

**RESOLUTION NO. 882**

**A RESOLUTION TO EFFECT A TIME FRAME EXTENSION UNTIL DECEMBER 31, 1992 FOR USE OF PREVIOUSLY APPROVED GRANT FUNDS IN THE AMOUNT OF \$25,000 FOR BOONES FERRY ROAD IMPROVEMENTS.**

WHEREAS, by the authority granted in certain ORS Chapters, there are appropriated annually out of the State Highway Fund certain sums of money to be allocated to the various cities and used for the construction, improvement, repair maintenance, operation and use of public highways, roads and streets within the State of Oregon, including the retirement of bonds for the percent of which such revenues have been pledged; and

WHEREAS, in accordance with the requirements of said statutes, there has been apportioned by the Oregon Transportation Commission to the City of Wilsonville for use and disbursement under the terms of said statutes for the calendar year of 1992, the sum of \$25,000; and

WHEREAS, it is the opinion and judgement of the municipal authorities to the City of Wilsonville that the best interests of the City will be promoted by the perfection of a definite street improvements program which will necessitate the use of more than two years' estimated allocations; and

WHEREAS, it is the purpose of said city to perform in all respects with the provisions of said statutes, and for that purpose to submit to the State Highway Engineer for his approval plans, estimates and specifications for said street improvement program.

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

1. That the following described project is approved and adopted as the plan and program of street construction, reconstruction, improvement repair and maintenance; and/or retirement of bonds for said City under the provisions of ORS 366.785 et seq.:


Special City Allotment Agreement No. 10037, covering the realigning, widening and resurfacing of Boones Ferry Road from Station 9+00 to Station 17+00 and also to construct curbs and gutters. Construction is estimated to cost \$187,660 and to be completed by December 31, 1992.

2. That the Community Development Director of said City be, and hereby is instructed and authorized to submit to the State Highway Engineer for his written approval plans, estimates, and specifications for said project.

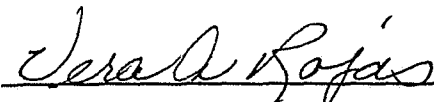
3. That upon receipt of the written approval of said project by the State Highway Engineer, all necessary steps shall be taken and all procedure adopted necessary for the accomplishment of said street improvement, all of which project shall be done in strict conformance with the plans, estimates, and specifications approved by the State Highway Engineer and in compliance with the provisions of said laws.

4. That this resolution be entered in the proper and appropriate records of said City and duly certified copy thereof delivered by the City Recorder to the State Highway Engineer.

ADOPTED by the Wilsonville City Council, Clackamas County, Oregon, at a regular regular meeting thereof this 2nd day of December, 1991 and filed with the Wilsonville City Recorder this date.

  
GERALD A. KRUMMEL, Mayor

ATTEST:

  
VERA A. ROJAS, CMC, City Recorder

SUMMARY of Votes:

Mayor Krummel	<u>AYE</u>
Councilor Chandler	<u>AYE</u>
Councilor Carter	<u>AYE</u>
Councilor Lehan	<u>AYE</u>
Councilor Van Eck	<u>AYE</u>



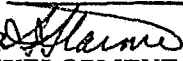
City of  
**WILSONVILLE**  
in OREGON

30000 SW Town Center Loop E • PO Box 220  
Wilsonville, OR 97070  
(503) 682-1011

COMMUNITY DEVELOPMENT DEPARTMENT  
MEMORANDUM

**DATE:** NOVEMBER 21, 1991

**TO:** ARLENE LOBLE  
CITY MANAGER

**FROM:** STEVE STARNER   
COMMUNITY DEVELOPMENT DIRECTOR

**RE:** SPECIAL CITY ALLOTMENT (SCA) FUNDS EXTENSION -  
WILSONVILLE MINI-STORAGE PROJECT

As a condition of land use approval, the Wilsonville Mini-Storage project is required to realign and reconstruct the Boones Ferry Road curve prior to occupancy. The road improvement has been fully engineered and designed to city standards and is estimated to cost \$187,660. Compared to other new developments, the off-site Mini-Storage/Boones Ferry Road improvement ratio may be summarized as follows:

Wilsonville Meadows (Robert Randall Co. - Wilsonville Road Improvement)	\$2,297.09/acre
Mentor Graphics (Boeckman Road Improvement)	\$5,189.89/acre
Spring Ridge (Columbia Willamette - Miley Road left-turn improvement)	\$793.10/acre
Wilsonville Mini-Storage (Boones Ferry curve reconstruction)	\$37,307.09/acre

Both the Randall Company and Mentor Graphics received full systems development charge credits for the off-site transportation improvements. On May 7, 1990, the City also granted the Mini-Storage project a full systems development charge credit totaling \$10,074. Additionally, the City secured \$25,000 from the State Highway Special City Allotment Fund to be used specifically for the Boones Ferry Road improvement. The expiration date for the completion of the road improvement and use of the State Highway funds is December 31, 1991.

The Mini-Storage project has encountered financial difficulty and has not been able to follow through on the time frame for completing the required off-site road improvement. The principal contact in this project, Mike Flury, L & M Investments, has requested a time extension for the development agreement with the city, including an extension of the time frame for use of the State Highway Funds. In order to obtain an extension of time from the Highway Engineer, the attached Resolution must be executed by the City Council.

Memo To: Arlene Loble City Manager  
Re: Special City Allotment (SCA Funds Extension -  
Wilsonville Mini-Storage Project  
November 21, 1991 - Page 2

In another matter, of the two houses to be moved from the Mini-Storage project site by Emert International, one was moved November 20. There is currently no date certain for permanent relocation of the second house. However, Emert has received written notice from the City that the houses in their temporary state, constitute an attractive nuisance and a hazard.

ss:md

Attachment:

pc: IOC-CD

November 6, 1991

Steven E. Starner  
Community Development Director  
P.O. Box 220  
Wilsonville, OR 97070

DEPARTMENT OF  
TRANSPORTATION

Highway Division

Subject: Time Extension for SCA Grant

FILE CODE:  
ROW 13

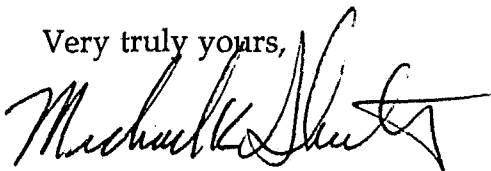
Dear Mr. Starner:

As you requested, enclosed is the Resolution form for your use to legally accumulate State Tax Street funds. As provided by ORS 366.815, a city cannot accumulate its STSF monies over two successive years unless it adopts a proposed plan or program and receives the approval of the Highway Engineer for such a program.

Please fill out the form and have the City Council adopt same. After adoption, return three signed and certified copies of the Resolution to Cam Gilmour, Manager, Program Section, 307 Transportation Building, Salem, Oregon 97310.

In filling out the form, show the calendar years in which you wish to complete the project. Show the plan and program the city wishes to have approved. For instance, if it is for street construction, describe the section of street with the type of improvement contemplated, describe what it is for, and what the estimated cost will be.

Very truly yours,



Michael K. Shultz  
Rural Program Coordinator  
Program Section

Enclosure

cc: Cam Gilmour  
Martin Andersen, Region 1

MKS015.ch



Transportation Building  
Salem, OR 97310

STATE TAX STREET FUNDS

RESOLUTION

WHEREAS, by the authority granted in certain ORS Chapters, there are appropriated annually out of the State Highway Fund certain sums of money to be allocated to the various cities and used for the construction, improvement, repair maintenance, operation and use of public highways, roads and streets within the State of Oregon, including the retirement of bonds for the percent of which such revenues have been pledged.

WHEREAS, in accordance with the requirements of said statutes there has been apportioned by the Oregon Transportation Commission to the City of Wilsonville for use and disbursement under the terms of said statutes for the calendar year of 1992 the sum of \$ 25,000.00.

WHEREAS, it is the opinion and judgement of the municipal authorities to the City of Wilsonville that the best interests of the City will be promoted by the perfection of a definite street improvement program which will necessitate the use of more than two years' estimated allocations; and

WHEREAS, it is the purpose of said city to conform in all respects with the provisions of said statutes, and for that purpose to submit to the State Highway Engineer for his approval plans, estimates and specifications for said street improvement program;

NOW, THEREFORE BE IT AND IT HEREBY IS RESOLVED, as follows:

1. That the following described project is approved and adopted as the plan and program of street construction, reconstruction, improvement repair and maintenance; and/or retirement of bonds for said City under the provisions of ORS 366.785 et seq.;

Special City Allotment Agreement No. 10037, covering the realigning,  
widening and resurfacing of Boones Ferry Road from Station 9+00 to  
Station 17+00 and also to construct curbs and gutters.

2. That the City Recorder of said City be, and hereby is instructed and authorized to submit to the State Highway Engineer for his written approval plans, estimates, and specifications for said project.
3. That upon receipt of the written approval of said project by the State Highway Engineer, all necessary steps shall be taken and all procedure adopted necessary for the accomplishment of said street improvement, al of which project shall be done in strict conformance with the plans, estimates, and specifications approved by the State Highway Engineer and in compliance with the provisions of said laws.
4. That this resolution be entered in the proper and appropriate records of said City and duly certified copy thereof delivered by the City Recorder to the State Highway Engineer.

Passed by the Common Council of the City of Wilsonville, \_\_\_\_\_  
Clackamas County, Oregon, this 2nd day of December, 1991.

ATTEST:

\_\_\_\_\_  
 City Recorder

\_\_\_\_\_  
 Mayor

\*\*\*\*\*

I hereby certify that this resolution was adopted by the City Council of \_\_\_\_\_  
Wilsonville, County of Clackamas, at a (regular-special) meeting of  
 the City Council on the 2nd day of December, 1991.

By \_\_\_\_\_  
 City Recorder

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The plans as outlined in this resolution presented by the City of Wilsonville  
 \_\_\_\_\_ are approved.

By \_\_\_\_\_  
 State Highway Engineer

Date \_\_\_\_\_

L M INVESTMENTS

TO: Steve Starnes  
City of Wilsonville.

Via FAX

11/12/91

FROM: Mike Flury

RE: Mini Storage - Barnes Ferry Pl.

Steve - This memo will serve as a request of the City of Wilsonville to itemize what additional work needs to be done at the subject in order to obtain a certificate of occupancy.

My estimation of these items include: 1) off site work 2) fire extinguishers 3) permanent electrical hookup 4) parking area striping and 5) landscaping.

We are very close to finalizing the sale of the property that will provide the necessary funds for completion; and the purchaser has requested this information. Thank you  
Mike Flury

MIKE FLURY:

6229 S.W. HOOD ST.

PORTLAND, OR 97201

(503) 246-5054

FAX (503) 246-4875



City of  
**WILSONVILLE**  
in OREGON

30000 SW Town Center Loop E • PO Box 220  
Wilsonville, OR 97070  
(503) 682-1011

October 30, 1991

Michael K. Shultz  
Department of Transportation  
Highway Division  
Transportation Building  
Salem OR 97310

Re: City of Wilsonville - SCA Boones Ferry Road


Dear Mr. Shultz:

The completion date for the above referenced project was initially established as July 1, 1991. Subsequently, you had indicated that the allotment funds would be available until December 31, 1991. Accordingly, on that basis, the City extended its development agreement deadline with Mike Flury, L M Investments, who has been conditioned through the local land use process to construct the Boones Ferry Road improvements.

SCA Agreement General Provisions Condition No. 5, allows for SCA agreement timeframe extensions. Mr. Flury has recently indicated that with an agreement extension to April 1, 1992, he will be able to complete the improvements to Boones Ferry Road, weather permitting. Given Oregon weather and desiring to have a quality infrastructure improvement, I would like to request that the Wilsonville SCA be extended to July 1, 1992, with the understanding that no further extensions will be tolerated. Currently, Mr. Flury has completed a \$500,000 mini-storage site improvement which the City will not allow him to occupy or operate until the Boones Ferry Road improvement has been completed.

Thank you for your consideration of this matter.

Sincerely,



Steven E. Stamer  
Community Development Director

ses:mld

pc: Mike Flury  
L M Investments  
5621 SW Hood St  
Portland OR 97201

Community Development Correspondence

ss/dist 10/31

cc: atank

(503) 246-5054

FAX (503) 246-4875

M INVESTMENTS

L M INVESTMENTS

City of Wilsonville

10/1/91

5621

6229 S.W. HOOD ST.  
PORTLAND, OR 97201

MIKE FLURY

FROM: Mike Flury

RE: \$25,000 grant - ODOT Special allotment fund (Bonne Ferry Rd)

Steve - As discussed this date, Mike Schultz of ODOT advises he can give an extension beyond 12/31/91, since "this is a 1990 project which will not be 2 years old until Dec. 30th - therefore he can and will grant an extension" - with your formal request.

The funds needed to complete the road will either be raised or not be raised by a year end deadline. Starting construction the first week of January, the project is estimated to take 25 working days to complete, weather permitting. We should ask for a 3 month extension, if possible.

will keep in touch.

Thank you, Mike Flury.

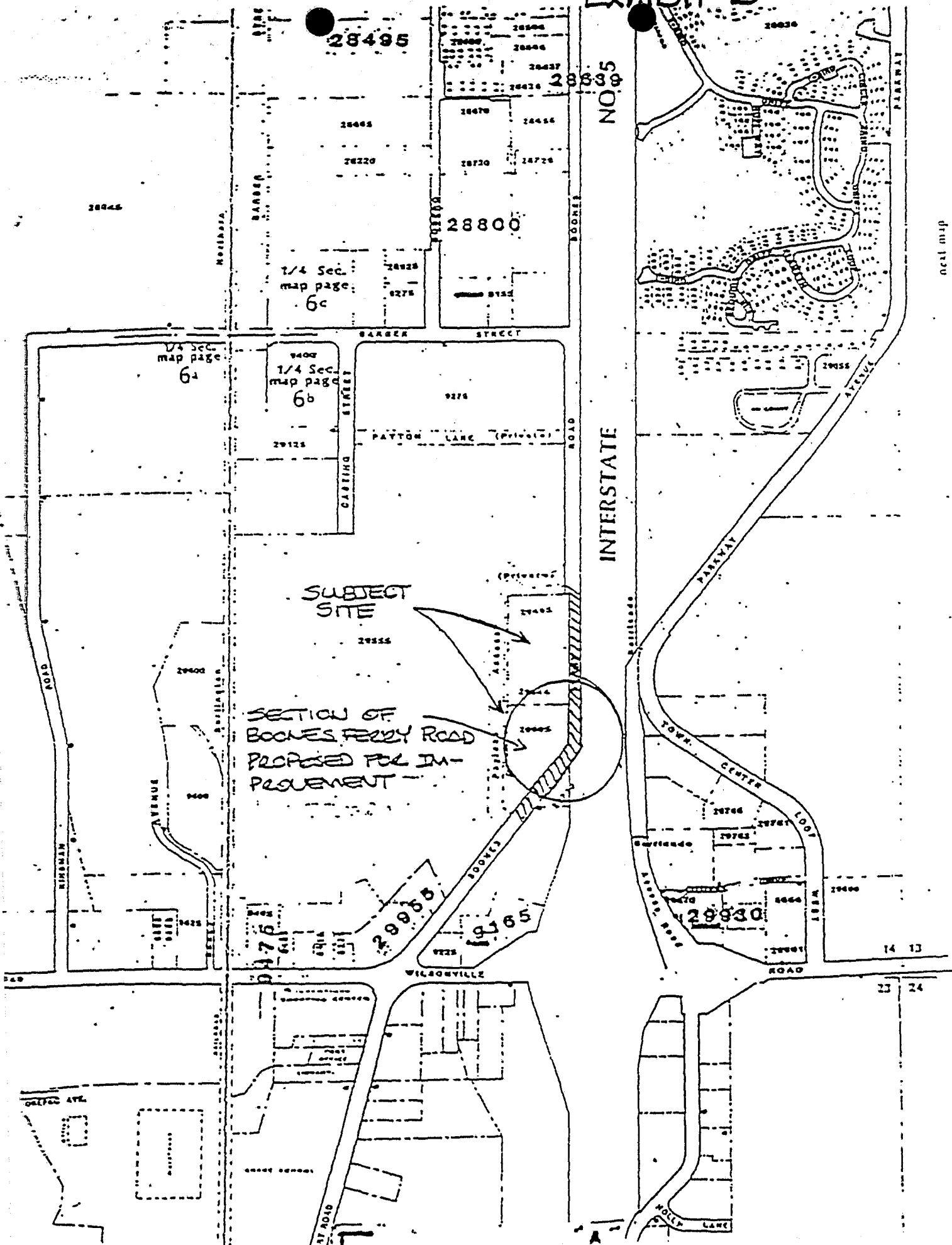
MIKE FLURY: 6229 S.W. HOOD ST.  
5621

PORTLAND, OR 97201

(503) 246-5054

FAX (503) 246-4875

EXHIBIT B



1/4 Sec. map page 6c

1/4 Sec. map page 6a

1/4 Sec. map page 6b

SUBJECT SITE

SECTION OF BOONES FERRY ROAD PROPOSED FOR IMPROVEMENT

NO. 25

INTERSTATE

next map

14 13

23 24

NOV-26-91 TUE  
11-23-91 07:54 AM

9:12 WILSONVILLE ANNEX  
TO 6827025

6827025

P.02  
P03

**INVESTMENT DEVELOPMENT CORPORATION**  
400 EAST PINE STREET  
SUITE 225  
SEATTLE, WA 98122

(206) 322-8180

FAX # (206) 322-8389

November 22, 1991

Mike Flury  
LM Investments  
5621 SW Hood Street  
Portland, OR 97201

RE: Wilsonville Mini

Dear Mike,

As requested, this letter, along with the signed letter agreement should give the City of Wilsonville the picture that we do intend to purchase the subject property, but they should be aware that in order for the \$225,000 to cover remaining costs, it is important that the \$30,000 grant be included in the equation.

We have closed on two of your mini properties so far this year, we have the money raised and intend to close this deal.

Sincerely,



Lee R. Norris

October 3, 1991

To: Lee Norris, and or Assign  
From: Mike Flury, L.M. Investments

RE: Wilsonville Purchase and Sale Agreement

Dear Lee,

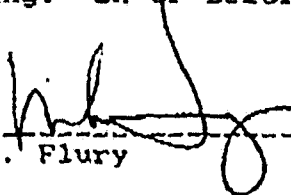
Outlined below are the basic terms that we (L.M. Investments) agree to sell the Wilsonville Storage facility to yourself, and or assign.


A. Purchase Price: \$1,075,000 cash at close, of which \$850,000. to pay off First Interstate Bank, the balance of the funds to be escrowed to pay for the following items:

- 1) Sellers closing costs including ALTA extended coverage.
- 2) Sellers property taxes prorated to closing date.
- 3) Offsite costs- Boones Ferry Road improvements.
- 4) Onsite costs, which include landscaping, fire extinguishers, striping of parking areas and signage.

The balance of funds remaining in escrow after completion and payment of these items, to be paid to ourselves.

B. Closing: On or before 12/31/91.

Seller:   
Michael J. Flury

Purchaser:   
Lee Norris and/or Assigns

-----  
Lynn B. Miller

-----  
Marguerite R. Miller

Via Fax  
3 pages

L M INVESTMENTS

TO: Steve Starnes - City of Wilsonville

11/25/91

FROM: Mike Flury

RE: Time Extension - SCA Grant - Boones F Rd.

Steve -

As requested — the Millers have signed the letter agreement separately, which Norris has a copy.

Closing has to occur on or before 12/31/91, and road construction will commence immediately after closing.

Your assistance is appreciated.

Mike Flury