</u>	<u>Repair Needed</u>
S.D. 1	Storm manhole has no channel, risers are not sealed	Near 7095 Molalla Bend Road	Rebuild manhole channels grout risers
S.D. 2	Frame work still in manhole, manhole leaks	Near 8025 Winchester Way	Remove framework from manhole grout leaks
S.D. 3	No channel or base no grouting at manhole doughnuts	Near 7000 Molalla Bend Road	Rebuild manhole channel and base-regROUT doughnuts
S.D. 4	Manhole leaks at risers and rings	Near 6770 Molalla Bend Road	Rebuild manhole channel seal risers and rings


(ST.) Street System Repairs:

	<u>Problem</u>	<u>Location</u>	<u>Repair Needed</u>	<u>Cost</u>
ST. 1	Old street cut. is settling	Intersection of Boones Bend Rd. & French Prairie Rd.	Saw Cut Tack and repave	\$ 235.00 \$ 475.00

ST. 2	Old street cut for water valves settling	Near 32125 Boones Bend Road	Saw cut Grade tack & pave	\$ 145.00 \$ 225.00
ST. 3	Roadway deteriorating at old utility crossings	Near 32241 Boones Bend Road	Saw cut Rock, tack and pave	\$ 235.00 \$ 675.00
ST. 4	Hole in pavement	Near 32216 Boones Bend Road	Saw cut Tack & pave	\$ 145.00 \$ 225.00
ST. 5	Old street cut for water valve is settling	Near 32228 Boones Bend Road	Saw cut Grade, tack & pave	\$ 145.00 \$ 225.00
ST. 6	Old street cut for water valve is settling	Near 32475 Boones Bend Road	Saw cut Grade, tack & pave	\$ 145.00 \$ 225.00
ST. 7	Low spot is paving along curb-pavement breaking up	Near 8260 Fairway Drive	Saw cut Grade, tack & pave	\$ 235.00 \$ 450.00
ST. 8	Along curbing Fairway Drive water seeping into crack-grass growing out of street	Fairway Drive-both sides	Power wash & seal	\$ 575.00
ST. 9	Low spot along curb at three locations	8220 to 8240 Fairway Drive	Skin patch	\$ 375.00
ST. 10	Low spots along curb area of 2' x 100'	8080 Fairway Drive	Skin patch	\$ 375.00
ST. 11	Settling street cut across street	Near 7795 Fairway Drive	Saw cut Tack & pave	\$ 145.00 \$ 225.00
ST. 12	Paving seam cracking and deteriorating-low spot by driveway	Near 32260 Lake Point Court	Skin patch	\$ 375.00
ST. 13	Low spot along curb	Near 32685 Fairway Drive	Skin patch	\$ 275.00
			TOTAL	\$ 6,130.00

Utilities Acceptance

The Owner in the interest of promoting good relation between the parties and the City, have agreed to the repairs, and their costs shall be accomplished and born by the respective parties as follows:

1. The above Wastewater System Repairs and Storm Drainage Repairs shall be made and paid for by (Owner) Willamette Factors, Inc., subject to paragraph 5 below.
2. The above Street System Repairs shall be made by the City and an amount equal to that set forth opposite each of the above listed items totaling \$6,130.00 shall be paid to the City by the Owner.
3. The City formally accepts the Utilities system subject to paragraph 5 below located in public easements or public right-of-ways in the following areas:
  1. Charbonneau "A" Neighborhood
  2. Charbonneau "B" Neighborhood
  3. Charbonneau "C" Neighborhood
  4. Charbonneau "E" Neighborhood
  5. Charbonneau "F" Neighborhood
  6. Charbonneau "G" Neighborhood
  7. Charbonneau Single Family East First Addition
  8. Charbonneau Single Family East
  9. Charbonneau French Prairie Rd. - See Exhibit A
  10. The Platted and improved streets including: (See Exhibit B)
    - a. Fairway Drive
    - b. Boones Bend
    - c. Molalla Bend (Accepted when repairs are completed) 
    - d. Armitage Road
    - e. Armitage Court
    - f. Lake Point Court from Fairway Drive to Middle Greens Road
4. By the execution of this agreement and the acceptance of the utilities as set forth in the preceding paragraph, neither party admits or otherwise agrees that either thereof has a duty or obligation between themselves to make the corrective repairs or replacements as set forth above and that the purpose of this agreement is strictly to avoid extensive, protracted, and expensive litigation. The Owner shall complete all repairs which it has assumed hereby within 30 days from the signature of this agreement by both the Owner and City. If weather conditions are determined to be unsatisfactory by the City to do the repairs, repairs can be postponed until weather will permit repairs to be made.
5. All utility repairs completed by the Owner shall be done in accordance with the City of Wilsonville's Public Work Standards, and shall be inspected and approved by the Director or his representatives at no cost to the owner.

Accepted this 19 day of October, 19 81

by: William S. Laurie  
City of Wilsonville

by: Patrick C. Jordan, President  
Willamette Factor Inc.

TITLE: Mayor

TITLE: \_\_\_\_\_

STATE OF OREGON

County of MULTNOMAH )

On this 19th day of October, 19 81, before me, a notary public in and for said County and State, personally appeared Patrick C. Jordan representative of the Owner (Willamette Factors Inc) known to me to be the person(s) whose name(s) subscribed to the within instrument and acknowledge that Patrick C. Jordan executed the same for the purposes therein contained.

In witness whereof I have here unto set my hand and official seal on the day and year above written

Constance G. Curtis  
Notary Public of Oregon

My Commission Expires: 3-6-85

On this 10th day of December, 19 81, before me, a notary public in and for said County and State, personally appeared William S. Laurie representative of the City (City of Wilsonville) known to me to be the person(s) whose name(s) subscribed to the within instrument and acknowledge that Wm Laurie executed the same for the purposes therein contained.

In witness whereof I have here unto set my hand and official seal on the day and year above written

Deanna J. Howe  
Notary Public of Oregon

My Commission Expires: 8/23/85

Approved:

by: Larry R. Blanchard  
Department of Public Works

Approved as to form:

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City Attorney