



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 - 3)

Page #

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." At that time, any member of the audience may comment on any item pulled 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 Minutes for the Work Session and Meeting of May 11, 2009
2. Resolution No. 573-09 Authorizing Commencement of Negotiations to Acquire
Rights-of-Way, Easements, Tracts, and Directing the
Commission's Attorneys to Acquire Certain Property by
Condemnation for the SW Leveton Drive Extension –
SW 130th Avenue and SW 128th Avenue Project
3. Change Order No. 2 to the Contract Documents for Construction of
The SW Herman Road Project

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



Approved by Tualatin
Development Commission
Date May 26, 2009
Recording Sec. J. Kerby

STAFF REPORT

TUALATIN DEVELOPMENT COMMISSION

TO: Honorable Chairman and Members of the Commission

FROM: Sherilyn Lombos, Administrator *SL*

DATE: May 26, 2009

SUBJECT: APPROVAL OF THE MINUTES FOR THE WORK SESSION AND MEETING OF MAY 11, 2009

ISSUE BEFORE THE COMMISSION:

The issue before the Commission is to approve the minutes for the Tualatin Development Commission Work Session and Meeting of May 11, 2009.

RECOMMENDATION:

Staff respectfully recommends that the Commission adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: Minutes

TUALATIN DEVELOPMENT COMMISSION

18880 S.W. MARTINAZZI AVENUE
TUALATIN, OREGON 97062-0369

503 / 692-2000



Approved by Tualatin
Development Commission
May 26, 2009
gKirby

TUALATIN DEVELOPMENT COMMISSION WORK SESSION MINUTES OF MAY 11, 2009

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

ABSENT: None.

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

A. CALL TO ORDER

Chairman Ogden called the work session to order at 7:02 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

None.

C. CITIZEN COMMENTS – N/A

D. CONSENT AGENDA

The Commission reviewed the consent agenda with no changes recommended.

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 meeting adjourned at 7:02 p.m.

Sherilyn Lombos, Administrator

Recording Secretary

TUALATIN DEVELOPMENT COMMISSION

18880 S.W. MARTINAZZI AVENUE
TUALATIN, OREGON 97062-0369

503 / 692-2000



Approved by Tualatin
Development Commission
Date: May 26, 2009
Recording Sec: gKirby

TUALATIN DEVELOPMENT COMMISSION MEETING MINUTES OF MAY 11, 2009

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; Doug Rux, Community Development Director; Brenda Braden, City Attorney; Aquilla Hurd-Ravich, Senior Planner; 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 8:51 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

None.

C. CITIZEN COMMENTS

None.

D. CONSENT AGENDA

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

1. Approval of Minutes for the Work Session and Meeting of April 27, 2009
2. Resolution No. 572-09 Approving SW Seneca Street Sanitary Sewer Extension Project Agreement – City of Tualatin and the Tualatin Development Commission

MOTION CARRIED.

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

None.

J. EXECUTIVE SESSION

None.

K. ADJOURNMENT

MOTION by Commissioner Beikman, SECONDED by Commissioner Maddux to adjourn the meeting at 8:53 p.m. MOTION CARRIED.

Sherilyn Lombos, Administrator

Recording Secretary


Maureen Smith



Approved by Tualatin
Development Commission
Date May 26, 2009
Recording Sec g. Kerby

STAFF REPORT

TUALATIN DEVELOPMENT COMMISSION

TO: Honorable Chairman and Members of the Commission

THROUGH: Sherilyn Lombos, Administrator *[Signature]*

FROM: Doug Rux, Community Development Director *[Signature]*
Eric Underwood, Development Coordinator *[Signature]*

DATE: May 26, 2009

SUBJECT: RESOLUTION AUTHORIZING COMMENCEMENT OF NEGOTIATIONS TO ACQUIRE RIGHTS-OF-WAY, EASEMENTS, TRACTS AND DIRECTING THE COMMISSION'S ATTORNEYS TO ACQUIRE CERTAIN PROPERTY BY CONDEMNATION FOR THE SW LEVETON DRIVE EXTENSION - SW 130TH AVENUE AND SW 128TH AVENUE PROJECT

ISSUE BEFORE THE COMMISSION:

Whether the Tualatin Development Commission should adopt a resolution authorizing commencement of negotiations to acquire rights-of-way and 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 08/09 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 1 Vicinity Map).
- As part of the project, rights-of-way acquisition and utility, slope, construction and temporary easements, and tracts have been identified.

STAFF REPORT: Commencement of Negotiations to Acquire Rights-of-Way and Easements

May 26, 2009

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- The rights-of-way and easements are necessary from the following properties:
 - L&T Properties; LLC, Tigard-Tualatin School District, Jeffrey, Mark and Daniel Grimm; Grimm's Fuel Company.
- This project will construct SW 128th Avenue, SW 130th Avenue and an extension of SW Leveton Drive. 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.
- The primary purpose of constructing the roadway is to better facilitate freight mobility and industrial traffic flow within the District and to achieve optimal connectivity.
- Before proceeding with the next stage of this project, the Commission needs to authorize the resolution to allow commencement of negotiations to acquire rights-of-way and easements.
- There are no criteria to apply to this request.

OUTCOMES OF DECISION:

Approval of the request to authorize commencement of negotiations to acquire rights-of-way and easements will result in the following:

1. Allow the Commission to begin negotiations with property owners and obtain through eminent domain, if necessary, 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 commencement of negotiations to acquire rights-of-way and easements will result in the following:

1. The project will be delayed or be placed on hold.

ALTERNATIVES TO RECOMMENDATION:

Alternatives evaluated to authorizing commencement of negotiations to acquire rights-of-way and easements are as follows:

1. Delay commencement of negotiations.
2. Put project on hold.

FINANCIAL IMPLICATIONS:

The 08/09 Leveton Tax Increment District Project Fund is budgeted at \$3,650,000 for designing the SW Leveton Drive extension project and beginning right-of-way acquisition. The 09/10 LTID Project Fund is budgeted at \$3,400,000 for obtaining project permits and construction.

STAFF REPORT: Commencement of Negotiations to Acquire Rights-of-Way and Easements

May 26, 2009

Page 3 of 3

PUBLIC INVOLVEMENT:

Public involvement is not required as part of this action.

Attachments:

A. Vicinity Map

B. Resolution with Exhibits



Attachment 1



RF 1:4,500

Leveton Tax Increment District



This map is derived from various digital database sources. The City of Tualsis, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided as a service by the Engineering and Building Dept. Project 18178007

RESOLUTION NO. 573-09

RESOLUTION AUTHORIZING COMMENCEMENT OF NEGOTIATIONS TO ACQUIRE RIGHTS-OF-WAY, EASEMENTS, TRACTS AND DIRECTING THE COMMISSION'S ATTORNEYS TO ACQUIRE CERTAIN PROPERTY BY CONDEMNATION FOR THE SW LEVETON DRIVE EXTENSION- SW 128TH AVENUE AND SW 130TH AVENUE PROJECT

WHEREAS the Tualatin Development Commission ("Commission") staff held multiple discussions with property owners regarding the proposed roadway project; and

WHEREAS rights-of-way, easements and tracts are necessary in order to construct planned improvements; and

WHEREAS Commission has funding in the Leveton Tax Increment District Project Fund for FY 08/09 to design the roadway improvements and acquire rights-of-way and easements for the SW Leveton Drive Extension – SW 128th Avenue and SW 130th Avenue project; and

WHEREAS it appears to the Commission that acquisition of rights-of-way, easements and tracts over the properties described in Exhibits A-D are necessary and in the public interest in order to construct the roadway improvements; and

WHEREAS the Commission finds it necessary to authorize commencement of negotiations to acquire the properties described in Exhibits A-D to carry out the provisions of the Leveton Tax Increment District Plan, Tualatin Development Code, and constructing this project; and

WHEREAS under Oregon Revised Statutes 457.170, an urban renewal agency may plan or undertake any urban renewal project to carry out an approved urban renewal plan; and

WHEREAS under Oregon Revised Statutes 457.170(3), the Commission is authorized and empowered to acquire real property, by condemnation if necessary, when needed to carry out an urban renewal plan within the limits of the urban renewal plan area in the judgment of the Commission; and

WHEREAS for the purposes of providing transportation and pedestrian improvements to implement the Leveton Tax Increment District Plan, as adopted by the Tualatin Development Commission as Resolution No. 96085 (as amended) and the City of Tualatin as Ordinance No. 674-85, for the health, safety, benefit and general welfare of the public; and

WHEREAS the Commission on May 26, 2009 declared the necessity of acquiring the rights-of-way, easements and tracts over the properties described in Exhibits A-D and authorized negotiations for these properties.

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

Section 1. The Commission finds that it is necessary and in the public interest for the purposes of transportation improvements identified in the Leveton Tax Increment District Plan to construct the SW Leveton Drive Extension – SW 128th Avenue and SW 130th Avenue project within the City and that the interests in real property, described in Exhibits A-D, be acquired by negotiation. The proposed improvements have been planned and located in a manner that will be most compatible with the greatest public good and the least private injury.

Section 2. The property acquired permanently by the Commission for construction of the roadway project on behalf of the City of Tualatin shall be rights-of-way, easements, and tracts for the construction, reconstruction, operation, and maintenance of the roadway.

Section 3. The City Attorney is directed to negotiate on behalf of the Commission with the property owner or owners for the acquisition of such property or to cause such negotiation to occur. The City Attorney shall follow applicable provisions of the State of Oregon, Department of Transportation, Right-of-Way Manual, as amended, in determining the value of properties being acquired and negotiating the acquisition.

Section 4. The Tualatin Development Commission finds and declares that it needs the real property and interests in those properties, more particularly set forth and described in Exhibits A-D, which are attached and incorporated by this reference to carry out implementation of the Leveton Tax Increment District Plan.

Section 5. The improvements to SW Leveton Drive Extension – SW 128th Avenue and SW 130th Avenue for which the real property and interests described in Exhibits A-D are required and are being taken as necessary for the public interest and necessary to carry out the Leveton Tax Increment District Plan has been planned, designed, located and will be constructed in a manner that will be most compatible with the greatest public benefit and least private injury or damage.

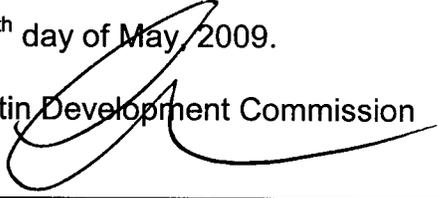
Section 6. The Tualatin Development Commission and its attorneys are authorized to attempt to agree with the owners and other persons in interest in real property described in Exhibits A-D as to the compensation to be paid for the appropriation of the properties. If no satisfactory agreement can be reached, then the attorneys for the Tualatin Development Commission are directed to commence and prosecute to final determination after such proceedings as may be necessary to acquire the real property including condemnation, and interest in the property may be taken immediately.

Section 7. Upon the trial of any suit or action instituted to acquire the real property or any interests in property, the attorneys acting on behalf of the Tualatin Development Commission in the property are authorized to make such stipulation; agreement or admission as in their judgment may be for the best interest of the Tualatin Development Commission.

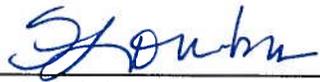
Section 8. In order to protect the health, safety and welfare of the public, an emergency exists, and it is necessary that no undue delay be encountered in obtaining access to and possession of the real properties and interests in the real properties described in Exhibits A-D to establish and implement the transportation and pedestrian improvements. Therefore, this resolution shall be in force and effect upon its passage by the Tualatin Development Commission.

INTRODUCED AND ADOPTED this 26th day of May, 2009.

Tualatin Development Commission

By  _____
Chairman

ATTEST:

By  _____
Administrator

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

EXHIBIT A

Tualatin Development Commission
SW Leveton Drive Extension Project
January 2, 2009
Revised January 14, 2009

Rodney G. Grimm, Jeffery D. Grimm, Mark
D. Grimm, and Daniel F. Grimm
Assessor No. 2S 1 21A 002202
Doc. No. 89-25318

Parcel 1 – Right-of-Way Dedication

A portion of that property conveyed to Rodney G. Grimm, Jeffery D. Grimm, Mark D. Grimm, and Daniel F. Grimm by Warranty Deed recorded as Document No. 89-25318, 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:

BEGINNING at a point on the south line of said Grimm property that bears N88°58'37"W 678.90 feet and N01°28'26"E 529.58 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 a line parallel with and 62.00 feet west, when measured at right angles, of the east line of said Grimm property, 216.69 feet to an angle point; thence N43°45'09"W 35.49 feet to a point lying 30.00 feet south, when measured at right angles, of the north line of said Grimm property, said point being the westerly end of the line separating Parcels 1 and 2; thence S88°58'44"E along said line 87.20 feet to the east line of said Grimm property; thence S01°28'26"W along said east line 241.91 feet to the southeast corner of said Grimm property; thence N88°58'37"W along the south line of said Grimm property 62.00 feet to the **POINT OF BEGINNING**.

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

Parcel 1 applies contains 0.35 acre (15,315 square feet), more or less.

EXHIBIT A

Tualatin Development Commission
SW Leveton Drive Extension Project
January 2, 2009
Revised January 14, 2009

Rodney G. Grimm, Jeffery D. Grimm, Mark
D. Grimm, and Daniel F. Grimm
Assessor No. 2S 1 21A 002202
Doc. No. 89-25318

Parcel 2 – Right-of-Way Dedication

All that portion of said Grimm property lying north of the following described line:

BEGINNING at the easterly end of the line separating Parcels 1 and 2, as described in Parcel 1; thence N88°58'44"W along said separation line and its westerly extension 358.94 feet (passing Point "A" at 347.70 feet) to the point of curvature of a 305.00 foot radius curve to the left; thence along said curve, through a central angle of 19°54'48" (which chord bears S81°03'52"W 105.47 feet), an arc distance of 106.00 feet to the point of reverse curvature of a 365.00 foot radius curve to the right; thence along said curve, through a central angle of 19°54'48" (which chord bears S81°03'52"W 126.22 feet), an arc distance of 126.86 feet to the point of tangency, said point lying on the most westerly north line of said Grimm property; thence N88°58'44"W along said north line and its westerly extension 142.55 feet to the terminus of the line being described.

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

Parcel 2 applies contains 0.38 acre (16,482 square feet), more or less.

EXHIBIT A

Tualatin Development Commission
SW Leveton Drive Extension Project
January 2, 2009
Revised January 14, 2009

Rodney G. Grimm, Jeffery D. Grimm, Mark
D. Grimm, and Daniel F. Grimm
Assessor No. 2S 1 21A 002202
Doc. No. 89-25318

Parcel 3 – Permanent Slope and Utility Easement

A portion of that property conveyed to Rodney G. Grimm, Jeffery D. Grimm, Mark D. Grimm, and Daniel F. Grimm by Warranty Deed recorded as Document No. 89-25318, 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 property lying easterly and northeasterly of a line parallel with and 6.00 feet left, when measured at right angles, of the west line of Parcel 1, and lying south of a line parallel with and 6.00 feet south, when measured at right angles, of the line described in Parcel 1 separating Parcels 1 and 2.

EXCEPT THEREFROM Parcel 1.

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

Parcel 3 contains 0.03 acre (1,466 square feet), more or less.

Parcel 4 – Permanent Slope and Utility Easement

All that portion of said Grimm property lying northerly of a line parallel with and 6.00 feet south, when measured at right angles, of the line described in Parcel 2.

EXCEPT THEREFROM Parcels 1 and 2.

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

Parcel 4 contains 0.06 acre (2,515 square feet), more or less.

EXHIBIT A

Tualatin Development Commission
SW Leveton Drive Extension Project
January 2, 2009
Revised January 14, 2009

Rodney G. Grimm, Jeffery D. Grimm, Mark
D. Grimm, and Daniel F. Grimm
Assessor No. 2S 1 21A 002202
Doc. No. 89-25318

Parcel 5 – Temporary Construction Easement

A portion of that property conveyed to Rodney G. Grimm, Jeffery D. Grimm, Mark D. Grimm, and Daniel F. Grimm by Warranty Deed recorded as Document No. 89-25318, 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:

The east 82.00 feet of said Grimm property, EXCEPT THEREFROM Parcels 1 and 3.

Parcel 5 applies contains 0.07 acre (3,097 square feet), more or less.

Parcel 6 – Temporary Construction Easement

That portion of said Grimm property described as follows:

BEGINNING at the northwest corner of said Grimm property; thence S01°42'26"W along the west line thereof 75.45 feet; thence, leaving said west line, S88°17'34"E 10.63 feet; thence N49°00'44"E 69.65 feet; thence N01°01'16"E 8.95 feet to a point lying 20.00 feet left, when measured at right angles, of the line described in Parcel 2; thence proceeding easterly, parallel with and 20.00 feet left of said line described in Parcel 2 to a point lying 20.00 feet left of Point "A", as described in Parcel 2; thence northerly at right angles 20.00 feet to Point "A"; thence proceeding westerly along said line described in Parcel 2 to the northwest corner of said Grimm property and the **POINT OF BEGINNING**, EXCEPTING THEREFROM Parcel 4.

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

Parcel 6 contains 0.17 acre (7,192 square feet), more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John V. Thatcher

OREGON
JULY 19, 1994
JOHN V. THATCHER
2681

RENEWS: 7/01/10
SIGNED: 1-15-09

EXHIBIT A

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

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

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

Parcel 2 – 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 2 contains 0.22 acre (9,476 square feet), more or less.

Parcel 3 – 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 and 2.

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 east line of Parcel 2, 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.

EXHIBIT A

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

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

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°42'26"W along the west line of said tract 75.45 feet; thence, leaving said west line, N88°17'34"W 36.00 feet; thence N01°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°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 (Hwy 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 2.

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

Parcel 3 contains 0.60 acre (25,976 square feet), more or less.

Parcel 4 – 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 4, 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 4 contains 1.22 acres (53,025 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

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

Tract "A" – Proposed Acquisition

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.

Tract "A" contains 0.34 acre (14,617 square feet), more or less.



RENEWALS: 7/01/10
SIGNED: 1-27-09

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

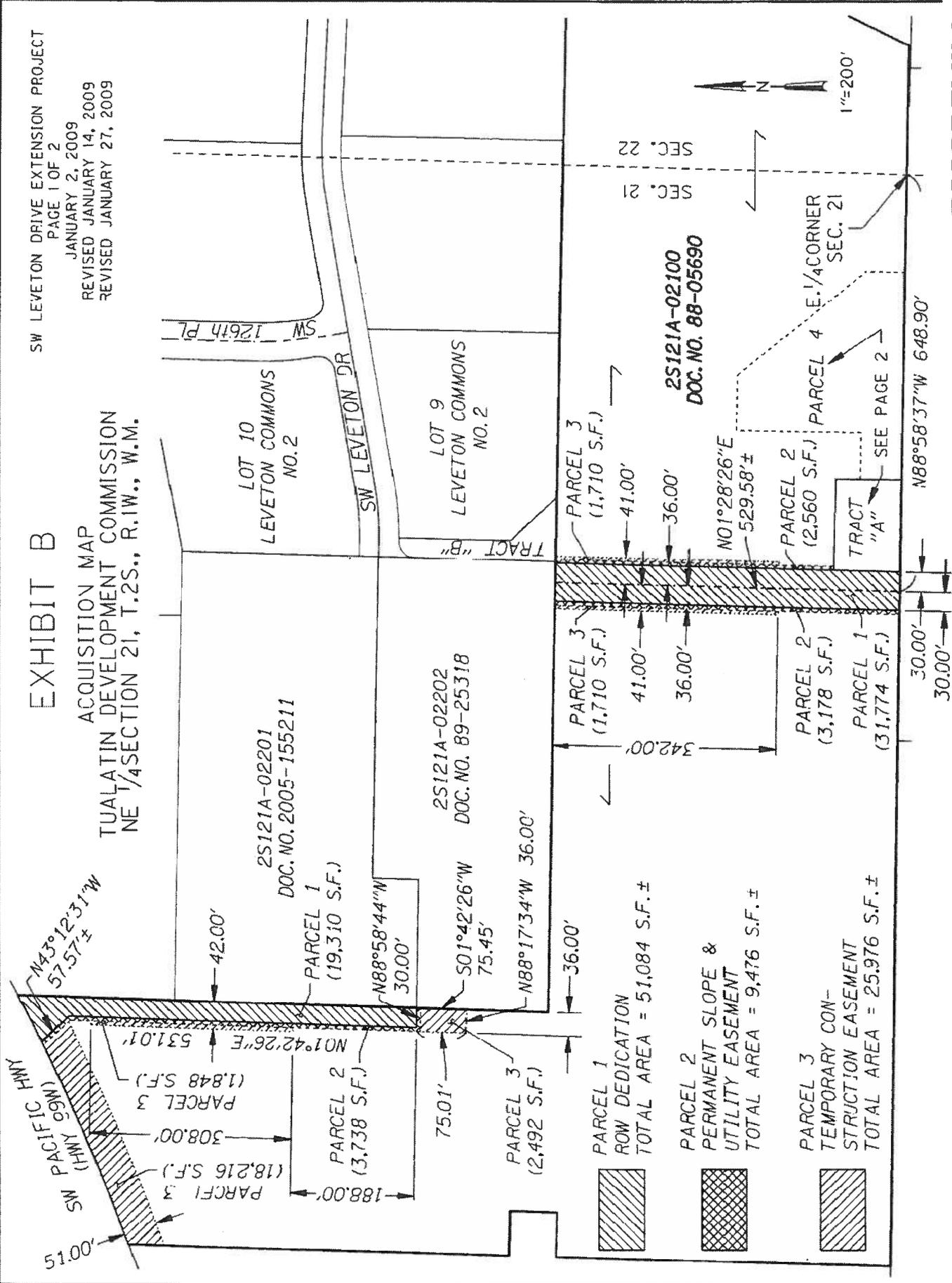


EXHIBIT A

Tualatin Development Commission
SW Leveton Drive Extension Project
December 3, 2008
Revised January 21, 2009

Tigard-Tualatin School District 23J
Assessor No. 2S 1 21A 002200
Doc. No. 2008-081873

Parcel 1 – Right-of-Way Dedication

A portion of that property conveyed to Tigard-Tualatin School District 23J by Statutory Warranty Deed recorded as Document No. 2008-081873, 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 all that portion of said Tigard-Tualatin School District 23J property lying west of the following described line:

Beginning at a point on the south line of said Tigard-Tualatin School District 23J property that lies 30.00 feet east, when measured at right angles, of the west line thereof; thence $N01^{\circ}42'26''E$, parallel with said west line, 227.11 feet to an angle point; thence $N31^{\circ}12'05''E$ 49.45 feet, more or less, to the south right-of-way line of SW Pacific Highway and the terminus of the line being described.

The area of land to which this description applies contains 0.18 acre (7,783 square feet), more or less.

Parcel 2 – Permanent Slope and Utility Easement

All that portion of said Tigard-Tualatin School District 23J property lying west of a line parallel with and 6.00 feet east, when measured at right angles, of the line described in Parcel 1, EXCEPT THEREFROM Parcel 1.

The area of land to which this description applies contains 0.04 acre (1,681 square feet), more or less.

EXHIBIT A

Tualatin Development Commission
SW Leveton Drive Extension Project
December 3, 2008
Revised January 21, 2009

Tigard-Tualatin School District 23J
Assessor No. 2S 1 21A 002200
Doc. No. 2008-081873

Parcel 3 – Temporary Construction Easement

The south 187.00 feet of the west 41.00 feet of said Tigard-Tualatin School District 23J property, EXCEPT THEREFROM the above described Parcels 1 and 2.

The area of land to which this description applies contains 0.02 acre (935 square feet), more or less.

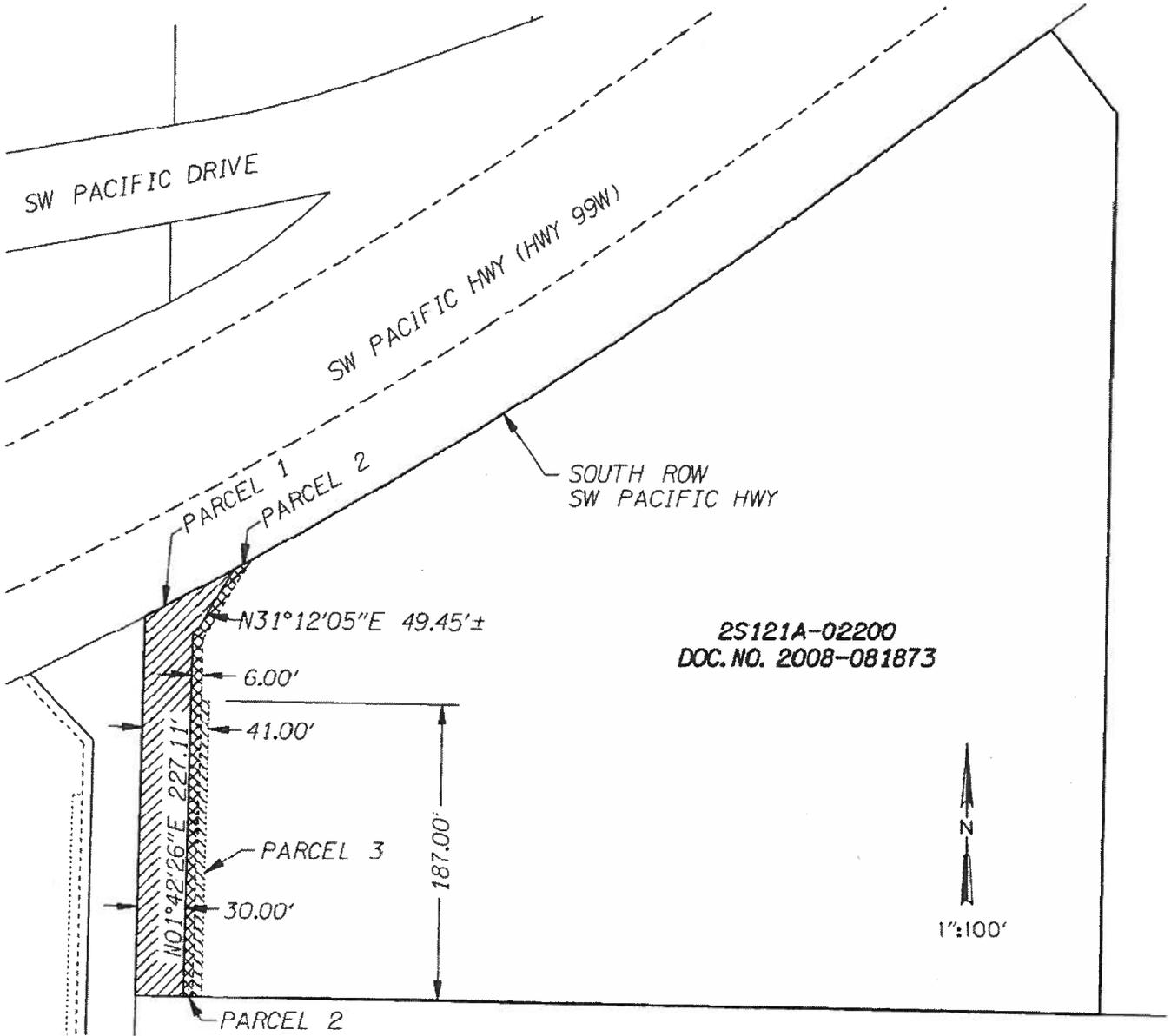
REGISTERED
PROFESSIONAL
LAND SURVEYOR

John V. Thatcher

ORIGION
JULY 19, 1994
JOHN V. THATCHER
2681

RENEWS: 7/01/10
SIGNED: 1-21-09

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



2S121A-02200
 DOC. NO. 2008-081873

 PARCEL 1
 ROW DEDICATION
 AREA = 7,783 S.F. ±

 PARCEL 3
 TEMPORARY CONSTRUCTION EASEMENT
 AREA = 935 S.F. ±

 PARCEL 2
 PERMANENT SLOPE & UTILITY EASEMENT
 AREA = 1,681 S.F. ±

SW LEVETON DRIVE EXTENSION PROJECT
 PAGE 1 OF 1
 DECEMBER 3, 2008
 REVISED JANUARY 21, 2009

EXHIBIT A

Tualatin Development Commission
SW Leveton Drive Extension Project
December 3, 2008
Revised January 14, 2009

L&T Properties, LLC
Assessor No. 2S 1 21A 002201
Doc. No. 2005-155211

Parcel 1 – Right-of-Way Dedication

A portion of that property conveyed to L&T Properties, LLC by Warranty Deed recorded as Document No. 2005-155211, 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 L&T Properties, LLC property lying south and west of the following described line:

BEGINNING at a 5/8-inch iron rod with a yellow plastic cap stamped “Westlake Consultants” marking the southwest corner of Lot 10, “Leveton Commons No. 2”, a duly recorded plat in the Washington County Plat Records; thence N88°58’44”W 359.41 feet to Point “A”, the point of curvature of a 365.00 foot radius curve to the left; thence along said curve, through a central angle of 19°54’48” (which chord bears S81°03’52”W 126.22 feet), an arc distance of 126.86 feet to the point of reverse curvature of a 305.00 foot radius curve to the right; thence along said curve, through a central angle of 19°54’48” (which chord bears S81°03’52”W 105.47 feet), an arc distance of 106.00 feet to the point of tangency; thence N88°58’44”W 56.53 feet to an angle point; thence N43°38’09”W 35.57 feet to an angle point and the east line of that easement described in Document No. 88-009424, Washington County Deed Records; thence N01°42’26”E along said east line 124.60 feet, thence, leaving said easement line, S88°17’34”E 3.00 feet; thence N01°42’26”E 160.25 feet, more or less, to the north line of said L&T Properties, LLC property and the terminus of the line being described.

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

The area of land to which this description applies contains 0.83 acre (36,184 square feet), more or less.

Parcel 2 – Permanent Slope and Utility Easement

All that portion of said L&T Properties, LLC property lying south and west of a line parallel with and 6.00 feet right, when measured at right angles, of the line described in Parcel 1.

EXCEPT THEREFROM Parcel 1.

The area of land to which this description applies contains 0.13 acre (5,804 square feet), more or less.

EXHIBIT A

Tualatin Development Commission
SW Leveton Drive Extension Project
December 3, 2008
Revised January 14, 2009

L&T Properties, LLC
Assessor No. 2S 1 21A 002201
Doc. No. 2005-155211

Parcel 3 – Temporary Construction Easement

All that portion of said L&T Properties, LLC property lying southerly of the following described line:

BEGINNING at a point on the east line of said L&T Properties, LLC property that lies 12.00 feet right, when measured at right angles, of the line described in Parcel 1; thence proceeding westerly, parallel with said line described in Parcel 1, to a point lying 12.00 feet right, when measured at right angles, of Point "A" as described in Parcel 1; thence proceeding northerly at right angles to a point lying 33.00 feet right, when measured at right angles, of said Point "A"; thence 138.33 feet along the arc of a 398.00 foot radius tangent curve to the left, which curve has a central angle of 19°54'48" and a chord that bears S81°03'52"W 137.63 feet, to the point of reverse curvature of a 272.00 foot radius curve to the right; thence 94.53 feet along the arc of said curve, which curve has a central angle of 19°54'48" and a chord that bears S81°03'52"W 94.06 feet, to the terminus of the line being described.

EXCEPT THEREFROM Parcels 1 and 2.

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

The area of land to which this description applies contains 0.19 acre (8,444 square feet), more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John V. Thatcher

OREGON
JULY 19, 1994
JOHN V. THATCHER
2681

RENEWES: 7/01/10
SIGNED: 1-15-09

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

SOUTH ROW
SW PACIFIC HWY



2S121A-02201
DOC. NO. 2005-155211

C2
 $R = 305.00'$
 $\Delta = 19^\circ 54' 48''$
 $L = 106.00'$
 $CH = 105.47'$
 $BRG = S81^\circ 03' 52'' W$

C1
 $R = 365.00'$
 $\Delta = 19^\circ 54' 48''$
 $L = 126.86'$
 $CH = 126.22'$
 $BRG = S81^\circ 03' 52'' W$

N01°42'26"E
124.60'

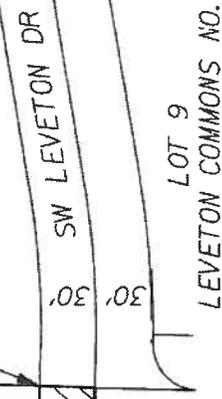
S88°17'34"E
3.00'

N43°38'09"W
35.57'

N88°58'44"W
56.53'

N88°58'44"W 359.41'

POINT "A"



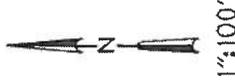
PARCEL 1
 ROW DEDICATION
 AREA = 36,184 S.F. ±



EXHIBIT B

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

SOUTH ROW
SW PACIFIC HWY



2S121A-02200

2S121A-02201
DOC. NO. 2005-155211

C2
R = 272.00'
 $\Delta = 19^{\circ}54'48''$
L = 94.53'
CH = 94.06"
BRG = S81°03'52"W

C1
R = 398.00'
 $\Delta = 19^{\circ}54'48''$
L = 138.33'
CH = 137.63"
BRG = S81°03'52"W

LOT 10
LEVETON COMMONS NO. 2

SW CORNER LOT 10
LEVETON COMMONS NO. 2
SW LEVETON DR
LOT 9
LEVETON COMMONS NO. 2

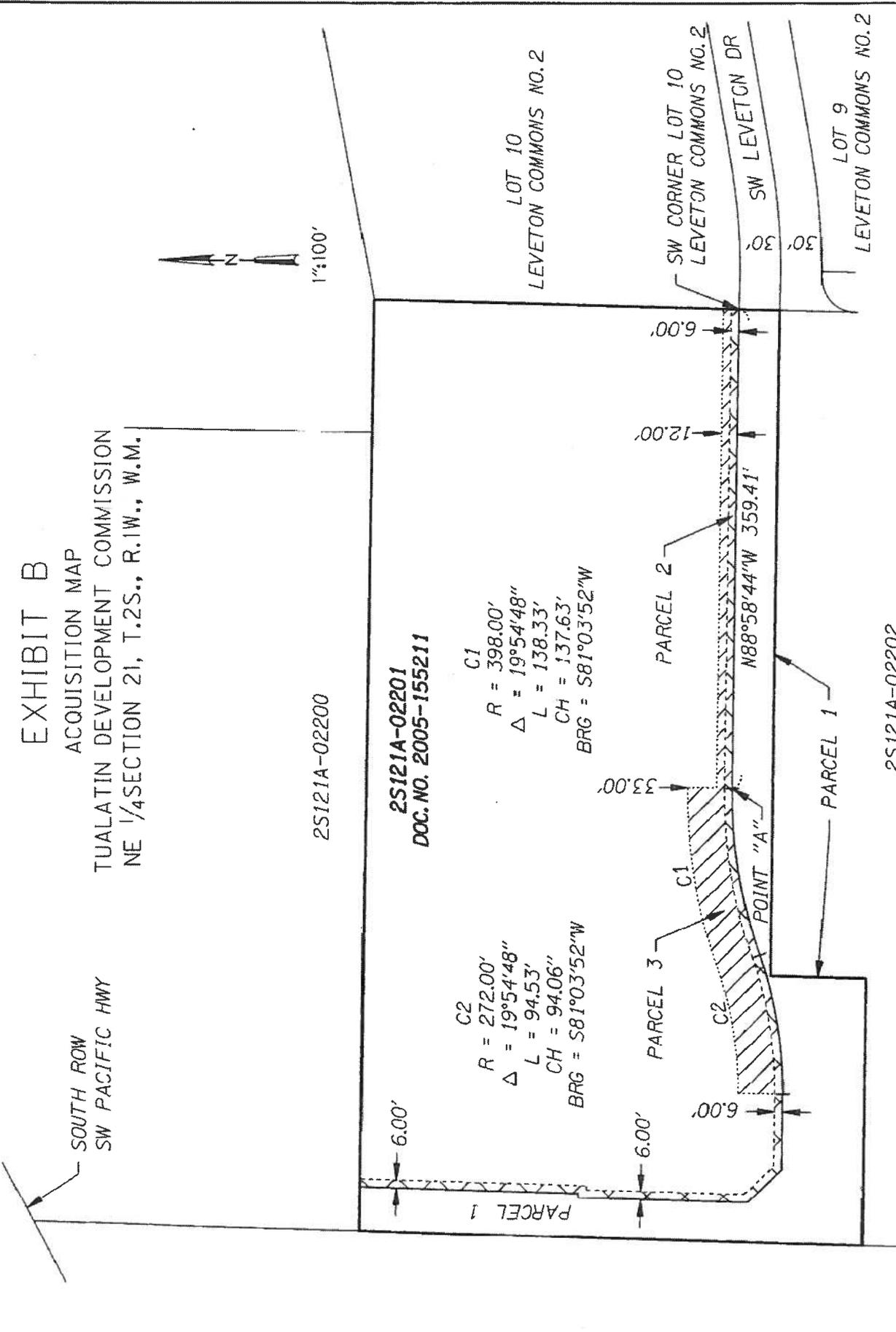
2S121A-02202

PARCEL 2
PERMANENT SLOPE
& UTILITY EASEMENT
AREA = 5,804 S.F. ±

PARCEL 3
TEMPORARY CONSTRUCTION EASEMENT
AREA = 8,444 S.F. ±

SW LEVETON DRIVE EXTENSION PROJECT
PAGE 2 OF 2
DECEMBER 3, 2008
REVISED JANUARY 14, 2009

CH2MHILL





Approved by Tualatin
Development Commission
Date May 26, 2009
Recording Sec g. Kyrby

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: May 26, 2009

SUBJECT: CHANGE ORDER NO. 2 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. 2 for construction of the SW Herman Road project (Attachment A).

RECOMMENDATION:

Staff recommends that the Commission approve the attached change order and that the Chairman and Administrator be authorized to execute said Change Order No. 2.

EXECUTIVE SUMMARY:

- This action is not a public hearing.
- This change order covers changes associated with manhole connections and curb work. Work relating to this change is as follows:
 - Additional manhole connections at stations 67+40 and 69+10.
 - Concrete curb removal in front of the Operations Department building.
- Before proceeding with the next stage of this project, the Commission needs to approve Change Order No. 2 for the project.
- The expectation for project completion is by the end of October 2009.
- The Commission approved Change Order No. 1 in the amount of \$3,605.29 on April 27, 2009 for this project.
- There are no criteria to apply to this request.

OUTCOMES OF DECISION:

Approval of Change Order No. 2 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 Change Order No. 2 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 manhole connections and curb removal changes.

ALTERNATIVES TO RECOMMENDATION:

Alternatives evaluated to approval of Change Order No. 2 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:

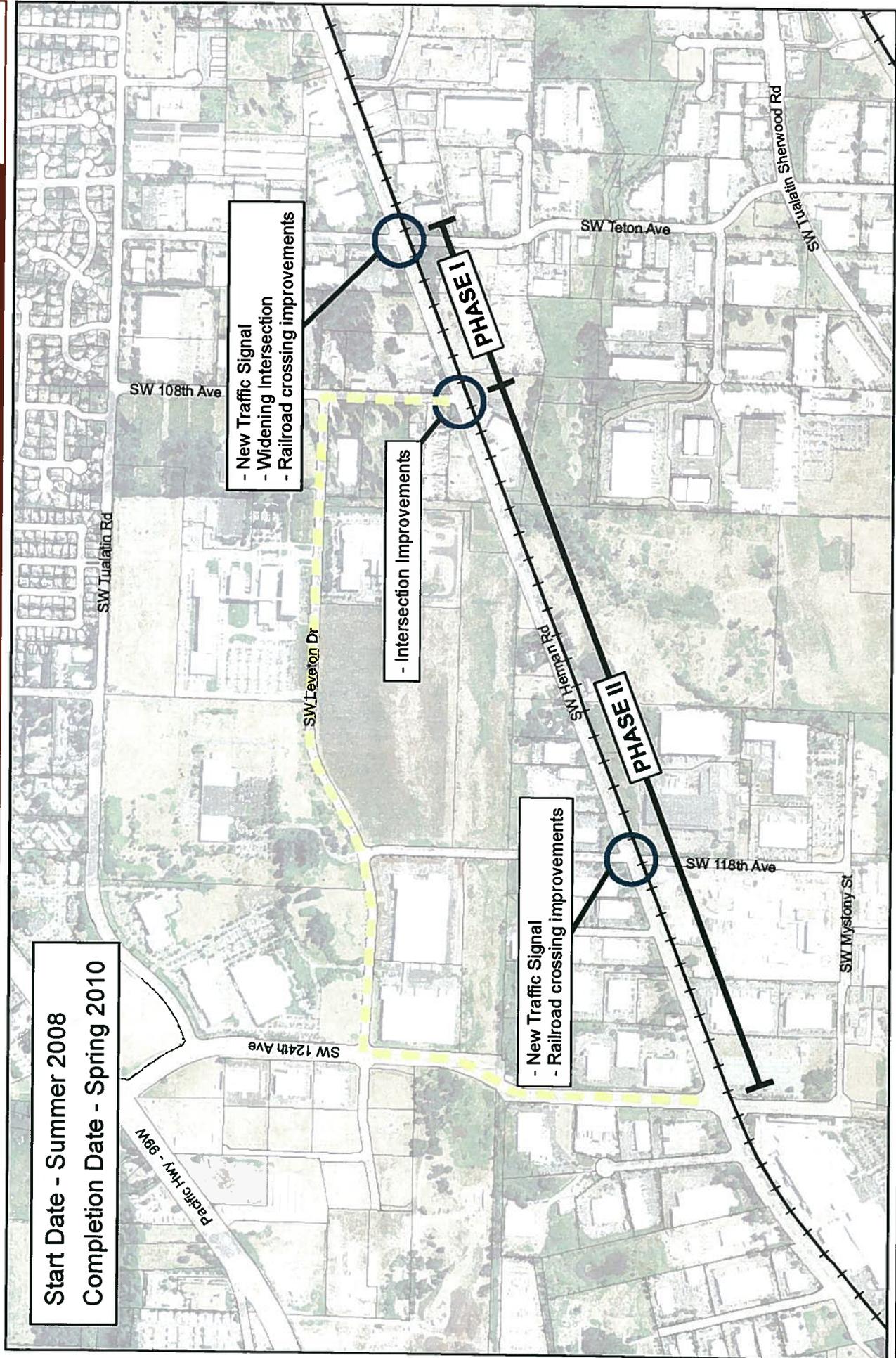
Change Order No. 2 results in a cost impact to the Commission of \$1,137.12. The current project cost is \$4,388,734.79, which is 100.1% of the original bid cost. This is within budget for this project.

PUBLIC INVOLVEMENT:

Public involvement is not required as part of this action.

- Attachments:**
- A. Map of SW Herman Road project area
 - B. Change Order No. 2

Herman Road Improvement Project



Start Date - Summer 2008
 Completion Date - Spring 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.



RF 1:10,000

Construction Detour Route

This map is derived from our digital database sources. While an attempt has been made to provide accuracy, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is Printed 04/19/2009 Engineering and Planning Dept.

CHANGE ORDER NO. 2

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

This Change Order No. 2 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 manhole connection at stations 69+10 and 67+40. It is agreed that the Owner will be charged \$787.12 by the Contractor for the following additional manhole connections incorporated into the project:

ITEM NO.	ITEM DESCRIPTION	UNIT OF MEASURE	UNIT PRICE
1	New manhole had to be cored in the field and rechanneled. Manhole had to be modified to fit new pipe.	LS	\$393.56
2	New manhole had to be cored in the field and rechanneled. Manhole had to be modified to fit new 10" storm pipe.	LS	\$393.56

2. For additional work pertaining to removal of driveway curb due to improper staking. It is agreed that the Owner will be charged \$350.00 by the Contractor for the following additional curb removal work incorporated into the project.

ITEM NO.	ITEM DESCRIPTION	UNIT OF MEASURE	UNIT PRICE
1	The driveway cut in front of the Operations Department building at 108 th Avenue was staked in the wrong location. The cost is for two laborers and equipment to cut, remove and load the curb and finish grade the area.	LS	\$350.00

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 26th day of May 2009.

Moore Excavation, Inc.

By

 Andy Stewart

Date

5/13/09

TUALATIN DEVELOPMENT COMMISSION

By



Chairman

ATTEST:



Administrator