

RESOLUTION NO. 5090-12

RESOLUTION GRANTING HERITAGE TREE STATUS TO A TREE ON CITY PROPERTY

WHEREAS the City Council adopted an Ordinance (No. 723-87) establishing a program to recognize and protect Heritage Trees; and

WHEREAS nominations have been solicited, received and reviewed; and

WHEREAS Ordinance No. 723-87 specified that ten (10) trees could receive Heritage Tree Status in the first year of the program and in each subsequent year a maximum number of five (5) trees may be designated as Heritage Trees, and with this new tree added the total number of trees or stands with the Heritage Tree designation would be 36; and

WHEREAS staff recommends that the tree identified in the staff report receive Heritage Tree designation at this time; and

Whereas Ordinance No. 723-87 stipulates that the property owner agree to forfeit for the Heritage Tree any exemption which might otherwise have been granted under Section 4(1), (2), or (3) of the Tree Protection Ordinance, and further agree to record the tree's designation as a Heritage Tree, its site and its description on the County records; and

WHEREAS certain administrative acts are required to implement all the provisions of the ordinance establishing the Heritage Tree Program.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The Nordmann Fir located in a planting bed at the plaza of the Tualatin Commons, located at 8325 SW Nyberg Street, is hereby designated as a Heritage Tree of the City of Tualatin.

Section 2. The Mayor and City Recorder are authorized and directed to sign the Heritage Tree Designation and Preservation Agreement.

Section 3. Upon receipt of agreement referred to in Section 2, the City Recorder shall cause to be recorded the tree's designation as a Heritage Tree, its site and its description on the County Records.

Section 4. The Parks and Recreation Manager is directed to place a plaque identifying the tree as a Heritage Tree in a visible location near the designated Heritage Tree.

Section 5. The Parks and Recreation Manager is directed to place this tree on the official listing and map of Heritage Trees and to maintain said listing and map in accordance with the provisions of Ordinance No. 723-87. |

INTRODUCED AND ADOPTED this 12th day of March, 2012.

CITY OF TUALATIN, OREGON

BY Monique L. Beikman
Mayor Pro Tem

ATTEST:

BY [Signature]
City Recorder

APPROVED AS TO LEGAL FORM

Brenda K. Braden
CITY ATTORNEY

HERITAGE TREE PRESERVATION AGREEMENT

Upon acceptance of the Tualatin City Council, We, **the City of Tualatin**, as owners of the following described property agree that certain trees thereon and more fully described herein shall be placed on the City of Tualatin's list of Heritage Trees and thereafter preserved and protected. I recognize and agree that placement on this list is due to the age, size, species, quality, historic association, and/or landmark importance of such tree or trees and its retention will not interfere with the use of the property upon which it is located.

The Nordmann Fir is located at the Tualatin Commons, a City owned property located at 8325 SW Nyberg Street, Tualatin Oregon, 97062. The tree is located south of Tax Lot 01700 of Tax Map 2S 124BC in public right-of-way. It is located approximately 60 feet south of the Tualatin Commons fountain and approximately 25 feet west of the lake.

As the owner of the property and the trees, we recognize and agree that this Heritage Tree designation does not affect my title and, therefore, I will indemnify and hold the City harmless from any claim which challenges this designation. I also understand and agree that tree maintenance, care and/or pruning continues to be the responsibility of the City of Tualatin as the property owner and it will be maintained, to the best of the City's ability, to preserve the tree from disease and death.

Finally, I agree to forfeit any exemption we may have from the provisions of the City of Tualatin Development Code, Section 34.200, which might otherwise permit us to cut down this tree. This forfeiture of exemption does not prohibit the property owner from applying for a permit to cut or otherwise remove said tree under the Tree Protection Ordinance.

The covenants and conditions in this agreement shall bind the City of Tualatin including heirs, successors and assigns and this document may be filed in the County Recorder's Office.



By: _____

Date: _____

Title: _____

State of Oregon)
) ss.
County of Washington)

Signed or attested before me on this ____ day of _____, 2012

by _____

Notary Public for Oregon
My Commission expires: _____

Approved and accepted by the Tualatin City Council this 12th day of March, 2012.

CITY OF TUALATIN, Oregon

BY: _____
 Mayor

ATTEST:

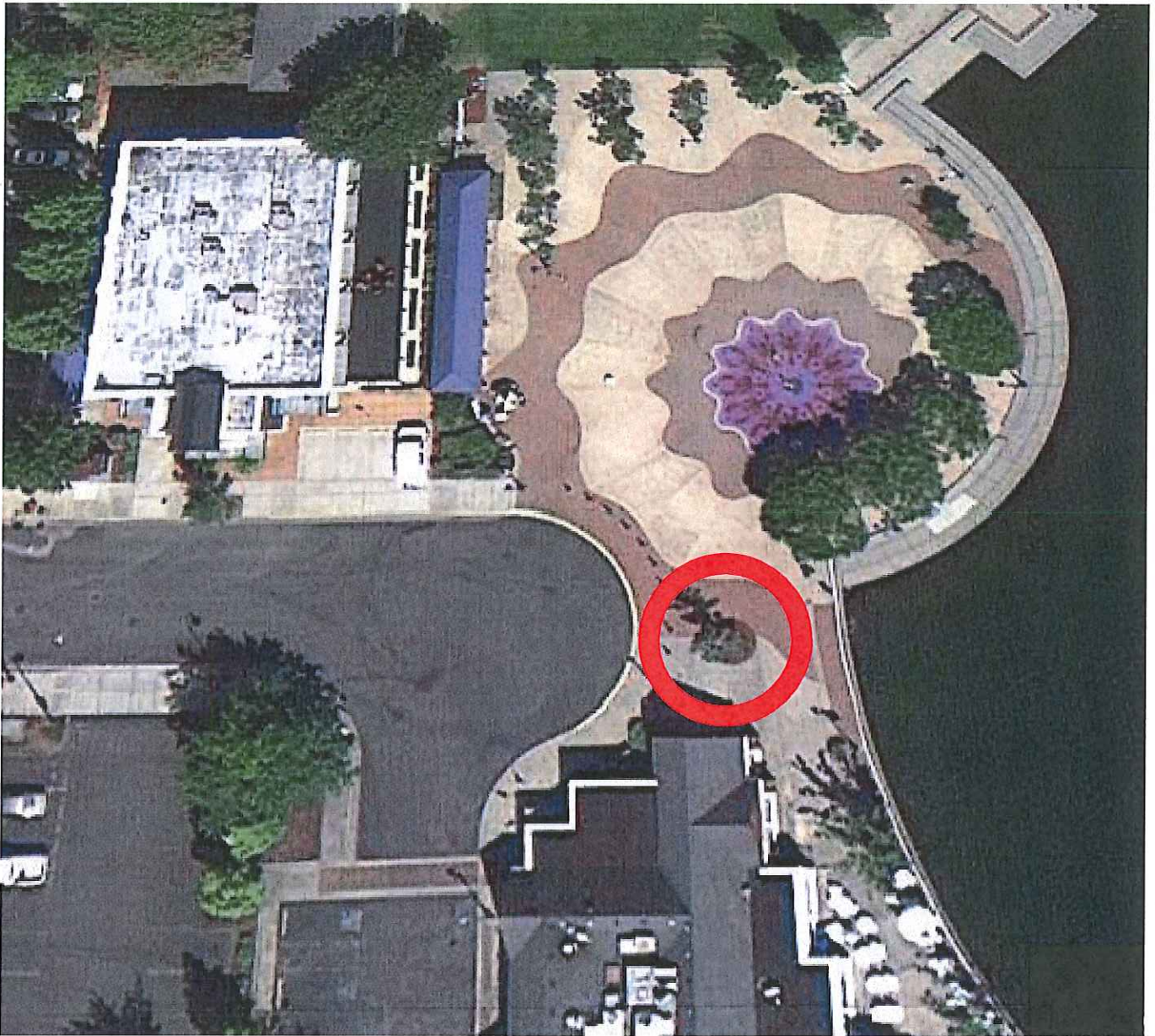
BY: _____
 City Recorder

After recording, return to:

City of Tualatin
Community Services Department
18880 SW Martinazzi Avenue (Mailing)
8515 SW Tualatin Road (Physical)
Tualatin, OR 97062

Tualatin Commons

8325 SW Nyberg Street



Location of tree well and proposed location for Heritage Tree