

RESOLUTION NO. 689

A RESOLUTION ESTABLISHING THE PAYBACK SURCHARGE COST WHICH INCLUDED ENGINEERING DESIGN AND SERVICES DURING CONSTRUCTION, CONSTRUCTION COST INCLUDING, BUT NOT LIMITED TO, LABOR, MATERIALS AND EQUIPMENT, ADMINISTRATIVE, ATTORNEY, PERMIT, PLAN CHECK FEES OR OTHER COSTS INCIDENTAL THERETO; ESTABLISHING THE TEN (10) YEAR PAYBACK PERIOD FOR THE NIKE WATERLINE EXTENSION PROJECT; AND DESIGNATING THE CITY TO COLLECT SUCH SURCHARGE FOR REIMBURSEMENT TO NIKE, INC., AS HEREIN PROPORTIONED.

WHEREAS, on November 7, 1988, at a regularly scheduled City Council meeting, in the Council Chambers at 30000 SW Town Center Loop East, commencing at 7:30 o'clock p.m., the City Council did approve a payback program for the Nike waterline and a map showing the zone of benefited properties and a roll identifying the tax lot owners and their benefited acreage; and

WHEREAS, all costs accountable to the Nike Waterline Extension project have been compiled and are listed in Exhibit No. 1, attached hereto and incorporated by reference herein; and

WHEREAS, Nike, Inc., and Hillman Properties Northwest have agreed to a fixed payback schedule in an agreement letter, dated April 25, 1988, as listed in exhibit No. 3, attached hereto and incorporated by reference herein; and

WHEREAS, a Mylar map 24" X 36" record copy, entitled "Exhibit Map for Nike, Inc., - Water Payback Project" has been placed in the as-built file of the Engineering Department and the payback copy attached hereto and incorporated by reference herein; and

WHEREAS, in compliance with Section 3.116 of the Wilsonville Code, the properties listed in Exhibit No. 2 shall be entered into the lien docket by the City Recorder for the reimbursement of costs accountable to the construction of the Nike Waterline Extension project, which includes but is not limited to labor, materials, equipment, administrative cost, attorney cost, permit-plan check cost, and other cost incidental to the Nike Waterline Extension project.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Wilsonville that:

1. Exhibit No. 2 be approved and authorization be given for the City Recorder to enter in the City's lien docket, the properties mentioned, and the sum for each property as prescribed in Exhibit No. 2.
2. The payback period shall be designated as being ten (10) years from the date of final approval of this resolution.
3. All properties mentioned in Exhibit No. 2 shall pay those costs due, prior to connection to the subject waterline, to the City of Wilsonville. The City of Wilsonville shall, upon receiving such surcharge payment, reimburse Nike, Inc.
4. Upon receipt of surcharge payment, the City of Wilsonville shall cause all properties and said amount owing as mentioned in Exhibit No. 2, to be removed from the lien docket.

ADOPTED by the Wilsonville City Council at a regular meeting thereof, this
21st day of November, 1988 and filed with the Wilsonville City Recorder this same date.

William E Stark

WILLIAM E. STARK, Mayor

ATTEST:

Pamela J. Moles

PAMELA J. MOLES, City Recorder Pro-Tem

Summary of Votes:

Mayor Stark	<u>AYE</u>
Councilor Edwards	<u>ABSENT</u>
Councilor Braymen	<u>AYE</u>
Councilor Clarke	<u>AYE</u>
Councilor Jameson	<u>AYE</u>

EXHIBIT NO. 1

Summary of Nike, Inc. Project Costs:

Income:

Revenue from Nike, Inc.....	\$234,644.08
Sale of Specs.....	\$1,340.00
Draftsman from Nike	\$960.00
Total:	<u>\$236,944.08</u>

Expenses:

Construction Phase I.....	\$130,251.19
Construction Phase II.....	\$72,681.85
Draftsman.....	\$960.00
Services by the City including: Engineering Design, Survey, Construction Inspection, Contract Administration, Legal and Accounting.....	\$32,051.04
Easement cost - U.S. Bank	\$1,000.00
Total:	<u>\$236,944.08</u>

Exhibit No. 1
Summary of Nike, Inc. Project Costs
Page 2

Project Summary:

Total Cost Paid.....	\$236,944.08
Costs for City work on project to credit payback for installing 12-inch line, (difference between 8-inch and 12-inch - \$5.28/foot) (Project Length - 5,531 ft	\$29,213.45(not billed to project)
Total:	<u>\$266,157.53</u>

City Cost:

Engineering.....	\$20,754.83	10.000%
Surveying & Easements	\$10,466.52	5.043%
Construction Staking.....	\$4,150.97	2.000%
Construction Mngmt. & Admin....	\$6,226.45	3.000%
Inspection & Permit Fees.....	\$7,748.55	3.733%
Construction by City	\$4,615.25	2.224%
Legal.....	\$4,150.97	2.000%
Accounting	\$4,150.97	2.000%
Total:	<u>\$62,264.49</u>	<u>30.000%</u>

Work by City staff
billed to project: \$33,051.04

Work by City staff
not billed to project: \$29,213.45

EXHIBIT NO. 2

FINAL PAYBACK DISTRIBUTION ROLL

Exhibit Map Identifier	Tax Lot #:	County Tax: Map Number:	Record Owner and Address:	Total Area of Tax Lot	Benefited Area of Tax Lot : (Acres)	Percent of Total Project (Acres)	Percent of Project Payback to Nike Per Tax Lot	Cost: to Each Tax Lot for Project Possible	Notes
A	Not Available	T3S R1W 11	Hillman Properties NW	4.48	2.24	1.04%	1.04%	\$2,463.94	Has Service 1/2 lot benefited
	Not Available	T3S R1W 11	Hillman Properties NW	5.00	2.50	1.17%	1.17%	\$2,749.93	Has Service 1/2 lot benefited
	Not Available	T3S R1W 11	Hillman Properties NW	58.38	58.38	27.22%	27.22%	\$64,216.39	
B	Not Available	T3S R1W 11	Nike, Inc.	38.10	38.10	17.76%	Paid	\$41,908.95	
C	1800	T3S R1W 11	Ridder, Gilbert H.	33.28	33.28	15.52%	15.52%	\$36,607.08	
D	1900	T3S R1W 11	U.S. National Bank Trust	23.48	23.48	10.95%	10.95%	\$26,369.99	
E	1901	T3S R1W 11	U.S. National Bank Trust	8.35	8.35	3.89%	3.89%	\$9,377.74	
F	2000	T3S R1W 11	U.S. National Bank Trust	11.24	11.44	5.33%	5.33%	\$12,848.07	
G	2100	T3S R1W 11	United States of America	33.76	16.88	7.87%	7.87%	\$18,567.53	Has Service 1/2 lot benefited
H	2001	T3S R1W 11	Ogden, Orland O.	26.47	19.85	9.25%	9.25%	\$21,834.45	Has Service 3/4 lot benefited
			Totals in Acres:	242.54	214.50	100.00%	82.24%	\$236,944.08	

EXHIBIT NO. 3

PAYBACK SCHEDULE

Agreement Letter, between Nike, Inc. and Hillman - dated April 25, 1988

1988	20.00 %	\$13,886.05
July 1, 1989	16.00 %	\$11,108.84
July 1, 1990	16.00 %	\$11,108.84
July 1, 1991	16.00 %	\$11,108.84
July 1, 1992	16.00 %	\$11,108.84
July 1, 1993	16.00 %	\$11,108.84
Total:	100.00 %	<u><u>\$69,430.26</u></u>

HILLMAN PROPERTIES NORTHWEST

900 NORTH TOMAHAWK ISLAND DRIVE

PORTLAND, OREGON 97217-7999

(503) 283-4111



April 25, 1988

Mr. Dick Drinkwater
City Engineer
City of Wilsonville
P.O. Box 220
Wilsonville, Oregon 97070

Re: Nike Financed Water Line - Wilsonville

Dear Dick:

Nike, Inc. and Hillman Properties Northwest jointly agree to a payback of the water line cost from Boeckman Road to Ridder Road as follows:

The Wilsonville Business Center share of the water line cost shall be paid to the City of Wilsonville by Hillman Properties Northwest per the following schedule:

July 1, 1988	-----	20%
July 1, 1989	-----	16%
July 1, 1990	-----	16%
July 1, 1991	-----	16%
July 1, 1992	-----	16%
July 1, 1993	-----	16%

This payback schedule is the obligation of Hillman Properties Northwest and will not be assigned with any property sold during the payback schedule.

HILLMAN PROPERTIES NORTHWEST

NIKE, INC.

Dirk Koopman
Dirk Koopman
Senior Vice President

Jim Robison
Jim Robison
Director of Administration

DK/bw