

## **RESOLUTION NO. 2783**

### **A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING SETTLEMENT AND DISMISSAL OF LAND USE BOARD OF APPEALS CASE NO. 2019-058.**

WHEREAS, on or about June 7, 2019, the City of Wilsonville (City) filed an appeal with the Land Use Board of Appeals (LUBA) of a Washington County (County) land use decision, authorizing a Contractor's Establishment to be outside of the City limits, within Washington County but adjoining the City's Garden Acres Road. The appeal was based on, among other things, the County's failure to require a road dedication from the applicant, needed to widen Garden Acres Road, formerly in County jurisdiction but now under City jurisdiction; and

WHEREAS, the applicant for the Contractor's establishment, C&L Lang LLC and Jim Lang (Applicant-Intervenor), intervened in the LUBA appeal, objecting to the City's appeal of the County decision; and

WHEREAS, the City worked with the Applicant-Intervenor and the County to resolve the dispute by agreeing to dismiss the LUBA appeal if the Applicant would agree to dedicate the right-of-way needed by the City, along with an adjoining Public Utility Easement; and

WHEREAS, City Council authorized the City Attorney to negotiate a Settlement with the Applicant-Intervenor to that effect; and

WHEREAS, the Applicant-Intervenor has signed and placed into escrow the Dedication Deed for the right-of-way and the Public Utility Easement, both of which will be recorded as soon as the Applicant-Intervenor obtains final approvals from the County, per the Settlement Agreement, and the City dismisses the LUBA appeal.

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

1. The City Attorney is authorized to dismiss the LUBA appeal in consideration of the Dedication Deed for the right-of-way and the granting of the Public Access Easement.
2. This Resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 16<sup>th</sup> day of December 2019, and filed with the Wilsonville City Recorder this date.

  
TIM KNAPP, MAYOR

ATTEST:

  
Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	Excused
Councilor Linville	Yes