

SEP 22 2015

COMMUNITY DEVELOPMENT
PLANNING DIVISION



CITY OF TUALATIN
1888o SW Martinazzi Ave
Tualatin, OR 97062-7092
Phone: (503) 692-2000
Fax: (503) 692-0147

DEVELOPMENT APPLICATION
SUBDIVISION/PARTITION/
PROPERTY LINE ADJUSTMENT

Application for: ^{Modification} Subdivision Partition Property Line Adjustment

Project Address: Franklin Business Park, Lot 4 Acres 9.42 Planning District: MG

Project Tax Map Number: 2S127BA-00100 Tax Lot Number(s): R2101808 Code area 88.15

Property Owner(s): Franklin Business Park, LLC

Property Owner's Address: 1202 NW 17th Avenue, Portland, OR 97209

Owner's Phone Number: 503-972-8442 Fax Number: 503-295-6467

Owner's Email Address: mbd@drakemc.com

Owner's Signature: *Matthew Orsh* Date: 09/15/2015

Owner's Signature: _____ Date: _____

Owner's Signature: _____

Applicant's Name: MBD Development, LLC manager of FBP, LLC

Applicant's Address: 1202 SW 17th Avenue, Portland, OR 97209

Applicant's Phone Number: 503-972-8442 Fax Number: 503-295-6467

Applicant's Email Address: mbd@drakemc.com

Applicant's Signature: *Matthew Orsh* Date: 9/15/2015

Consultant's Name: _____

Consultant's Company: _____

Consultant's Address: _____

Consultant's Phone Number: _____ Fax Number: _____

Consultant's Email Address: _____

Direct Communication to: Owner Applicant Consultant

Existing Use: vacant Proposed Use: Commerical Subdivision

Total Acreage: 9.42 No. of Lots/Parcels: 1

Average Lot/Parcel Width: 300 feet Average Lot/Parcel Area: 9 acres

Subdivision Name (if applicable): Franklin Business Park Subdivision

Receipt Number: _____ Fee: \$ 170.00 Job Number: _____
By: _____ Date: _____

MBD DEVELOPMENT

STRATEGIC LAND, BUILDING AND DEVELOPMENT SOLUTIONS
1202 NW 17TH AVENUE
Portland, Oregon 97209

CCB#147932

P: 503-972-8442
F: 503-295-6467

October 3, 2015

Mr. Tony Doran, EIT
Engineering Associate
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092

CITY OF TUALATIN
RECEIVED
OCT 12 2015
ENGINEERING &
BUILDING DEPARTMENT

**RE: Franklin Business Park, Tualatin, Oregon
SB-97-03 – Phase Six Plat
Request for Material Modification**

Dear Tony:

Per our recent meeting regarding the above referenced subject, please find our justification for this request below for your review.

You have explained that the City of Tualatin plans to construct a new bridge crossing Hedges Creek on Myslony to the north near SW 124th Avenue (hereafter "Myslony Bridge"). You explained that design for the Myslony Bridge construction project is planned to begin in the fourth quarter of 2015 and the project is currently included in the adopted 2015-2019 CIP.

Since the Franklin Business Park subdivision was approved by the City of Tualatin in 1997, Franklin Business Park, LLC has dutifully completed all public infrastructure requirements associated with the approved subdivision. The only exception to this is the requirement to construct a portion of the bridge to the south at SW 115th Avenue (hereafter "115th Bridge"). Franklin Business Park, LLC agrees with the City of Tualatin that the 115th Bridge is not feasible and that the Myslony Bridge will perform the same or similar function that the SW 115th Bridge would perform. As a result, we are requesting a material modification to existing subdivision approval SB-97-03 as follows:

1. Remove the condition that requires Franklin Business Park, LLC to construct the 115th Bridge.
2. Replace with a condition that Franklin Business Park, LLC pay a fee of \$200,000 to be used toward the cost of constructing the Myslony Bridge.

Mr. Tony Doran, EIT
Engineering Associate
City of Tualatin
October 3, 2015
Page two

The following is a draft of the proposed condition:

- a. Franklin Business Park, LLC pay \$200,000 as a "fee-in-lieu" of construction of the 115th Bridge. The "fee-in-lieu" will be used to pay for a portion of the construction costs of the Myslony Bridge.
- b. This fee-in-lieu must be paid before the plat is released to Washington County for review.
- c. Upon payment by Franklin Business Park, LLC of the fee-in-lieu, the City of Tualatin will deem the subdivision decision requirements to have been met and the City will release the plat to Washington County for review.
- d. The fee-in-lieu will be used by the City of Tualatin solely for construction costs of the Myslony Bridge.
- e. If Franklin Business Park, LLC pays the fee-in-lieu and if the Myslony Bridge is not open to traffic on or before December 31, 2018, the City of Tualatin will return the amount of \$200,000 to Franklin Business Park, LLC in a timely manner

As always, please call me if you should have any questions.

Sincerely,

MBD Development as Agent for Marlboro Enterprises, Inc. Manager, FBP, LLC



Matthew B. Drake
President

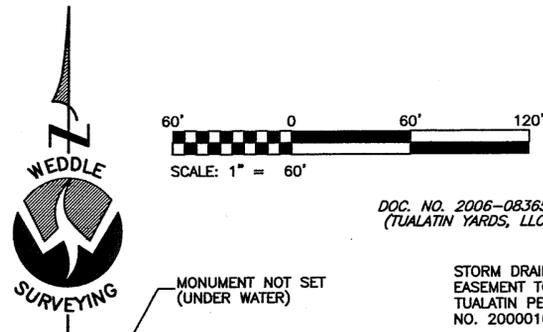
Cc: FBP, LLC Board
FBP Owner's Association Board
Stu Peterson, Macadam Forbes
Lou Ogden, Mayor, City of Tualatin
Alice Cannon, Assistant City Manager

FRANKLIN BUSINESS PARK NO. 6
A REPLAT OF A PORTION OF LOT 4,
"FRANKLIN BUSINESS PARK"
IN THE NW 1/4 OF SECTION 27
T.2S., R.1W., WILLAMETTE MERIDIAN
CITY OF TUALATIN, WASHINGTON COUNTY, OREGON
SEPTEMBER 25, 2013

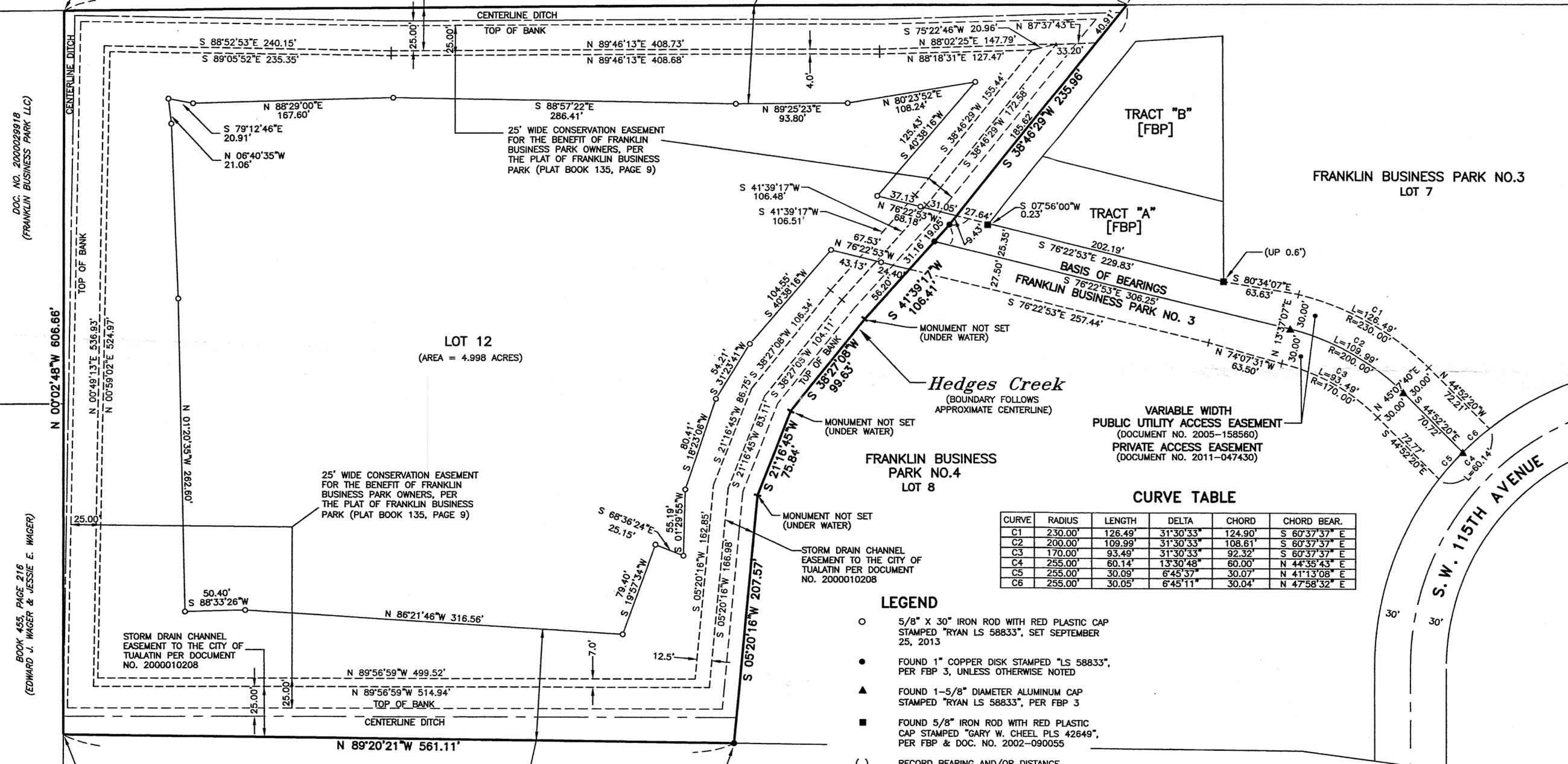
RECORDED AS DOCUMENT NO. _____

REFERENCE MATERIAL

SN 5534	DOC. NO. 80018262	DOC. NO. 2000010206
SN 12254	DOC. NO. 87024139	DOC. NO. 2000010208
SN 16954	DOC. NO. 87024688	DOC. NO. 2000029918
SN 16777	DOC. NO. 90-48076	DOC. NO. 2001087204
SN 17143	DOC. NO. 90-69330	DOC. NO. 2002-061523
SN 21940	DOC. NO. 98096416	DOC. NO. 2003-044039
SN 25092	DOC. NO. 98096417	DOC. NO. 2005-158560
SN 27386	DOC. NO. 98096418	DOC. NO. 2011-038796
SN 28004	DOC. NO. 98096419	
SN 29072		
SN 31067	FRANKLIN BUSINESS PARK	
SN 31473	FRANKLIN BUSINESS PARK NO. 3	
SN 31523	FRANKLIN BUSINESS PARK NO. 4	



DOC. NO. 2006-083653
 (TUALATIN YARDS, LLC)



CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CHORD	CHORD BEAR.
C1	230.00'	126.49'	31°30'33"	124.90'	S 60°37'37" E
C2	200.00'	109.99'	31°30'33"	108.61'	S 60°37'37" E
C3	170.00'	93.49'	31°30'33"	92.32'	S 60°37'37" E
C4	255.00'	60.14'	13°30'48"	60.00'	N 44°35'43" E
C5	255.00'	30.09'	6°45'37"	30.07'	N 41°13'08" E
C6	255.00'	30.05'	6°45'11"	30.04'	N 47°58'32" E

LEGEND

- 5/8" X 30" IRON ROD WITH RED PLASTIC CAP STAMPED "RYAN LS 58833", SET SEPTEMBER 25, 2013
- FOUND 1" COPPER DISK STAMPED "LS 58833", PER FBP 3, UNLESS OTHERWISE NOTED
- ▲ FOUND 1-5/8" DIAMETER ALUMINUM CAP STAMPED "RYAN LS 58833", PER FBP 3
- FOUND 5/8" IRON ROD WITH RED PLASTIC CAP STAMPED "GARY W. CHEEL PLS 42649", PER FBP & DOC. NO. 2002-090055
- () RECORD BEARING AND/OR DISTANCE
- [] PROBABLE ORIGIN OR FIRST RECORD OF MONUMENT
- DOC. NO. DOCUMENT NUMBER, WASHINGTON COUNTY DEED RECORDS
- FBP PLAT OF "FRANKLIN BUSINESS PARK"
- FBP 3 PLAT OF "FRANKLIN BUSINESS PARK NO. 3"
- FBP 4 PLAT OF "FRANKLIN BUSINESS PARK NO. 4"
- R/W RIGHT-OF-WAY
- SN SURVEY NUMBER, WASHINGTON COUNTY SURVEY RECORDS

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 18, 2004
ANTHONY B. RYAN
 58833

RENEWAL: DECEMBER 31, 2014

WEDDLE SURVEYING INC.
 Excellence is our benchmark.

6950 SW HAMPTON ST., STE. 170, TIGARD, OR 97223
 PH: (503) 941-9585 FAX: (503) 941-9640
 www.weddlesurveying.net

DOC. NO. 2013-039096
 (POWIN PACIFIC BUILDING #1, LLC)

FRANKLIN BUSINESS PARK NO. 6
A REPLAT OF A PORTION OF LOT 4,
"FRANKLIN BUSINESS PARK"
IN THE NW 1/4 OF SECTION 27
T.2S., R.1W., WILLAMETTE MERIDIAN
CITY OF TUALATIN, WASHINGTON COUNTY, OREGON
SEPTEMBER 25, 2013

APPROVALS

APPROVED THIS _____ DAY OF _____, 20____
WASHINGTON COUNTY BOARD OF COMMISSIONERS

BY _____

APPROVED THIS _____ DAY OF _____, 20____
MAYOR OF THE CITY OF TUALATIN

BY _____

ATTEST THIS _____ DAY OF _____, 20____
CITY OF TUALATIN RECORDER

BY _____

APPROVED THIS _____ DAY OF _____, 20____
WASHINGTON COUNTY SURVEYOR

BY _____

APPROVED THIS _____ DAY OF _____, 20____
DIRECTOR OF ASSESSMENT AND TAXATION
(WASHINGTON COUNTY ASSESSOR)

BY _____

ATTEST THIS _____ DAY OF _____, 20____
DIRECTOR OF ASSESSMENT AND TAXATION,
EX-OFFICIO COUNTY CLERK

BY _____
DEPUTY

STATE OF OREGON }
COUNTY OF WASHINGTON } SS

I DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT WAS RECEIVED FOR RECORD ON
THIS _____ DAY OF _____ AT _____ O'CLOCK _____,
AND RECORDED IN THE COUNTY CLERK RECORDS.

DEPUTY COUNTY CLERK

DECLARATION

KNOW ALL MEN BY THESE PRESENTS THAT FRANKLIN BUSINESS PARK, LLC, AN OREGON
LIMITED LIABILITY COMPANY, DOES HEREBY MAKE, ESTABLISH AND DECLARE THE ANNEXED
MAP OF "FRANKLIN BUSINESS PARK NO. 6" AS DESCRIBED IN THE ACCOMPANYING
SURVEYOR'S CERTIFICATE TO BE A TRUE MAP AND PLAT THEREOF, AND HAS CAUSED THE
SUBDIVISION TO BE PREPARED AND THE PROPERTY SUBDIVIDED IN ACCORDANCE WITH THE
PROVISIONS OF O.R.S. CHAPTER 92, AND DOES HEREBY GRANT ALL EASEMENTS AS SHOWN
OR NOTED HEREON.

FRANKLIN G. DRAKE
PRESIDENT
MARLBOROUGH ENTERPRISES, INC.
MANAGING MEMBER OF
FRANKLIN BUSINESS PARK, LLC

MATTHEW B. DRAKE
SECRETARY
MARLBOROUGH ENTERPRISES, INC.
MANAGING MEMBER OF
FRANKLIN BUSINESS PARK, LLC

ACKNOWLEDGEMENT

STATE OF OREGON }
COUNTY OF _____ } SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON
_____, 20____

BY FRANKLIN G. DRAKE, AS PRESIDENT OF MARLBOROUGH ENTERPRISES, INC.,
MANAGING MEMBER OF FRANKLIN BUSINESS PARK, LLC.

BY MATTHEW B. DRAKE, AS SECRETARY OF MARLBOROUGH ENTERPRISES, INC.,
MANAGING MEMBER OF FRANKLIN BUSINESS PARK, LLC.

(NOTARY SIGNATURE)

NOTARY PUBLIC - OREGON (PRINTED NAME)

COMMISSION NO. _____

COMMISSION EXPIRES: _____

NOTES

- 1. THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL CONTAINED IN THE
CITY OF TUALATIN CASE FILE SB 97-03.
- 2. TRACT 'A' IS FOR A SENSITIVE AREA AND VEGETATED CORRIDOR; A WATER
QUALITY PRESERVATION EASEMENT OVER THE ENTIRETY OF TRACT 'A' IS
GRANTED TO CLEAN WATER SERVICES.

SURVEYOR'S CERTIFICATE

I, ANTHONY B. RYAN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF
OREGON, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH
PROPER MONUMENTS THE LAND REPRESENTED ON THE ANNEXED MAP OF "FRANKLIN
BUSINESS PARK NO. 6", BEING A REPLAT OF A PORTION OF LOT 4, "FRANKLIN
BUSINESS PARK", A DULY RECORDED SUBDIVISION IN WASHINGTON COUNTY, SITUATE IN
THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF
THE WILLAMETTE MERIDIAN, CITY OF TUALATIN, COUNTY OF WASHINGTON AND STATE OF
OREGON AND THAT FOR THE INITIAL POINT OF SAID PLAT I HELD THE POSITION OF A
FOUND 1" DIAMETER COPPER DISK STAMPED "LS 58833" MARKING THE SOUTHWEST
CORNER OF LOT 7, "FRANKLIN BUSINESS PARK NO. 3, ALSO A DULY RECORDED PLAT
IN SAID COUNTY. THE BOUNDARY OF "FRANKLIN BUSINESS PARK NO. 6" IS MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE ABOVE DESCRIBED INITIAL POINT, ALSO BEING THE NORTHWEST
CORNER OF LOT 8, "FRANKLIN BUSINESS PARK NO. 4", ALSO A DULY RECORDED PLAT
IN SAID COUNTY; THENCE ALONG THE WESTERLY LINES OF SAID LOT 8 THE FOLLOWING
COURSES: SOUTH 41°39'17" WEST, 87.36 FEET; THENCE SOUTH 38°27'08" WEST, 99.63
FEET; THENCE SOUTH 21°16'45" WEST, 75.84 FEET; THENCE SOUTH 05°20'16" WEST,
207.57 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 4, "FRANKLIN
BUSINESS PARK"; THENCE ALONG SAID SOUTHERLY LINE NORTH 89°20'21" WEST, 561.11
FEET TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE ALONG THE WESTERLY LINE
THEREOF NORTH 00°02'48" WEST, 606.66 FEET TO THE NORTHWESTERLY CORNER OF
SAID LOT 4; THENCE ALONG THE NORTHERLY LINE THEREOF NORTH 89°37'58" EAST,
888.88 FEET TO THE NORTHWEST CORNER OF SAID LOT 7, "FRANKLIN BUSINESS PARK
NO. 3"; THENCE ALONG THE WESTERLY LINE THEREOF SOUTH 38°46'29" WEST, 235.96
FEET TO AN ANGLE CORNER THEREIN; THENCE SOUTH 41°39'17" WEST, 19.05 FEET TO
THE INITIAL POINT.

CONTAINING THEREIN 9.447 ACRES, MORE OR LESS.

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO PLAT INTO A SINGLE LOT AND A TRACT
THE REMAINING PORTION OF LOT 4, "FRANKLIN BUSINESS PARK," A DULY
RECORDED SUBDIVISION IN WASHINGTON COUNTY, OREGON, SITUATE IN THE
NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 2 SOUTH, RANGE 1 WEST, OF
THE WILLAMETTE MERIDIAN, IN THE CITY OF TUALATIN, WASHINGTON COUNTY,
OREGON.

THE BOUNDARY RESOLUTION AND BASIS OF BEARINGS IS PER SAID PLAT OF
"FRANKLIN BUSINESS PARK", WASHINGTON COUNTY PLAT RECORDS. ALL FOUND
MONUMENTS WERE HELD FOR POSITION UNLESS OTHERWISE NOTED. FALLINGS
TO FOUND MONUMENT POSITIONS ARE SHOWN AS BEARING AND DISTANCE FROM
CALCULATED POSITION TO FOUND POSITION.



6950 SW HAMPTON ST., STE. 170, TIGARD, OR 97223
PH: (503) 941-9585 FAX: (503) 941-9640
www.weddlesurveying.net

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Anthony B. Ryan
OREGON
JULY 13, 2004
ANTHONY B. RYAN
58833

RENEWAL: DECEMBER 31, 2014

CITY OF TUALATIN
RECEIVED

OCT 08 2015

COMMUNITY DEVELOPMENT
PLANNING DIVISION

October 7, 2015

MBD Development
1202 NW 17th Ave.
Portland, OR 97209

RE: Franklin Business Park, Tualatin, Oregon
SB-97-03- Phase Six Plat
Request for Material Modification

Dear Property Owner:

You are cordially invited to attend a meeting on October 26th at 5:00 p.m. at the Tualatin Heritage Center, 8700 Sweek Road Tualatin, OR 97062. This meeting shall be held to discuss a proposed project located at Franklin Business Park, Lot 4 Acres 9.42. The proposal is to Request a material modification to existing subdivision approval SB-97-03 as follows:

1. Remove the condition that requires Franklin Business Park, LLC to construct the 115th Bridge.
2. Replace with a condition that Franklin Business Park, LLC pay a fee of \$200,000 to be used toward the cost of constructing the Myslony Bridge.

The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet and discuss this proposal and identify any issues regarding this proposal.

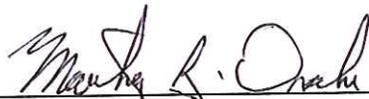
Regards,
Mathew B. Drake
MBD Development as Agent for Marlborough Enterprises, Inc. Manager, FBP, LLC
(503)972-8442
mbd@drakemc.com

**NEIGHBORHOOD/DEVELOPER MEETING
AFFIDAVIT OF MAILING**

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, MATTHEW B. DRACE, being first duly sworn, depose and say:

That on the 13th day of October, 2015, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.



Signature

SUBSCRIBED AND SWORN to before me this 13th day of OCTOBER,
2015.





Notary Public for Oregon
My commission expires: MARCH 06, 2017

RE: _____

MBD DEVELOPMENT

STRATEGIC LAND, BUILDING AND DEVELOPMENT SOLUTIONS
1202 NW 17TH AVENUE, SUITE A
Portland, Oregon 97209

CCB#147932

P: 503-972-8447
F: 503-295-6467

October 13, 2015

As the applicant for the Franklin Business Park (request for material modification) project, I hereby certify that on this day, Tuesday October 13, 2015 notice of the Neighborhood / Developer meeting was mailed in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: MATTHEW B. DRATZ Date: October 13, 2015
(PLEASE PRINT)

Applicant's Signature:  Date: October 13, 2015

NOTICE

NEIGHBORHOOD / DEVELOPER MEETING

10/26/2015 5:00 p.m.
8700 SW Sweek Rd. Tualatin
503-972-8441



November 1, 2015

Franklin Business Park
Subdivision Phase Six Plat
Material Modification

October 26, 2015 Public Meeting Minutes

Items Discussed by Public, Applicant and COT Attendees:

- Overview of FBP, LLC subdivision provided by COT.
- Overview of bridge project including an explanation by COT staff of why the bridge location was moved from SW 115th to SW Myslony Street.
- Overview of engineering design development work scope currently being managed by COT.
- Overview of project budget and proposed COT funding sources.
- Overview of proposed project schedule as developed by COT.

Respectfully submitted by:



Matthew B. Drake
President
MBD Development
Manager, Franklin Business Park, LLC

NEIGHBORHOOD MEETING

FRANKLIN BUSINESS PARK

MATERIAL SUBSTITUTION MODIFICATION

Lindy Hughes - lindy.the@gmail.com
Joseph Bonica bonica@comcast.net

Stu Peterson, Macadam Forbes stu@macadamforbes.com

Pasquale Pascuzzi,

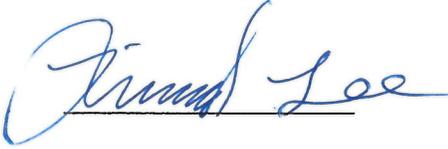
Tony Doran (503) 691-3035 tdoran@cityofmadras.com

MATTHEW DRAKE (503) 319-9293, mdrake@drakemc.com

State of Oregon

County of Multnomah

The foregoing instrument was acknowledged before me on this 16th day November, 2015 by Matthew B Drake who produced Oregon driver's license as proof of identification.



Richard Lee Notary Public

