

RESOLUTION NO. 1341

A RESOLUTION AUTHORIZING ADDITION OF DOCK REPLACEMENT ON THE WILLAMETTE RIVER AND EXTENSION OF PARKWAY CENTER TO THE FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM

WHEREAS, with regards to dock replacement, the February, 1996 flood on the Willamette River seriously damaged the dock adjacent to Memorial Park; and

WHEREAS, the Oregon Department of Fish and Wildlife has authorized a grant of \$114,390 towards replacement of the dock; and

WHEREAS, the State of Oregon Marine Board has authorized an additional grant of \$12,710 for replacement of the dock; and

WHEREAS, this grant requires the City to pay \$10,000 in matching funds and provide in-kind services of \$13,710 towards dock replacement; and

WHEREAS, the dock replacement is not in the Five Year Capital Improvement Program; and

WHEREAS, the parks system development charges include a reimbursement component and an improvement component; and

WHEREAS, Oregon Revised Statute 223.307 authorized expenditure of system development charges, subparagraph (1) states, "reimbursement fees shall be spent only on capital improvements associated with the system with which the fees are assessed including expenditures relating to repayment of indebtedness;" and

WHEREAS, any expenditure of system development charges must be on a project which is included in a capital improvements plan; and

WHEREAS, there are reimbursement parks system development charge fees available to pay for the City's share of this project; and

WHEREAS, with regards to extension of Parkway Center, Article IX, Section 2, Credits, of Ordinance No. 386 sets the following criteria for credits against Systems Development Charges "SDCs":

"Section 2, An applicant for a building permit is eligible for credit against the SDC for constructing a qualified capital improvement. A qualified public improvement means one that meets all of the following criteria:

A. Required as a condition of development approval by the Planning Commission or City Council; and

B. Identified in an Adopted Capital Improvement Plan; and

C. Not located within or contiguous to the property or parcel that is subject to development approval, except to the extent that the capital improvement(s) represent(s) a measurable provision for extra service capacity beyond the actual public facility requirements of the property or parcel approved for development.

Applying the adopted methodology, the City Manager may grant a credit against the public improvement charge for a capital improvement provided as part of the development that reduces the development's demand upon existing capital improvements or the need for further capital improvements or that would otherwise have to be constructed at city expense under the then-existing policies."

WHEREAS, the Planning Commission in approving the Act III project by Planning Commission Resolution No. 95PC26, in Condition of Approval No. 4, required the following:

"On the subject site, the applicant shall provide land to extend Parkway Court south for the purpose of connecting with the existing roadway and parking lot in Wilsonville Town Center. The roadway shall consist of two, 14-foot lanes on a private, non-revocable easement. The City shall have police power on such roadway. If the City Engineer requires the roadway to be built to the City Construction standards, the City will pay the difference in construction cost over parking lot construction costs. On the west side of such roadway, angle parking will be provided with a pedestrian/bicycle path, 10-feet wide. Parallel parking will be provided along the east side of the roadway.

Subject to alternative as follows:

The City will continue to explore an alternative which would include property acquired from the property located to the east, if this property is determined to be available for a road (29 feet is believed to be available), then the following applies:

a). If the expanded road right-of-way gained from the adjacent property is dedicated as public right-of-way, Capital Realty is willing to consider dedication up to and not to exceed 28 feet in width.

b). The ultimate design for the roadway is to be approved by the City, shall take into consideration the same parking to Act III as under the private road described above.

The final design of such road shall be reviewed and approved by the City Engineer. Dollar proportionality will be determined by a short form development agreement approved by the City and the applicant and the landowner.

If the project (Act III Theater) is not built, the road easement or dedication is not expected." WHEREAS, the roadway was subsequently extended through the Act III parking lot; and WHEREAS, the City Engineer did require the roadway to be built to City construction standards; and

WHEREAS, this is clearly to provide extra service capacity beyond ACT III requirements; and

WHEREAS, the cost of this upgrade in construction standards is not to exceed \$50,000.

WHEREAS, subsequent adjustment to the FY96/97 budget will be accomplished as part of overall budget adjustments later in the fiscal year.

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

1. That reconstruction of the boat dock in the vicinity of Memorial Park is added to the Five Year CIP at an estimated cost of \$150,810 with \$23,710 from the City reimbursement component of parks SDCs and in-kind services, and \$135,000 in grants from the Oregon Marine Board and the Department of Fish and Wildlife.
2. That the extension of Parkway Court adjacent to the Act III theater be included in the Five Year CIP with an estimated cost not to exceed \$50,000.
3. That the credit against the street SDCs for Act III be determined by staff and approved by the City Manager in accordance with Article IX, Section 2 of Ordinance 386, at the time the applicant requests the credit.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof on the 2nd day of December 1996, and filed with the City Recorder this date.



GERALD A. KRUMMEL, Mayor

ATTEST:


Sandra C. King, City Recorder

SUMMARY of Votes:

Mayor Krummel	Yes
Councilor Luper	Yes
Councilor Lehan	Yes
Councilor Hawkins	Yes
Councilor MacDonald	Yes