



A. CALL TO ORDER

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

C. CITIZEN COMMENTS

This section of the agenda allows citizens to address the Commission regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA (Item Nos. 1 – 5)

Page No.

The Consent Agenda will be enacted with one vote. The Chairman will first ask the staff, the public and the Commissioners if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under "Items Removed from the Consent Agenda." The entire Consent Agenda, with the exception of items removed to be discussed under "Items Removed from the Consent Agenda," is then voted upon by roll call under one motion.

1. Approval of the Minutes of the Work Session and Meeting of March 8, 2010
2. Change Order No. 8 to the Contract Documents for Construction of the SW
Herman Road Project
3. 2009 Annual Report of the Urban Renewal Advisory Committee
4. Resolution No. 585-10 Authorizing Compensation for Rights-of-Way and
Easements Associated with the SW Leveton Drive
Extension Project (Grimm's Fuel Company)
5. Resolution No. 586-10 Authorizing Corrected Documents Pertaining to Rights-of-Way
and Easements Associated With the SW Leveton Drive
Extension Project (3 – Grimm Brothers, LLC)

E-F. PUBLIC HEARINGS

None.

G. GENERAL BUSINESS

None.

H. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Chairman may impose a time limit on speakers addressing these issues.

I. COMMUNICATIONS FROM COMMISSIONERS

J. EXECUTIVE SESSION

K. ADJOURNMENT



STAFF REPORT

TUALATIN DEVELOPMENT COMMISSION

TO: Honorable Chairman and Members of the Commission

FROM: Sherilyn Lombos, Administrator

DATE: March 22, 2010

SUBJECT: APPROVAL OF THE MINUTES FOR THE WORK SESSION AND MEETING OF MARCH 8, 2010

ISSUE BEFORE THE COMMISSION:

The issue before the Commission is to approve the Work Session and Meeting minutes of March 8, 2010.

RECOMMENDATION:

Staff respectfully recommends that the Commission adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: A. Minutes

TUALATIN DEVELOPMENT COMMISSION

18880 S.W. MARTINAZZI AVENUE
TUALATIN, OR 97062-7092

503 / 692-2000

Approved by Tualatin
Development Commission
Date 3-22-10
Recording Sec: MSM



TUALATIN DEVELOPMENT COMMISSION WORK SESSION MINUTES OF MARCH 8, 2010

PRESENT: Chairman Lou Ogden; Commissioners Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, Administrator, Mike McKillip, City Engineer; Brenda Braden, City Attorney; Kent Barker, Police Chief; Dan Boss, Operations Director; Maureen Smith, Recording Secretary

ABSENT: None.

A. CALL TO ORDER

Chairman Ogden called the Development Commission Work Session to order at 6:48 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS – N/A

C. CITIZEN COMMENTS – N/A

D. CONSENT AGENDA

No changes to the Consent Agenda were made.

E-F. PUBLIC HEARINGS – N/A

G. GENERAL BUSINESS – N/A

H. ITEMS REMOVED FROM CONSENT AGENDA – N/A

I. COMMUNICATIONS FROM COMMISSIONERS

None.

J. EXECUTIVE SESSION

None.

K. ADJOURNMENT

The work session adjourned at 6:48 p.m.

Sherilyn Lombos, Administrator

Recording Secretary / Maureen Smith

TUALATIN DEVELOPMENT COMMISSION

18880 S.W. MARTINAZZI AVENUE
TUALATIN, OR 97062-7092

503 / 692-2000



Approved by Tualatin
Development Commission
Date 3-22-10
Recording Sec MSM

TUALATIN DEVELOPMENT COMMISSION MEETING MINUTES OF MARCH 8, 2010

PRESENT: Chairman Lou Ogden; Commissioners Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, Administrator; Doug Rux, Community Development Director; Brenda Braden, City Attorney; Maureen Smith, Recording Secretary

ABSENT: None.

[Unless otherwise noted MOTION CARRIED indicates all in favor.]

A. CALL TO ORDER

Chairman Ogden called the meeting to order at 12:04 a.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

None.

C. CITIZEN COMMENTS

None.

D. CONSENT AGENDA

MOTION by Commissioner Harris, SECONDED by Commissioner Barhyte to adopt the Consent Agenda as read:

1. Approval of the Minutes of the Work Session and Meeting of February 22, 2010
2. Change Order No. 7 to the Contract Documents for Construction of the SW Herman Road Project

MOTION CARRIED.

E-F. PUBLIC HEARINGS

1. Public Hearing to Consider a Resolution Supporting an Ordinance Approving a Substantial Amendment to the Urban Renewal Plan for the Tualatin Central Urban Renewal Project, Increasing the Maximum Indebtedness and Adding Projects to Address Blight; and Amending TDC 30.010 and TDC Map 9-3 (PTA-09-10)

Mayor Ogden opened the hearing.

Community Development Director Rux presented the staff report and entered the entire staff report into the record. Mr. Rux said this is a request to extend the Central Urban Renewal District (CURD). The Development Commission has been discussing this proposal as far back as October 2007. There has been sixteen work sessions, many discussions held with the Urban Renewal Advisory Committee (URAC) and the Planning Advisory Committee (TPAC), all prior to public outreach and open house comment periods. Mr. Rux said 75% agreement is needed by the overlapping taxing districts.

Chairman Ogden said the hearing would be run as a legislative hearing and asked for comments to be kept to three minutes if possible.

Stephen Titus, 10170 SW Sedlak Court, Tualatin, OR, commented that the district was put in place in 1975 and he was curious as to why the Commission wants to continue it. Mr. Titus read from documents he had and said it appears that it is a deal the Commission is trying to push through. Mr. Titus also mentioned the recent Tigard-Tualatin School District Board meeting on this issue, and board member Barry Albertson dissenting vote, and quoted a definition of "blight", which he does not believe occurs in the central district.

Ed Bartlett, 10200 SW Anderson Court, Tualatin, OR, resident for 16 years, said he can't ignore the consideration of the placement of a bridge over the Tualatin River.

Kathy Newcomb, 17515 SW Cheyenne Way, Tualatin, OR, said she wants to shift gears away from extending the urban renewal district for \$120 million of which so many aspects are not in the public interest, and asked that a new urban renewal district be started. She has also been talking to the State Assistant Superintendent for Education about the negative impact of urban renewal on the schools fund. Ms. Newcomb asked for the hearing to be held open for seven days.

Ms. Newcomb also asked the Commission mitigate the loss of funds to the fire district. She asked that the bridge be removed from the plan and that she would like to get the bridge out of the Metro plan. She hopes the Commission has a good plan in mind and to decide against the amendment, and also wanted to thank the Commission for taking the bridge out of the project..

Cathy Holland, 10740 SW Lucas Drive, Tualatin, OR, said she has lived in Tualatin for 20 years and applauds the suggestion that the bridge over the park be removed, but she said in order to relieve some anxieties, it needs to make sure it is not in the design concept at any time. She encouraged the Commission to "think outside the box" and requested the Commission take the step to remove the bridge from the project list and to not include in any possible solution.

Linda Moholt, 19181 SW 55th Court, Tualatin, OR, has lived in Tualatin over 20 years, and is in favor of urban renewal. She noted that Tualatin has the second lowest tax base in Washington County and does not really have a "downtown" core. She also spoke at TTSD Board meeting on how the Commons has created a hub, and Tualatin is looking to enhance the core area and have an opportunity by extending the district is a tremendous opportunity for this community.

Bob Durgan, 6712 N. Cutter Circle, Vancouver, WA, developer, said he has been around for a number of years, and commented if the Commission decide to move forward with renewing the district he may have to appeal. Mr. Durgan distributed a packet of information to the Commission. He noted he has represented the Zidell family over the years and been involved in many projects. He said he was disappointed he was not invited to the many meetings that have been held. He noted taxes they have to pay with the shopping center and other related taxes, and businesses pay more than just what the tax base is in Tualatin. A lot of money is being spent on plans and pictures and he doesn't see a lot of synergism on this. He doesn't believe there is reality based number behind the project.

Delores Hurtado, 8685 SW Chinook Street, Tualatin, OR, relayed some phone calls she's received, of which one was from a parent of a student that did a project about the possibility of a bridge being placed across Community Park, and she has also received a lot of mail on Metro's plan. She said the Commission should consider taking the bridge out of the proposal. Ms. Hurtado said she was also impressed by Mr. Durgan's comments, and said Tualatin does need to be cautious of what is being planned.

Lauren Hanson, 18865 SW Tualatin Road, Tualatin, OR, parent of the student that did a report as mentioned by Ms. Hurtado. Ms. Hanson said all the students love Community Park. Everything is available in that park and it is important that the Commission reconsider the bridge.

Victoria Bartscherer, 18865 SW Tualatin Road, Tualatin, OR, student, said Community Park is near and dear to her heart and she did a short documentary of this for a class project. She interviewed other students that want the park to remain the same.

Dennis Wells, 10250 SW Ladd Court, agrees that the bridge should be removed from the plan and asked that the Commission form a Transportation Advisory Committee so citizens can give input on what continues to be an ongoing issue. Should take advantage of this issue and use as a springboard to energize the people of Tualatin.

Margo Traines, 17645 SW 106th Avenue, Tualatin, has lived in the Northwest a long time, and also lived in Seattle during their growth times, which doesn't have near the problems as here. Ms. Traines said she spoke with staff that said growth is inevitable. She is bringing this up to address that the Commission take into consideration removing the bridge and shouldn't just have structures. Urban renewal means renewal of the body and spirit.

A break was taken from 1:06 a.m. to 1:16 a.m.

George Vigileos, 18230 SW Shawnee Trail, Tualatin, OR, said his focus has been on the Tualatin Road extension project and he has been mostly overwhelmed with the amount of information. He read from a prepared statement on his impressions, and also some exchanges he's had with a colleague regarding the Tualatin Road extension project and his concerns about the project.

Marias Terasen 1750 SW 115th Avenue, Tualatin OR, said the park is very well liked and asked that it not be destroyed with the addition of the bridge. Property values will go down, and spending money on this part of the plan is not a good idea.

Reba Tobey, 17815 SW Cheyenne Way, Tualatin, OR, agrees with everything everyone has said, and that she was outraged about the Tualatin Road extension and bridge plans, and hopes the Commission is listening. She said the citizens want to be taken seriously and pay their taxes, and that the needs of the citizens are taken into account as well

COMMISSION QUESTIONS

Commissioner Barhyte questioned Ms. Newcomb's remarks about closing the urban renewal district and turning the funds over to the fire district, and questioned whether that funding would come back to Tualatin, noting there is a local option levy in place and a permanent rate. Ms. Newcomb said she is referring to Clackamas County Fire District No1, that has been operating on an old tax base and is highly dependent on property taxes. They have been short of funds over the years and this proposal would not give them anything for another 25 years. Commissioner Barhyte said the question is whether that funding would come back to Tualatin. Ms. Newcomb said it is needed and believes fire jobs are more dangerous than police. Discussion followed.

Mr. Durgan spoke again and said the Commission should release the money and let the developers build. He said Washington doesn't have urban renewal districts, and cities don't need to subsidize projects, and need to get back into deferred maintenance, etc. Cities need to take their General Fund money back and use it for infrastructure which is most important for citizens.

Chairman Ogden had a dialogue with Mr. Durgan explaining tax increment financing. Commissioner Beikman suggested concluding the discussion and asked a process question. City Attorney Braden explained this is not a land use public hearing and the Commission does not have to leave the record open for seven days if choose not to.

Commissioner Harris asked what will happen if the economic downturn continues and Mr. Rux said with no development the revenue stream would remain relatively flat and what could happen is driven by private developers and differs from the information they've been hearing. Commissioner Harris asked about blight and Mr. Rux explained there are blight conditions that exist in the downtown.

MOTION by Chairman Ogden, **SECONDED** by Commissioner Barhyte to remove the "bridge" from the project list and reallocate the funds.

Discussion on Motion

Commissioner Harris asked and Chairman Ogden said the funds will be reallocated and it doesn't change the calculations, keep the maximum indebtedness, and also recognize the transportation problem that needs to be addressed. Commissioner Harris said perhaps some of that money would go to other projects within the district over the next 25 years.

MOTION CARRIED. [Vote: 6-0-1; Maddux absent]

Commissioner Barhyte asked whether the reallocated funds need to be specified and asked how the money was reallocated, and Mr. Rux said kept projects that they have been discussing, and there is still a roadway needed in the PacTrust redevelopment areas, which could put funds towards that and some other minor projects to arrive at the reallocated funds amount.

MOTION by Commissioner Beikman, SECONDED by Commissioner Harris to adopt the resolution, as amended, supporting an ordinance approving a substantial amendment to the Urban Renewal Plan for the Tualatin Central Urban Renewal Project, increasing the maximum indebtedness and adding projects to address blight; and amending TDC 30.010 and TDC Map 9-3 (PTA-09-10). MOTION CARRIED.
[Vote: 6-0-1; Maddux absent]

G. GENERAL BUSINESS

None.

H. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Chairman may impose a time limit on speakers addressing these issues.

I. COMMUNICATIONS FROM COMMISSIONERS

J. EXECUTIVE SESSION

None.

K. ADJOURNMENT

MOTION by Commissioner Harris, SECONDED by Commissioner Barhyte to adjourn the meeting at 2:15 a.m. MOTION CARRIED.

Sherilyn Lombos, Administrator

Recording Secretary / Maureen Smith





Approved by Tualatin
Development Commission
Date: 3-22-10
Resolving: Eric W. Smith

STAFF REPORT

TUALATIN DEVELOPMENT COMMISSION

TO: Honorable Chairman and Members of the Commission

THROUGH: Sherilyn Lombos, Administrator *SL*

FROM: Doug Rux, Community Development Director *DR*
Eric Underwood, Development Coordinator *EU*

DATE: March 22, 2010

SUBJECT: CHANGE ORDER NO. 8 TO THE CONTRACT DOCUMENTS FOR
CONSTRUCTION OF THE SW HERMAN ROAD PROJECT

ISSUE BEFORE THE COMMISSION:

Whether the Tualatin Development Commission should approve Change Order No. 8 for construction of the SW Herman Road project (Attachment B).

RECOMMENDATION:

- Staff recommends that the Commission approve the attached change order in the amount of \$3,853.00 and that the Chairman and Administrator be authorized to execute said Change Order No. 8.

EXECUTIVE SUMMARY:

- This action is not a public hearing.
- This change order covers changes associated with the construction of a guard rail. The guard rail construction is needed because the guard rail post material is being changed from wood to metal due to underground feature conflicts. Work relating to this change is as follows:
 - Guard Rail Construction
 - Excavation of existing concrete slab
 - Forming and installation of rebar
 - Placement of a 14ft. by 26" wide x 12" concrete slab
 - Installation of 3 plate mounted drilled epoxy anchored guardrail posts
 - Installation of 3 extra wide spacer blocks
- Before proceeding with the next stage of this project, the Commission needs to approve Change Order No. 8 for the project.

- The expectation for project completion was December 31, 2009; we expect the project to be completed by the end of February due to a number of complications.

OUTCOMES OF DECISION:

Approval of Change Order No. 8 for SW Herman Road improvements will result in the following:

1. Enable the contractor to move forward on the construction of the SW Herman Road improvements.
2. Enable the contractor to be paid in a timely manner.
3. Allow SW Herman Road to be constructed in a manner that satisfies City design standards.
4. Allow SW Herman Road improvements to meet minimum engineering standards.

Not approving Changer Order No. 8 for SW Herman Road improvements will result in the following:

1. Complicate contractor billing.
2. Potentially delay construction of SW Herman Road.
3. Provide an opportunity for negotiation of changes listed above.

ALTERNATIVES TO RECOMMENDATION:

Alternatives evaluated to approval of Change Order No. 8 for the SW Herman Road improvement project are as follows:

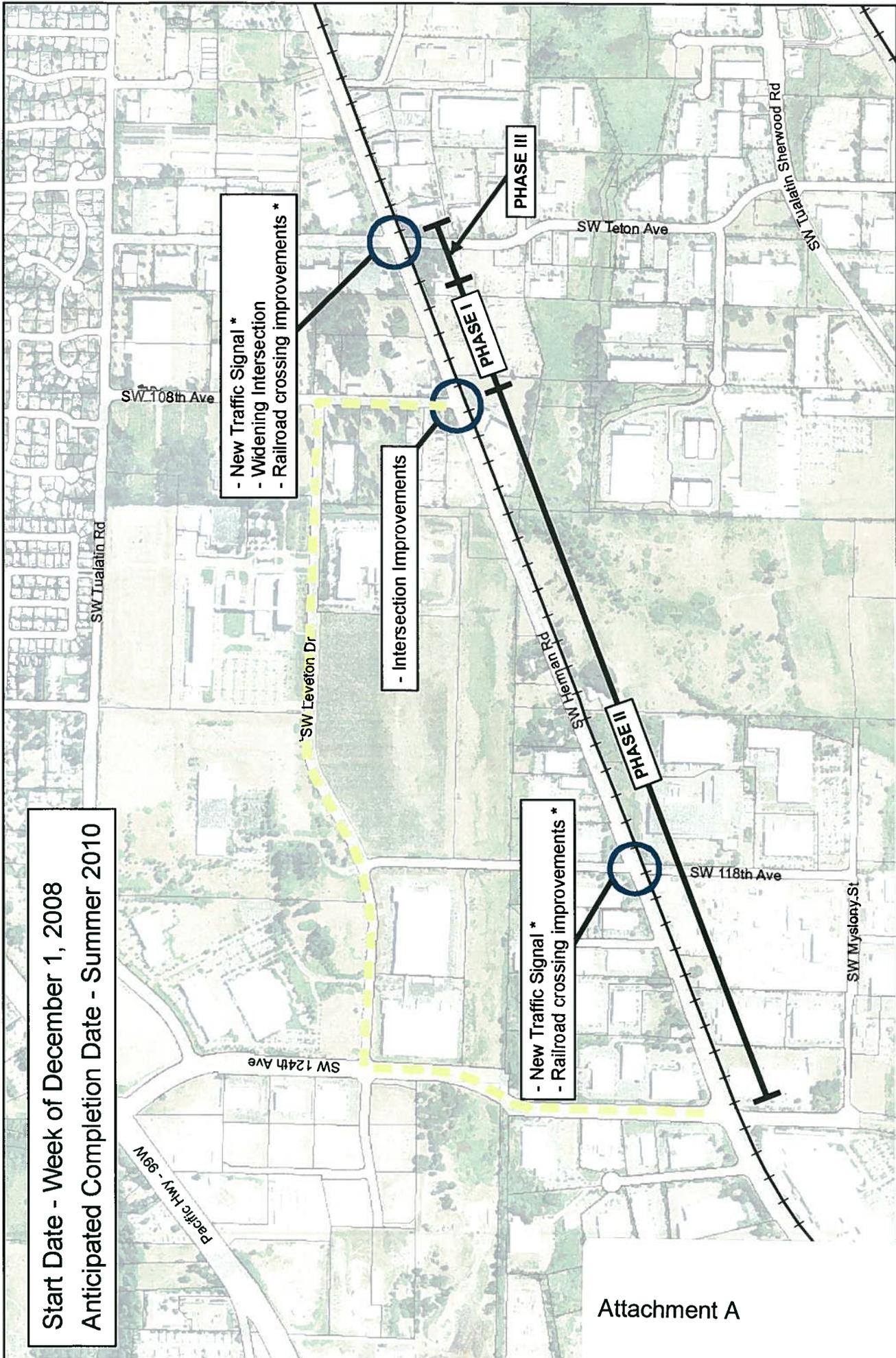
1. Reject the change orders proposed by the contractor.
2. Negotiate change order items.

FINANCIAL IMPLICATIONS:

Change Order No. 8 results in a cost impact to the Commission of \$3,853.00. The current project cost is \$4,469,934.80, which is 102% of the original bid cost. This is within budget for this project.

Attachments: A. Map of SW Herman Road Project Area
 B. Change Order No. 8

Start Date - Week of December 1, 2008
 Anticipated Completion Date - Summer 2010



- New Traffic Signal *
 - Widening Intersection
 - Railroad crossing improvements *

- Intersection Improvements

- New Traffic Signal *
 - Railroad crossing improvements *

Phase I - Herman Road will remain open.
 Phase II - Herman Road closed to all traffic except for local access.

Construction Detour Route



RF 1:10,000

This map is derived from various digital database sources. While an attempt has been made to provide full accuracy, we do not accept any liability for any errors or omissions in the information. This map is provided "as is". - Engineering and Building Dept. Plotted 11/26/08

Attachment A

CHANGE ORDER NO. 8

TO THE CONTRACT DOCUMENTS FOR CONSTRUCTION
OF THE SW HERMAN ROAD PROJECT FROM SW TETON AVENUE TO SW 124TH
AVENUE

This Change Order No. 8 modifies the agreement by and between Moore Excavation Inc., hereinafter referred to as the Contractor, and the Tualatin Development Commission, hereinafter referred to as the Owner, for the construction of SW HERMAN ROAD PROJECT FROM SW TETON AVENUE TO SW 124TH AVENUE, to the extent described below:

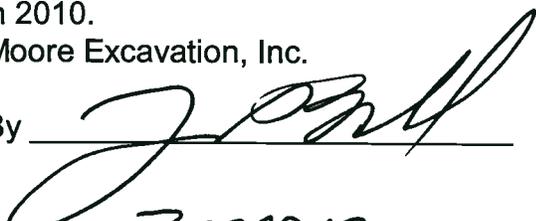
1. For the additional work pertaining to the construction of a guard rail. It is agreed that the Owner will be charged \$3853.00 by the Contractor for the following guard rail construction work incorporated into the project:

ITEM NO.	ITEM DESCRIPTION	UNIT OF MEASURE	UNIT PRICE
A113	Concrete Slab Excavation and Prep	EA (1 x \$350.00)	\$350.00
	Construct Reinforced Concrete	LS (1 x \$583.00)	\$583.00
	3 Metal Plate Mounted Guard Rail Poles	LS (1x\$2875.00)	\$2,875.00
	Extra Wide Push Spacer Blocks	EA (3 x \$15.00)	\$45.00

Except as herein modified, the terms of the basic contract between the Tualatin Development Commission and Moore Excavation, Inc. shall remain in full force and effect.

Dated this 22nd day of March 2010.

Moore Excavation, Inc.

By 

Date 3 MAR 10

TUALATIN DEVELOPMENT COMMISSION

By 

Chairman

ATTEST: 

Administrator



STAFF REPORT

TUALATIN DEVELOPMENT COMMISSION

Approved by Tualatin
Development Commission
Date 3-22-10
Recording Sec M. Smith

TO: Honorable Chairman and Members of the Commission

THROUGH: Sherilyn Lombos, Administrator *SL*

FROM: Doug Rux, Community Development Director *DR*

DATE: March 22, 2010

SUBJECT: 2009 ANNUAL REPORT OF THE URBAN RENEWAL ADVISORY COMMITTEE

ISSUE BEFORE THE COMMISSION:

Consideration and acceptance of the Urban Renewal Advisory Committee (URAC) 2009 Annual.

RECOMMENDATION:

- The Urban Renewal Advisory Committee met on February 16, 2010 and voted 5-0 to forward a recommendation that the Tualatin Development Commission accept the 2009 Annual Report.
- Staff recommends that the Tualatin Development Commission accept the 2008 Annual Report of the Urban Renewal Advisory Committee.

EXECUTIVE SUMMARY:

- This action is not a public hearing.
- The material is the annual report of URAC submitted for Tualatin Development Commission acceptance.
- The Urban Renewal Advisory Committee (URAC) is required by April 1 of each year to submit an annual report (as per TMC 11-7-050). The annual report contains one topic category: Activities of the Committee.
- There are no applicable criteria associated with acceptance of the annual report.

OUTCOMES OF DECISION:

Acceptance of the URAC Annual Report will result in the following:

1. URAC will have fulfilled its requirements for submittal of a report by April 1, 2009.

Not accepting the URAC Annual Report will result in the following:



City of Tualatin

2009 ANNUAL REPORT OF THE URBAN

RENEWAL ADVISORY COMMITTEE

MARCH 22, 2010

Committee Members:

David Benedict, Chair
Althea Pratt Broome
Terry Novak
Hube Nukes

2009 Annual Report of the Urban Renewal Advisory Committee

BACKGROUND

The Urban Renewal Advisory Committee (URAC) was established by Ordinance No. 1-76 adopted July 26, 1976. The Ordinance prescribes URAC's role in advising the Tualatin Development Commission (Commission) and to assure public participation in the urban renewal process. URAC's duties include suggestions on the adoption of or amendment to an urban renewal plan, a project plan, or any plan or project implementation proceeding affecting an urban renewal area. In addition, the ordinance calls for an annual report summarizing URAC's activities.

This report addresses URAC's mandates under Tualatin Municipal Code (TMC) 11-7.

11-7-050 Annual Report of Committee. Not later than April 1 of each year, the Committee shall make and file its annual report to the Commission, which shall include a survey and report of the Committee's activities and proceedings, in addition to any specific recommendations of the Committee not otherwise requested by the Commission relating to programs and the future of the Commission.

The following is the 2009 Annual Report of URAC. With URAC approval, the report and the committee's recommendations regarding the urban renewal program will be presented to the Tualatin Development Commission at their March 22, 2010 meeting.

ACTIVITIES OF THE COMMITTEE

During the 2009 calendar year, URAC reviewed or commented on the following:

PLANS/ORDINANCES

PTA-09-05 involved an amendment to the Central Urban Renewal Plan (CURP) to reallocate funds for train horn noise mitigation which was approved by Resolution 578-09 and Ordinance 1290-09. URAC also discussed PTA-09-10 which involves the extension of the Central Urban Renewal District (CURD) and increase in the amount of maximum indebtedness to allow extension of the district beyond June 2010 and fund additional projects in the district.

BUDGET

The reallocation of funds for train horn noise mitigation and the extension of the CURD and increasing the amount of maximum indebtedness occurred at all URAC meetings in 2009. These two PTA's are directly tied into the cost of construction of current and proposed projects with a significant potential financial impact to the district.

CAPITAL PROJECTS

Central Urban Renewal District

- Boones Ferry Road Phase 1: Monitoring for possible ground water contamination

continued on the former Hanegan site. The City worked on a “No Further Action” (NFA) letter on the former Tualatin Car Care site while David Emami, the current owner, interfaced with the DEQ to remove some proposed stipulations in the NFA.

- East Commons: In 2009 the Tualatin Development Commission approved the request to reduce funding for this project in the CURP. Funds were reallocated to the SW Tualatin-Sherwood Road Landscaping Project and mitigation efforts to deal with excessive train horn noise associated with the Westside Express Service (WES). The East Commons project may be added back in at full funding in the CURP based on the extension of this district.
- Commuter Rail Station: WES began operation in February 2009. Shortly after the start of this service, residents voiced concern over the train horn noise. This information was shared throughout the year with URAC with the culmination being a reallocation of funds for train horn noise mitigation.
- Tualatin-Sherwood Road Landscaping Project: After being taken off hold in 2009, staff was directed to form an ad hoc committee (comprised of members of URAC, TPARK and ARTS) to review options for this project which extends from the K-Mart/Fred Meyer signal west to the Outback restaurant. Based on funding, the project could also include a gateway feature. CH2M Hill Inc. was the consultant for the design of this project.

Leveton Tax Increment District

- SW 124th Avenue to SW Tualatin Sherwood Road (Phase IV): URAC was provided with updates on the status of this project. The road opened in March 2009 with final paving done later in the spring.
- Herman Road Project (SW Teton to SW 124th Avenue): Construction continued throughout 2009 but did incur some delays and issues with PGE and the contractor. URAC was provided with written and verbal updates throughout the year.
- SW Leveton Drive Extension/130th/128th Avenue: Right-of-way acquisitions continued throughout 2009. URAC received periodic updates on the progress being made during this phase of the project.
- Cummins Drive – West of SW 128th Avenue: URAC was provided with updates, the final report stating that it was experiencing delays due to the long period of time that the ROW acquisition had taken for the SW Leveton Drive Extension project.

PRIVATE DEVELOPMENT PROJECTS

Central Urban Renewal District

- Riverhouse Property: URAC members were provided with updates throughout the year originally focusing on his change of use (from condominiums to retirement housing), financing, and, late in 2009, issues resulting from the new FEMA regulations.

- Emami Properties: Throughout 2009 URAC members were provided with regular updates on the numerous properties that Mr. Emami has purchased and constructing in the Central Urban Renewal District including Robinson Crossing I and II, the Seneca Building, and the Clark Lumber site.

Leveton Tax Increment District

- Due to the state of the economy, very little private development occurred in the Leveton Tax Increment District in 2009. URAC was informed that JAE Oregon has an approved Industrial Master Plan and that Laika has decided not to build a facility on the land they own in this area.

MISCELLANEOUS

- URAC met five times in 2009. The January 2009 meeting was rescheduled for February 19, 2009, due to lack of a quorum. One guest attended the October 15, 2009, meeting which resulted in her submitting an application to join URAC.
- URAC was updated on various other activities affecting Tualatin including the I-5 Connector, Urban/Rural Reserves, Local Aspirations, the construction of a pedestrian bridge over Hedges Creek to connect the Blue Parking Lot with Tualatin Community Park, and the reactivation of both the SW Concept Plan and the Town Center Plan.
- At the four quarterly meetings in 2009, URAC members were provided with a verbal update on the “Tualatin Tomorrow” visioning process.

CITY COUNCIL GOALS 2008/2009

The activities of URAC are consistent with the following Council Goals:

Goal #1 – Enhance mobility and achieve reduction of congestion throughout the City of Tualatin

While the Engineering Division took the lead on many performance objectives dealing with transportation, URAC was frequently briefed on transportation-related issues, specifically the I-5/99W corridor project. In addition, they were provided with quarterly updates on those transportation projects underway in both urban renewal districts (i.e. extension of SW 124th Avenue from Myslony to Tualatin-Sherwood Road, Herman Road Project, and the design and right-of-way acquisition phases of the SW Leveton Drive Extension project)

Goal #2 – Manage development, redevelopment and projected change that will occur within the city to maintain Tualatin’s quality and what the citizens value as a community

While ten (10) of the eleven (11) performance objectives in Goal #2 were assigned to Community Development, URAC members were provided with written and oral updates on those directly affecting their committee. These included updates on the Town Center Plan, Southwest Concept Plan, South Tualatin Concept Plan, Urban/Rural Reserves and, of paramount importance, the October 2009 update to the Central Urban Renewal

Plan and the work being done towards extending the life of the Central Urban Renewal District and maximum indebtedness to construct additional projects in this area.

Goal #3 – Achieve economic vitality in all sectors of the community and ensure a sustainable economic and revenue base for the City.

Four of the seven performance objectives in Goal #3 were assigned to Community Development. Throughout the year URAC was updated on the consideration being given to a Southwest Urban Renewal Plan (in the Tigard Sand and Gravel area) as well as discussing blight as it relates to the extension of the Central Urban Renewal District. The subject of “Enterprise Zones” was just getting started in the latter part of 2009 and will likely include discussions with URAC as that subject gains momentum in 2010.

Goal #4 – Enhance the City’s quality of life; seek to make Tualatin a great city.

As we move toward the possible extension of the Central Urban Renewal Plan and identifying projects that could be included, URAC was updated on various projects being considered, several of which included increased usage of the lake as well as public art, gateways etc. which is also a component of the proposed Tualatin-Sherwood Landscaping Project.

Goal #5 – Preserve Tualatin’s unique and important natural features and resources.

Both Community Development and Community Services were involved in three of these performance objectives. URAC members were briefed on the goals which were closely tied to area rivers and creeks as they relate to the reactivation of the Town Center Plan as well as the extension of the Central Urban Renewal Plan.



Approved by Tualatin
Development Commission
Date 3-22-10
Recording Fee 11.50

STAFF REPORT

TUALATIN DEVELOPMENT COMMISSION

TO: Honorable Chairman and Members of the Commission

THROUGH: Sherilyn Lombos, Administrator *SL*

FROM: Doug Rux, Community Development Director *DR*
Eric Underwood, Development Coordinator *EU*

DATE: March 22, 2010

SUBJECT: RESOLUTION AUTHORIZING COMPENSATION FOR RIGHTS-OF-WAY AND EASEMENTS ASSOCIATED WITH THE SW LEVETON DRIVE EXTENSION PROJECT (GRIMM'S FUEL COMPANY)

ISSUE BEFORE THE COMMISSION:

Whether the Tualatin Development Commission should adopt a resolution authorizing compensation for Rights-of-Way, Temporary Construction Easements and Slope/Utility Easements as part of the SW Leveton Drive Extension Project.

RECOMMENDATION:

Staff recommends that the Commission adopt the attached resolution.

EXECUTIVE SUMMARY:

- This action is not a public hearing.
- The Fiscal Year 09/10 Leveton Tax Increment District Project Fund contains a capital project to design roadway improvements, and acquire rights-of-way and easements for the SW Leveton Drive Extension Project.
- The project will occur in two phases and are described as follows:
 - The first phase consists of the extension of Leveton Drive to SW 130th Avenue then construction of SW 130th Avenue to Highway 99W.
 - The second phase consists of the construction of SW 128th Avenue to the future Cummins Drive.
- The project area extends west from SW 128th Avenue to SW 130th Avenue then northerly to Highway 99W (Attachment A).
- Improvements include a 3-lane roadway, 6' sidewalks on both sides of the roadway, location of utilities, street signs, turn lanes, intersection improvements, storm drainage system, sewer, installation of curb and gutter, planter strip (landscaping) with irrigation, street trees, water quality tracts, and wetland mitigation.

STAFF REPORT: Compensation for Rights-of-Way and Easements

March 22, 2010

Page 2 of 3

- The primary purpose of constructing the roadway is to better facilitate freight mobility and industrial traffic flow within the District.
- As part of the project, rights-of-way acquisition, slope/utility and temporary easements have been identified.
- Once the Commission authorizes the compensation for the rights-of-way and easements, the Deed of Dedications and Slope/Public Utility Easements will be forwarded to the City Council for acceptance.
- The Tualatin Development Commission accepts the Temporary Construction Easements.
- The right-of-way and easements delineated in Attachment B are necessary for construction of the street improvement project and address the following properties:
 - Grimm's Fuel Company
- Before proceeding with the next stage of this project, the Commission needs to authorize the resolution to authorize compensation for rights-of-way and easements.
- There are no criteria to apply to this request.

OUTCOMES OF DECISION:

Approval of the request to authorize compensation for rights-of-way and easements will result in the following:

1. Allow the Commission to obtain the rights-of-way and easements needed to construct roadway improvements.
2. Allow the SW Leveton Drive Extension Project to maintain its current timeline.

Denial of the request to authorize compensation for rights-of-way and easements will result in the following:

1. The project will be delayed.
2. The Commission will need to decide whether or not to renegotiate right-of-way and easement acquisition costs.

ALTERNATIVES TO RECOMMENDATION:

Alternatives evaluated to authorizing compensation for rights-of-way and easements are as follows:

1. Renegotiate right-of-way and easement acquisition costs with current property owners.
2. Put project on hold.

FINANCIAL IMPLICATIONS:

The agreed upon compensation is \$400,776 for Rights-of-Way, \$8,718 for Slope/Utility Easements, \$77,091 for a Permanent Conservation Easement, \$27,015 for Temporary

STAFF REPORT: Compensation for Rights-of-Way and Easements

March 22, 2010

Page 3 of 3

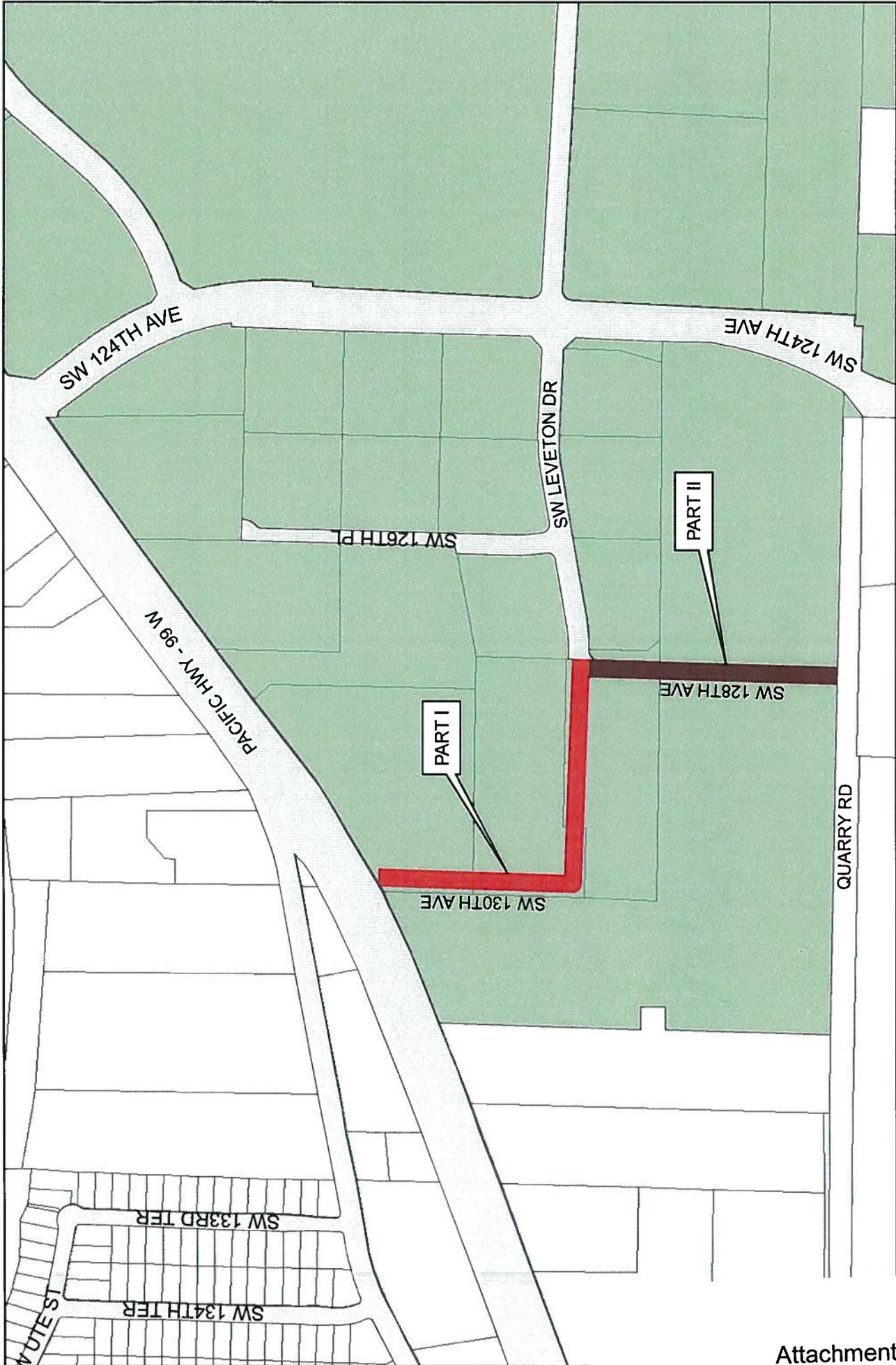
Construction Easements and is within the amount budgeted for the project (\$2,200,000) for FY 09/10. The amount is also the same as the appraised value.

PUBLIC INVOLVEMENT:

Public involvement is not required as part of this action.

Attachments:

- A. Vicinity Map
- B. Rights-of-Way and Slope/Utility Easements Map
- C. Resolution with Exhibits



This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions that may appear on this map. This map is provided "as is". - Engineering and Building Dept. Ploated 10/17/2007



RF 1:4,500

Leveton Tax Increment District



EXHIBIT B

ACQUISITION MAP
TUALATIN DEVELOPMENT COMMISSION
NE 1/4 SECTION 21, T.2S., R.1W., W.M.

SW LEVETON DRIVE EXTENSION PROJECT
PAGE 1 OF 2
JANUARY 2, 2009
REVISED JANUARY 14, 2009
REVISED JANUARY 27, 2009
REVISED FEBRUARY 1, 2010

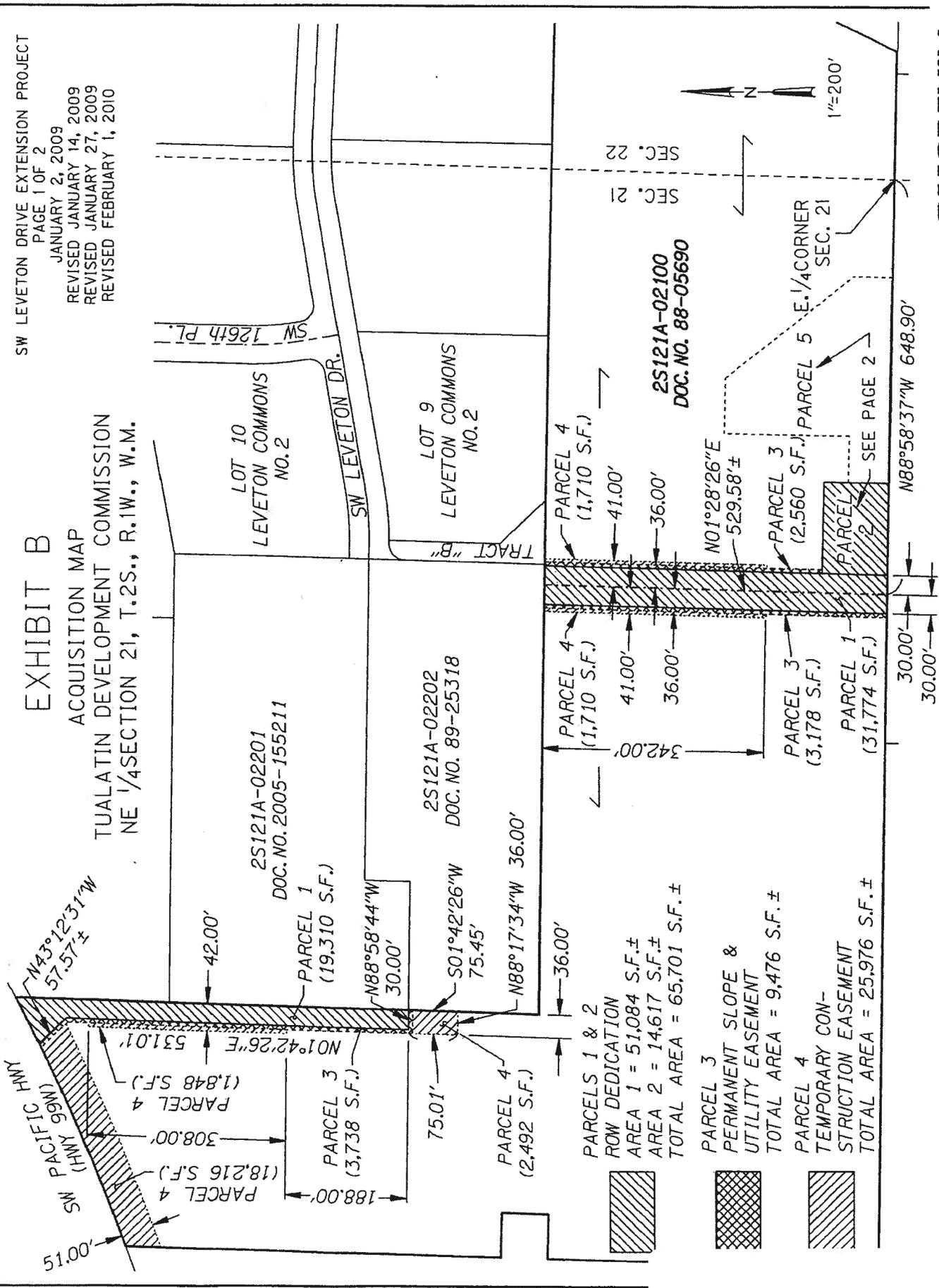


EXHIBIT B

ACQUISITION MAP

TUALATIN DEVELOPMENT COMMISSION
NE 1/4 SECTION 21, T.2S., R.1W., W.M.

SW LEVETON DRIVE EXTENSION PROJECT

PAGE 2 OF 2

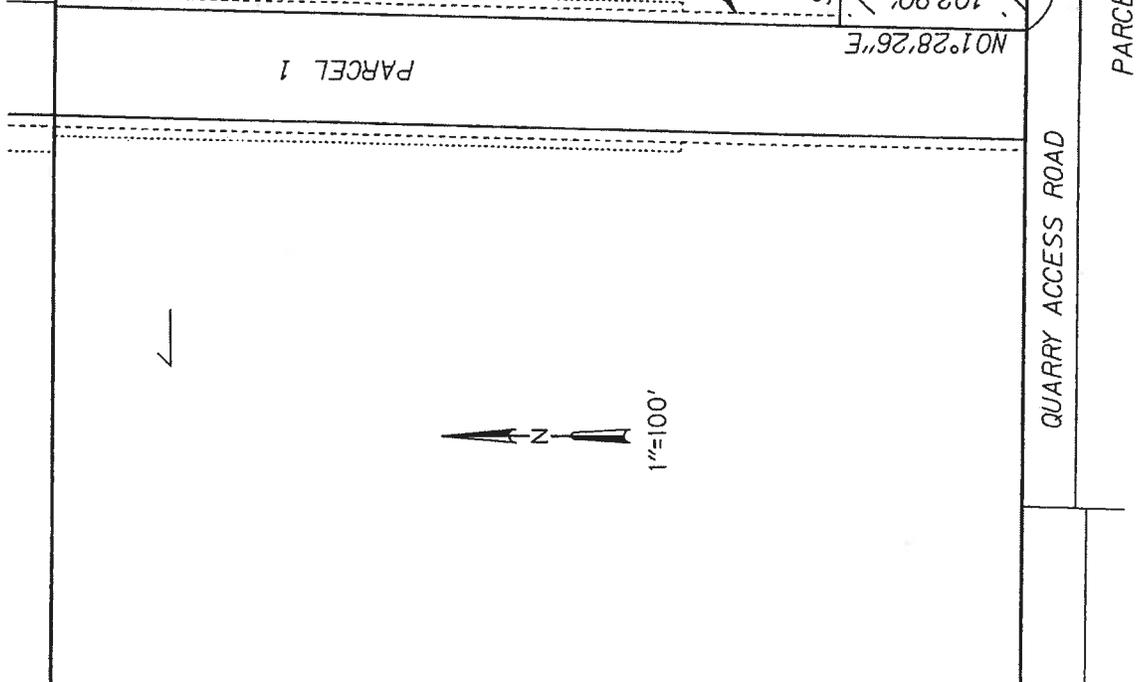
JANUARY 2, 2009

REVISED JANUARY 14, 2009

REVISED JANUARY 27, 2009

REVISED FEBRUARY 1, 2010

TRACT "B" LOT 9 LEVETON COMMONS NO. 2 LOT 8 LEVETON COMMONS NO. 2



PARCEL 5
PERMANENT
CONSERVATION EASEMENT
AREA = 53,025 S.F. ±

PARCEL 2
ROW DEDICATION
AREA = 14,617 S.F. ±

2S121A-02100
DOC. NO. 88-05690

RESOLUTION NO. 585-10

RESOLUTION AUTHORIZING COMPENSATION FOR RIGHT-OF-WAY AND EASEMENTS ASSOCIATED WITH THE SW LEVETON DRIVE EXTENSION PROJECT (GRIMM'S FUEL COMPANY)

BE IT RESOLVED BY THE TUALATIN DEVELOPMENT COMMISSION, THE URBAN RENEWAL AGENCY OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The following compensation be paid for Rights-of-Way and Easements associated with the SW Leveton Drive Extension Project:

- a. Deeds of Dedication from:
 - i. Grimm's Fuel Company - \$400,776
- b. Slope/Public Utility Easement from:
 - i. Grimm's Fuel Company - \$8,718
- c. Permanent Conservation Easement:
 - i. Grimm's Fuel Company - \$77,091
- d. Temporary Construction Easement from:
 - i. Grimm's Fuel Company - \$27,015

Section 2. The attached document (Exhibit 1) is accepted by the Tualatin Development Commission, the Urban Renewal Agency of the City of Tualatin:

- a. Temporary Construction Easement from Grimm's Fuel Company.

INTRODUCED AND ADOPTED this 22nd day of March, 2010.

TUALATIN DEVELOPMENT COMMISSION,
the urban renewal agency of the City of
Tualatin, Oregon

BY _____

Chairman

ATTEST:

BY _____

Administrator

APPROVED AS TO LEGAL FORM


Brenda L. Braden
CITY ATTORNEY



CITY OF TUALATIN, OREGON

TEMPORARY CONSTRUCTION EASEMENT

Grimm's Fuel Co., an Oregon corporation, Grantor, in consideration of the sum of **Twenty-Seven Thousand Fifteen and No/100 Dollars (\$27,015.00)** and other good and valuable consideration, more specifically described in the attached Letter of Agreement, hereby grants unto the Tualatin Development Commission, Grantee, its successors and assigns, a temporary easement and right-of-entry for the purpose of constructing street improvements on real property located in Washington County, State of Oregon, that is more particularly described as follows:

See description and drawing attached to and by reference made a part of this document

This easement shall become effective from the date signed below and shall continue for a period of two years or until completion of the project whichever is earlier, for the purpose above described.

Subject to the limitations and conditions of the Oregon Constitution and ORS 30.260 to 30.300, the Grantee agrees to indemnify Grantor from all claims made for injury to person or property caused by Grantee's negligence during the actual use by Grantee of the property for any of the above described purposes.

The Grantee shall have the right at any time during the easement period to enter upon the above described real property for the purpose hereinabove mentioned. In connection therewith, Grantee may remove any trees, shrubs, or other materials necessary or convenient to accomplish said purposes. Grantee shall repair any damage to the property caused by Grantee's use for the purpose above described and shall restore the property.

Dated the last day signed below:

By: Alfred R. J. [Signature]

Title: Treasurer

Date: 9/9/09

EXHIBIT A

Tualatin Development Commission
SW Leveton Drive Extension Project
January 2, 2009
Revised January 14, 2009
Revised January 27, 2009
Revised February 1, 2010

Grimm's Fuel Co.
Assessor No. 2S 1 21A 002100
Doc. No. 88-05690

Parcel 1 – Right-of-Way Dedication

A portion of that property conveyed to Grimm's Fuel Co. by Warranty Deed recorded as Document No. 88-05690, Washington County Deed Records, located in the northeast quarter of Section 21, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon, being more particularly described as follows:

All that portion of said Grimm's Fuel Co. property included in a strip of land 60.00 feet wide, the sidelines of said strip being 30.00 feet on each side of the following described line, with sidelines lengthening or shortening as necessary to intersect property lines and create a continuous strip:

BEGINNING at a point on the south line of said Grimm's Fuel Co. property that bears N88°58'37"W 648.90 feet from a 3-1/4 inch diameter aluminum disk marking the east quarter corner of said Section 21; thence N01°28'26"E 529.58 feet, more or less, to the most easterly north line of said Grimm's Fuel Co. property and the terminus of the line being described.

ALSO all that portion of said Grimm's Fuel Co. property lying northerly and easterly of the following described line:

BEGINNING at a point on the most northerly east line of said Grimm's Fuel Co. property, said point being the southwest corner of that tract of land described in Document No. 2005-155211, Washington County Deed Records; thence N88°58'44"W along the westerly extension of the south line of said tract described in Document No. 2005-155211, 30.00 feet; thence N01°42'26"E, along a line parallel with and 30.00 feet west, when measured at right angles, of said most northerly east line of Grimm's Fuel Co. property, 531.01 feet to an angle point; thence N43°12'31"W 57.57 feet, more or less, to the south right-of-way line of SW Pacific Highway and the terminus of the line being described.

Bearings are based Survey No. 31065, Washington County Survey Records.

Parcel 1 contains 1.17 acres (51,084 square feet), more or less.

EXHIBIT A

Tualatin Development Commission
SW Leveton Drive Extension Project
January 2, 2009
Revised January 14, 2009
Revised January 27, 2009
Revised February 1, 2010

Grimm's Fuel Co.
Assessor No. 2S 1 21A 002100
Doc. No. 88-05690

Parcel 2 – Right-of-Way Dedication

A portion of said Grimm's Fuel Co. property described as follows:

BEGINNING at the intersection of the south line of said Grimm's Fuel Co. property and the most easterly line of Parcel 1, said beginning point bears N88°58'37"W 618.90 feet from a 3-1/4 inch diameter aluminum disk marking the east quarter corner of said Section 21; thence N01°28'26"E along said most easterly line 102.90 feet; thence S88°31'34"E 142.42 feet; thence S01°01'23"W 101.78 feet to said south line of the Grimm's Fuel Co. property; thence N88°58'37"W along said south line 143.23 feet to the **POINT OF BEGINNING**.

Bearings are based Survey No. 31065, Washington County Survey Records.

Parcel 2 contains 0.34 acre (14,617 square feet), more or less.

Parcels 1 and 2 contain a total of 1.51 acres (65,701 square feet), more or less.

Parcel 3 – Permanent Slope and Utility Easement

All that portion of said Grimm's Fuel Co. property included in a strip of land 72.00 feet wide, the sidelines of said strip being 36.00 feet on each side of the first described line in Parcel 1, with sidelines lengthening or shortening as necessary to intersect property lines and create a continuous strip:

ALSO all that portion of said Grimm's Fuel Co. property lying northerly and easterly of a line parallel with and 6.00 feet left of the second described line in Parcel 1, said line being described is to lengthen or shorten as necessary to intersect property lines and create a continuous strip.

EXCEPT THEREFROM Parcels 1 and 4.

Parcel 3 contains 0.22 acre (9,476 square feet), more or less.

EXHIBIT A

Tualatin Development Commission
SW Leveton Drive Extension Project
January 2, 2009
Revised January 14, 2009
Revised January 27, 2009
Revised February 1, 2010

Grimm's Fuel Co.
Assessor No. 2S 1 21A 002100
Doc. No. 88-05690

Parcel 4 – Temporary Construction Easement

All that portion of said Grimm's Fuel Co. property included in a strip of land 82.00 feet wide, the sidelines of said strip being 41.00 feet on each side of the first described line in Parcel 1, and said strip being bounded on the south by a line parallel with and 342.00 feet south of the most easterly north line of said Grimm's Fuel Co. property, with sidelines lengthening or shortening as necessary to intersect property lines and create a continuous strip, EXCEPT THEREFROM Parcels 1, 2, and 3.

ALSO a 6.00 foot wide strip of land, being all that portion of said Grimm's Fuel Co. property bounded on the east by the west line of Parcel 3, bounded on the south by a line parallel with and 188.00 feet north, when measured at right angles, of the westerly extension of the most westerly south line of that tract of land described in Document No. 2005-155211, Washington County Deed Records, bounded on the west by a line parallel with and 42.00 feet west, when measured at right angles, of said most northerly east line of Grimm's Fuel Co. property, and bounded on the north by a line parallel with and 308.00 feet north, when measured at right angles, of the south line of the easement being described.

ALSO the following tract: **BEGINNING** at the northwest corner of that tract of land described in Document No. 89-25318, Washington County Deed Records; thence $S01^{\circ}42'26''W$ along the west line of said tract 75.45 feet; thence, leaving said west line, $N88^{\circ}17'34''W$ 36.00 feet; thence $N01^{\circ}42'26''E$ 75.01 feet to the westerly extension of the north line of said tract of land described in Document No. 89-25318; thence $S88^{\circ}58'44''E$ along said westerly extension 36.00 feet to the **POINT OF BEGINNING**.

ALSO all that portion of said Grimm's Fuel Co. property included in a strip of land 51.00 feet wide, the northerly line of said strip being the southeasterly right of way line of SW Pacific Highway (Ilwy 99W), and the southerly line of said strip being a line parallel with and 51.00 feet southeasterly of said southeasterly right of way line.

EXCEPT THEREFROM Parcels 1 and 3.

Bearings and right of way of SW Pacific Highway are based Survey No. 31065, Washington County Survey Records.

Parcel 4 contains 0.60 acre (25,976 square feet), more or less.

EXHIBIT A

Tualatin Development Commission
SW Leveton Drive Extension Project
January 2, 2009
Revised January 14, 2009
Revised January 27, 2009
Revised February 1, 2010

Grimm's Fuel Co.
Assessor No. 2S 1 21A 002100
Doc. No. 88-05690

Parcel 5 – Permanent Conservation Easement

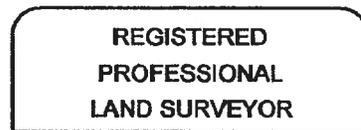
That portion of said Grimm's Fuel Co. property described as follows:

BEGINNING at the intersection of the south line of said Grimm's Fuel Co. property and the east line of Parcel 2, said beginning point bears N88°58'37"W 475.67 feet from a 3-1/4 inch diameter aluminum disk marking the east quarter corner of said Section 21; thence N01°01'23"E along said east line 64.91 feet; thence S88°58'37"E 73.28 feet; thence N01°01'23"E 191.64 feet; thence S88°58'37"E 86.92 feet; thence S38°55'21"E 254.21 feet; thence S01°01'23"W 61.67 feet to said south line of the Grimm's Fuel Co. property; thence N88°58'37"W along said south line 323.42 feet to the **POINT OF BEGINNING**.

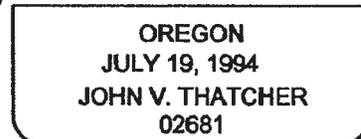
Bearings are based Survey No. 31065, Washington County Survey Records.

Parcel 5 contains 1.22 acres (53,025 square feet), more or less.

2-1-2010



John V. Thatcher



RENEWS: 7/01/2010



STAFF REPORT

TUALATIN DEVELOPMENT COMMISSION

Approved by Tualatin
Development Commission
Date 3-22-10
Resubmitted for [Signature]

TO: Honorable Chairman and Members of the Commission

THROUGH: Sherilyn Lombos, Administrator *SL*

FROM: Doug Rux, Community Development Director *DR*
Eric Underwood, Development Coordinator *EU*

DATE: March 22, 2010

SUBJECT: RESOLUTION AUTHORIZING CORRECTED DOCUMENTS
PERTAINING TO RIGHTS-OF-WAY AND EASEMENTS
ASSOCIATED WITH THE SW LEVETON DRIVE EXTENSION
PROJECT (3 - GRIMM BROTHERS, LLC)

ISSUE BEFORE THE COMMISSION:

The Tualatin Development Commission will consider whether to adopt a resolution that authorizes corrected documents associated with Rights-of-Way, Temporary Construction Easements and Slope/Utility Easements as part of the SW Leveton Drive Extension Project.

RECOMMENDATION:

Staff recommends that the Commission adopt the attached resolution.

EXECUTIVE SUMMARY:

- The Fiscal Year 09/10 Leveton Tax Increment District Project Fund contains a capital project to design roadway improvements, and acquire rights-of-way and easements for the SW Leveton Drive Extension Project.
- The project area extends west from SW 128th Avenue to SW 130th Avenue then northerly to Highway 99W (Attachment A).
- The Commission authorized the compensation for the rights-of-way and easements, the Deed of Dedications and Slope/Public Utility Easements for this property on December 14, 2009 and the authorization was forwarded to the City Council for acceptance.
- An error relating to property ownership was discovered in the 3 - Grimm Brothers, LLC Deed by the title company while in escrow.

- The revised documents reflect only the correct current ownership and do not change the original compensation amounts.

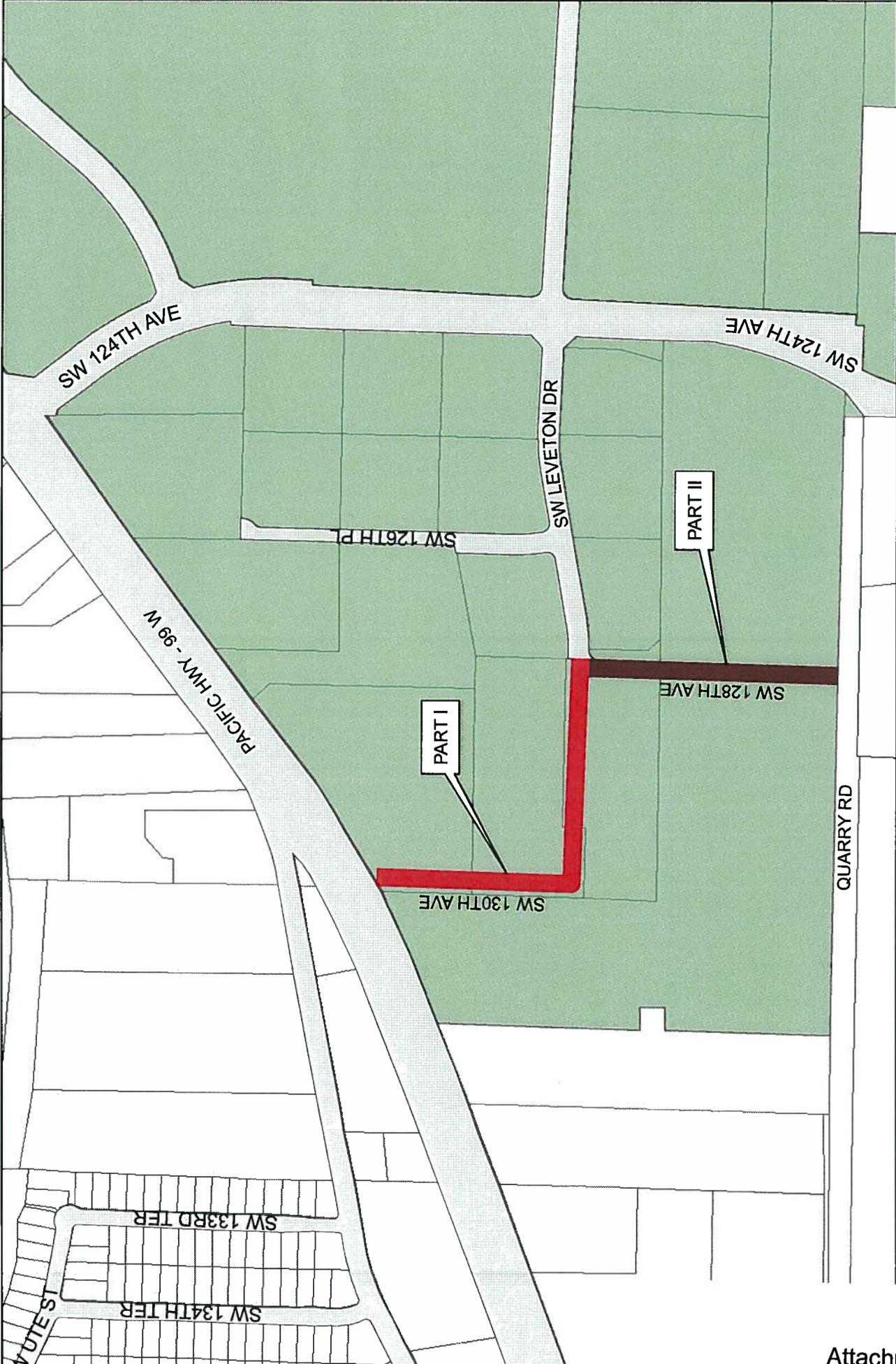
OUTCOMES OF DECISION:

Approval authorizing the corrected documents pertaining to rights-of-way and easements will Allow the Commission to obtain the rights-of-way and easements needed to construct roadway improvements and the SW Leveton Drive Extension Project to maintain its current timeline.

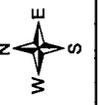
FINANCIAL IMPLICATIONS:

Authorizing acceptance of the corrected documents does not change the previously agreed compensation amounts. The agreed upon compensation is \$203,564 for Rights-of-Way, \$3,821 for Slope/Utility Easements, \$11,215 for Temporary Construction Easements and is within the amount budgeted for the project (\$2,200,000) for FY 09/10. The amount is also the same as the appraised value.

- Attachments:**
- A. Vicinity Map
 - B. Transmittal Memo from Hanna, McEldowney, & Associates
 - C. Resolution



This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualsis, OR, assumes no responsibility or liability for any errors or omissions that may appear on this map. Printed 10/17/2007



RF 1:4,500

Leveton Tax Increment District



HANNA, McELDOWNEY, & ASSOCIATES

8835 S.W. CANYON LANE, SUITE 405
PORTLAND, OR 97225
(503) 297-9588 Fax: (503) 297-2835

TRANSMITTAL MEMO 2 – Executed Documents

Date: February 11, 2010

To: Eric Underwood, Development Coordinator
City of Tualatin
18876 SW Martinazzi Avenue
Tualatin, OR 97062-77092

From: Roger Hanna

Project: Leveton Drive Extension II
Parcel: 3 - Grimm Brothers LLC
Situs: 18400 SW Pacific Hwy, Tualatin, OR 97062

CITY OF TUALATIN
RECEIVED

FEB 16 2010

COMMUNITY DEVELOPMENT
PLANNING DIVISION

I telephoned Candice Weischedel with Tigor Title and discussed the issue concerning the Grimm Brothers, LLC being vested in Parcel #3. Bob Brandon, the Title Officer, is no longer with Tigor Title Insurance Company but she has discussed the file with him. Because the Real Estate Contract between Rodney Grimm and Grimm Brothers, LLC was recorded and is a matter of public record, it establishes some possible link of ownership to the LLC, even though the LLC was not legally established in the State of Oregon on the date the contract was executed. Therefore, the title company wants a release from the LLC to guarantee the chain of title.

We discussed several ways to do this. I suggested (and Candice agreed) that we add "Grimm Brothers, LLC" as a grantor on the first page of the Deed of Dedication and the Slope and Public Utility Easement because there are no signatures on page 1, and then add an additional page 6 for Jeffrey Grimm's signature as a Member of the LLC. This has been accomplished and I have notarized Jeffrey's signature. No changes are necessary for the temporary construction easement because it is not being recorded.

Enclosed is a revised page 1 for each document (Deed of Dedication and Slope and Public Utility Easement) and a new page 6 (LLC signature page) for each document. Page 6 needs to be signed by the Mayor and City Recorder. These pages then need to be delivered to Candice and she will exchange out the old page 1 and add in the new page 6. The other pages (2 through 5) will remain as signed and notarized but the page numbers should be modified to read 2 of 6, 3 of 6, 4 of 6, and 5 of 6. This can be done by ink pen.

If you have any questions, please call me at (503) 297-9588.



CITY OF TUALATIN, OREGON
DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Rodney D. Grimm, who took title as Rodney G. Grimm, Jeffrey D. Grimm, Mark H. Grimm, who took title as Mark D. Grimm, and Daniel F. Grimm, and Grimm Brothers, LLC (the "GRANTOR"), grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the following real property with the tenements, hereditaments and appurtenances, situated in the County of Washington, State of Oregon, for the use of the public as a public way forever, for street, road, right-of-way and public utility purposes, bounded and described as follows, to wit:

*See Parcel 1 and Parcel 2 of Exhibits A and B, attached hereto
and by this reference made a part of this document*

TO HAVE AND TO HOLD, the described and granted premises unto the said CITY, its successors in interest and assigns forever.

The true consideration of this conveyance is **Two Hundred Three Thousand Five Hundred Sixty-Four and No/100 Dollars (\$203,564.00)** and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances stated in the attached and incorporated exhibit entitled "Excepted Encumbrances", and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.



CITY OF TUALATIN, OREGON

SLOPE AND PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Rodney D. Grimm, who took title as Rodney G. Grimm, Jeffrey D. Grimm, Mark H. Grimm, who took title as Mark D. Grimm, and Daniel F. Grimm, and Grimm Brothers, LLC (the "GRANTOR"), grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the permanent right to construct, reconstruct, operate and maintain a Slope and Public Utilities, including but not limited to water, sewer, storm drain, power, telephone, cable television, and natural gas lines and facilities on the following described land:

*See Parcel 3 and Parcel 4 of Exhibits A and B, attached hereto
and by this reference made a part of this document*

This Slope and Public Utility Easement is granted for the purpose of design, construction, operation, reconstruction, maintenance, and repair of a slope and utility in support of and to protect and save from damage the adjacent public right-of-way used for a public roadway, sidewalk, and related improvements and to allow installation of public utilities systems in this area.

TO HAVE AND TO HOLD, the described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, landscape maintenance, and related uses. Uses by the GRANTOR shall not be inconsistent or interfere with the use of the easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the easement during its term without the written permission of the CITY.

Except as otherwise provided, upon completion of construction by CITY, the CITY shall restore the disturbed surface of the property to the condition reasonably similar to the previous state, and shall indemnify and hold the GRANTOR harmless against all loss, costs, or damage arising out of the exercise of the rights granted. Nothing contained in this easement shall be construed as requiring the CITY, its successors in interest or assigns to maintain landscaping, walkways, parking, or other surface or subsurface improvement made or constructed by or on behalf of the GRANTOR, its heirs, successors in interest or assigns.

The true and actual consideration paid for this transfer consists of **Three Thousand Eight Hundred Twenty-One and No/100 Dollars (\$3,821.00)** or includes other property or other value given or promised, the receipt of which is acknowledge by the GRANTOR.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances, except encumbrances, easements, restrictions and rights-of-way of record and those common and apparent on the land, and that GRANTOR, GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

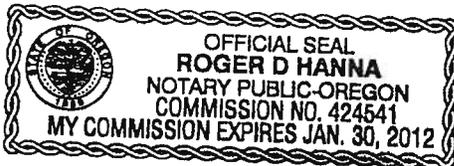
EXECUTED this 11th day of February, 2010

Grimm Brothers, LLC

Jeffrey D. Grimm
Jeffrey D. Grimm, Member

STATE OF OREGON)
) ss
County of Washington)

On this 11th day of February, 2010, before me, the undersigned, a Notary Public, personally appeared Jeffrey D. Grimm who is known to be a Member of Grimm Brothers, LLC, and acknowledged the foregoing instrument to be his voluntary act and deed.



Before me: *Roger D. Hanna*
Notary Public for Oregon

My commission expires: Jan. 30, 2012

CITY OF TUALATIN, OREGON

By _____
Mayor

ATTEST:

By _____
City Recorder

RESOLUTION NO. 586-10

RESOLUTION AUTHORIZING CORRECTED DOCUMENTS FOR RIGHT-OF-WAY AND EASEMENTS ASSOCIATED WITH THE SW LEVETON DRIVE EXTENSION PROJECT (3 – GRIMM BROTHERS, LLC)

BE IT RESOLVED BY THE TUALATIN DEVELOPMENT COMMISSION, THE URBAN RENEWAL AGENCY OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The following corrected documents pertain to Right-of-Way and Easements associated with the SW Leveton Drive Extension Project:

- a. Deed of Dedication from:
 - i. 3 – Grimm Brothers, LLC
- b. Slope/Public Utility Easement from:
 - i. 3 – Grimm Brothers, LLC

Section 2. The corrected documents do not require any additional compensation. The original compensation amounts approved by Resolution No. 581-09 remain applicable.

INTRODUCED AND ADOPTED this 22nd day of March, 2010.

TUALATIN DEVELOPMENT COMMISSION,
the urban renewal agency of the City of
Tualatin, Oregon

BY


Chairman

ATTEST:

BY

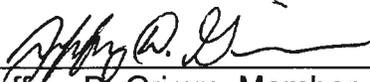

Administrator

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

EXECUTED this 11th day of February, 2010

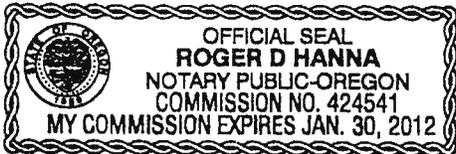
Grimm Brothers, LLC



Jeffrey D. Grimm, Member

STATE OF OREGON)
) ss
County of Washington)

On this 11th day of February, 2010, before me, the undersigned, a Notary Public, personally appeared Jeffrey D. Grimm who is known to be a Member of Grimm Brothers, LLC, and acknowledged the foregoing instrument to be his voluntary act and deed.



Before me: 
Notary Public for Oregon

My commission expires: Jan. 30, 2012

CITY OF TUALATIN, OREGON

By _____
Mayor

ATTEST:

By _____
City Recorder