

RESOLUTION NO. 799

RESOLUTION REQUESTING THE REAPPORTIONMENT OF AN ASSESSMENT IN L.I.D. #5 INVOLVING ON TAX LOTS 100 AND 2601, SECTION 14A.

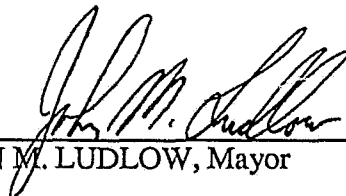
WHEREAS, the city staff has prepared a report on the above captioned subject which is attached hereto as Exhibit "A"; and

WHEREAS, the City Council has duly considered the subject and the recommendation(s) contained in the staff report; and


WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit "A", with the recommendation(s) contained therein and further instructs that action appropriate to the recommendation(s) be taken.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 19th day of November, 1990, and filed with the Wilsonville City Recorder this same date.

  
\_\_\_\_\_  
JOHN M. LUDLOW, Mayor

ATTEST:

  
\_\_\_\_\_  
PAMELA J. MUNSTERMAN, City Recorder Pro-Tem

SUMMARY of Votes:

Mayor Ludlow	<u>Aye</u>
Councilor Dant	<u>Aye</u>
Councilor Chandler	<u>Aye</u>
Councilor Clarke	<u>Aye</u>
Councilor Edwards	<u>Aye</u>



City of  
**WILSONVILLE**  
in OREGON

30000 SW Town Center Loop E • PO Box 220  
Wilsonville, OR 97070  
(503) 682-1011

MEMORANDUM

**FINANCE DEPT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**  
**FROM: RAY SHORTEN, FINANCE DIRECTOR**  
**DATE: SEPTEMBER 13, 1990**

**RE: REQUEST FOR REAPPORTIONMENT OF  
ASSESSMENTS IN LID #5-TAX LOTS #100  
AND #2601, SECTION 14A, TOWNSHIP 3  
SOUTH, RANGE 1, WEST OF THE WILLAMETTE  
MERIDIAN.**

I have received an application for assessment reapportionment on the above tax lots from Robert F. Blackmore, attorney, on the behalf of the Ash Organization.

The request for reapportionment is to transfer the current assessment which the applicant maintains is on tax lot #2601 to tax lot #100.

If applicable, this transfer would more than comply with the requirement that each partitioned parcel of property must have a value of two times the proposed reapportioned assessment of the parcel. The 1989-90 assessed valuation for tax lot #100 equaled \$1,955,980 less taxes due of \$51,415. The approximate total of assessments due would equal \$482,233.

I do however have some major concerns in the following areas.

1. When the original assessments were made on properties in LID #5, the following tax lots were involved: Tax lot #100, #200, #2583, #2600 and #2700. Tax Lot #2583 involved Ash Meadows and was broken down into separate assessments which Mr. Ash made some payments on. However, the balance of the assessments remain as they were originally assessed. The application I received and associated with the request before

you at this time references a tax lot #2601. It would seem that the sale of property of Mentor Graphics evidently resulted in the creation of a new tax lot (#2601). To my knowledge, the City has not previously received a request for reapportionment of any of the remaining original assessments.

2. My second concern relates to Ordinance #350, Section 3.290 (c) which states "the Finance Director shall make no recommendation for a reapportionment of an assessment which will impair the security of the City for collection of the assessments upon the property, and the Finance Director may recommend to Council conditions upon such reapportionments for the protection of the City."

It has been City policy and my recommendation on previous requests for reapportionment, to include a condition of approval that all past due principal and interest be brought current. It is my understanding that a notice of appeal regarding the Judge's decision on recent litigation between the Ash organization and the City of Wilsonville may effect this requirement.

### **RECOMMENDATION:**

I can not recommend approval of this request for reapportionment until the following conditions are met.

#### **CONDITION #1**

The relationship of the original assessments to the current property configuration be reconciled.

#### **CONDITION #2**

Once Condition #1 has been reconciled, the principal and interest due the City, be paid as per the Judge's ruling and the remaining balances on the original assessments be brought current for tax lots #100, #2600 and #2700.

# RECORD

# DUNN, CARNEY, ALLEN, HIGGINS & TONGUE

ATTORNEYS AT LAW

851 S. W. SIXTH AVENUE, SUITE 1500  
PACIFIC FIRST FEDERAL BUILDING  
PORTLAND, OREGON 97204-1357

FACSIMILE (503) 224-7324  
TELEPHONE (503) 224-6440

ROBERT L. ALLEN  
BRADLEY O. BAKER  
JONATHAN A. BENNETT\*  
ROBERT F. BLACKMORE  
JOHN C. CAHALAN  
ROBERT R. CARNEY  
GEORGE J. COOPER, III  
ANDREW S. CRAIG  
I. KENNETH DAVIS  
MICHAEL J. FRANCIS  
BRYAN W. GRUETTER\*\*  
JACK D. HOFFMAN  
WILLIAM L. KOVACS†  
SALLY R. LEISURE  
MARSHA MURRAY-LUSBY

NATHAN L. COHEN  
JAMES G. SMITH  
OF COUNSEL

CENTRAL OREGON OFFICE  
709 N.W. WALL STREET, SUITE 103  
BEND, OREGON 97701  
FACSIMILE (503) 389-6907  
TELEPHONE (503) 382-9241

WASHINGTON, D.C. OFFICE  
1900 L. STREET, N.W.  
SUITE 500  
WASHINGTON, D.C. 20036  
TELEPHONE (202) 862-4972

ROBERT L. NASH\*\*  
GREGORY C. NEWTON††  
JEFFREY F. NUDELMAN\*  
JOAN O'NEILL P.C.\*  
GILBERT E. PARKER  
HELLE RODE  
CHARLES D. RUTTAN  
JOSEPH P. SHANNON\*  
G. KENNETH SHIROISHI††\*  
SHANNON I. SKOPIL\*  
DONALD E. TEMPLETON\*  
THOMAS H. TONGUE  
DANIEL F. VIDAS  
ROBERT K. WINGER

\* ADMITTED IN OREGON  
AND WASHINGTON  
†† ADMITTED IN OREGON  
AND CALIFORNIA  
† ADMITTED IN PENNSYLVANIA,  
WASHINGTON, D.C., NOT  
ADMITTED IN OREGON  
\*\* RESIDENT, BEND OFFICE

August 29, 1990

Mr. Ray Shorten  
Finance Director  
City of Wilsonville  
30000 Town Center Loop East  
P.O. Box 220  
Wilsonville, OR 97070

RE: Assessment Reapportionment Application

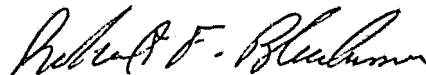
Dear Mr. Shorten:

Enclosed please find The Ash Organization, Inc.'s application to reapportion assessment of LID No. 5. I trust you will find the application complete and note that, with allocation of the entire LID No. 5 assessment to tax lot 100, the City is more than adequately secured.

It is my understanding that you will review the application with Rosemarie of your office and make recommendation to the city council. Since the application conforms to the ordinance, I trust your recommendation will be for approval. If you have any questions or concerns with the application, please feel free to call.

Thank you for your courtesies.

Very truly yours,



Robert F. Blackmore

RFB562/jjb

Enclosures

cc: Stanley E. Ash

# ASSESSMENT REAPPORTIONMENT APPLICATION

APPLICATION TO REAPPORTION AN ASSESSMENT IN A LOCAL IMPROVEMENT  
DISTRICT WITHIN THE CITY LIMITS OF WILSONVILLE, OREGON

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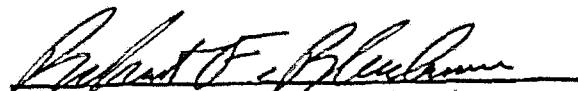
City of Wilsonville Ordinance #350 Section #3.209 (copy attached)  
outlines the requirements necessary to initiate a reapportionment of  
an existing LID assessment.

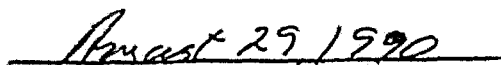
To assure that your application can be adequately processed, please  
sign and return this form and include the following items to satisfy  
your requirements for reapportionment.

1. A legal description of each parcel of land into which the  
property is proposed to be divided.
  2. The complete name and address of each of the owners and  
other parties having an interest in such property.
  3. Verification that an application to partition the property  
involved has been initiated through the City of Wilsonville  
Planning dept.
  4. A survey map showing tax lot #'s, acreage of each parcel and  
approximate location of tax lot being reapportioned.
  5. Verification that each partitioned parcel of property will have a  
value of two times the proposed reapportioned assessment of  
the parcel.
- 
- 

All of the items above are provided with this application and I  
hereby apply to reapportion Tax Lot \*\*\_\_\_\_\_ in accordance  
with Ordinance #350.

\*\*See attached Assessment Reapportionment Application detail

  
(Signature of Applicant)

  
Date of Application

Robert F. Blackmore  
Attorney on behalf of  
The Ash Organization, Inc.

## ASSESSMENT REAPPORTIONMENT APPLICATION

This application to reapportion an assessment in a local improvement district within the city limits of Wilsonville, Oregon is made in accordance with City of Wilsonville Ordinance 350 Section 3.209. The Applicant, The Ash Organization, Inc., hereby petitions the City of Wilsonville to reapportion the LID #5 assessment against Clackamas County Tax Lot 2601 by removing the assessment from Tax Lot 2601 and reapplying the assessment to Tax Lot 100.

Pursuant to the application form prepared by the City for this purpose, attached is the information and items requested:

1. A legal description of each parcel of land into which the property is proposed to be divided.

The Ash Organization, Inc. owned the following contiguous parcels at the time of the Local Improvement District #5 assessment, all of which were subject to LID #5:

Parcel 1 - previously a part of TL 2700; currently a part of TL 2601 - See Exhibit A-1 attached

Parcel 2 - previously a part of TL 2700; currently a part of TL 2601 - See Exhibit A-2 attached

Parcel 3 - previously TL 2600 and a portion of TL 100; currently a portion of TL 2601 - See Exhibit A-3 attached

Parcel 4 - previously a part of TL 2700; currently TL 2700 - See Exhibit A-4 attached

Parcel 5 - previously the major portion of TL 100; currently TL 100 - See Exhibit A-5 attached

A map showing the above parcels is attached hereto as Exhibit A-6. A map showing the current tax lot designations is attached as Exhibit C.

2. The complete name and address of each of the owners and other parties having an interest in such property.

The Ash Organization, Inc., a California corporation, abn Ash & Associates, Inc., 17685 SW. 65th Ave., Lake Oswego, OR 97034 - current owner of Parcels 4 (TL 2700) and 5 (TL 100).

Mentor Graphics Corporation, an Oregon corporation, 8300 Creekside Pl., Beaverton, OR 97005 - current owner of Parcels 1, 2 and 3 (TL 2601).

3. Verification that an application to partition the property involved has been initiated through the City of Wilsonville Planning Dept.

On December 21, 1988, pursuant to a sale agreement between the Ash Organization, Inc., as seller and Mentor Graphics Corporation, as buyer, the following parcels were sold to Mentor Graphics Corporation:

- Parcel 1 - See Exhibit A-1 attached
- Parcel 2 - See Exhibit A-2 attached
- Parcel 3 - See Exhibit A-3 attached

A copy of the deed conveying Parcels 1, 2 and 3 is attached as Exhibit B. No partition was required for the sale of Parcels 1 and 2 because no division of tax lots was required for the sale of these two parcels. The sale of Parcel 3 required the addition of a portion of TL 100 to then Tax Lot 2600, but such portion had a discrete description due to the configuration of TL 100, and therefore did not require a lot line adjustment. Since the sale, Clackamas County has consolidated Parcels 1, 2 and 3 into a single tax lot, TL 2601.

4. A survey map showing tax lot numbers, acreage of each parcel and approximate location of tax lot being reapportioned.

The Applicant hereby petitions to have the LID #5 assessment currently against Parcels 1, 2 and 3 (TL 2601) reapportioned to and applied against Parcel 5 (TL 100). Parcels 1-5 constitute contiguous property held in single ownership at the time of the assessment, which is subject to the single assessment of LID #5. A map setting forth the information required is attached as Exhibit C.

5. Verification that each partitioned parcel of property will have a value of two times the proposed reapportioned assessment of the parcel.

The 1989-90 Clackamas County tax assessed value of TL 100 (Parcel 5) is \$1,955,980. A copy of property tax information relating to TL 100 is attached as Exhibit D. This value is many times the LID #5 assessment for Parcels 1, 2 and 3. Ordinance 350 requires that the reapportionment of an assessment shall not impair the security of the City for collection of an assessment. Reassignment of the assessment against Parcels 1, 2 and 3 (TL 2601) to Parcel 5 (TL 100) in no way impairs the City's security due to the substantial value of Parcel 5 (TL 100).



All of the items above are provided with this application and I hereby apply to reapportion Tax Lots 2601 and 100 in accordance with Ordinance #350.

Applicant:

The Ash Organization, Inc.

Date of Application:

By: Robert F. Blackmore  
Robert F. Blackmore  
Attorney on behalf of  
The Ash Organization

August 29, 1990

LEGAL DESCRIPTION

THE ASH ORGANIZATION, INC.

Parcel 1 9.626 Acres

DCM  
A tract of land situated in the northwest one-quarter of Section 13 in Township 3 South and Range 1 West of the Willamette Meridian in the City of Wilsonville, County of Clackamas, and State of Oregon, being more particularly described as follows:

Beginning at a point North 89°30'49" East a distance of 330.00 feet from the southwest corner of the northwest one-quarter of said Section 13; and running thence North 89°30'49" East 672.41 feet to a 5/8" iron rod on the northerly right-of-way line of Vlahos Drive; thence tracing said northerly right-of-way line along a 430.00 foot radius curve to the right, whose radial center bears South 22°00'55" East, through a central angle of 03°11'33", an arc distance of 23.96 feet (the long chord of which bears North 69°34'51" East 23.96 feet) to a 5/8" iron rod at a point of reverse curvature the radial center of which bears North 18°49'22" West; thence along a 25.00 foot radius curve to the left, through a central angle of 03°03'10", an arc distance of 1.33 feet (the long chord of which bears North 69°39'03" East 1.33 feet) to a 5/8" iron rod at a point of compound curvature; thence along a 20.00 foot radius curve to the left, the radial center of which bears North 22°14'14" West, through a central angle of 80°54'33", an arc distance of 28.24 feet (the long chord of which bears North 27°18'29" East 25.95 feet) to a 5/8" iron rod at a point of tangency; thence North 13°08'47" West 121.73 feet to a 5/8" iron rod at a point of curvature; thence along a 794.00 foot radius curve to the left, through a central angle of 39°51'13", an arc distance of 552.29 feet (the long chord of which bears North 33°04'24" West 541.22 feet) to a 5/8" iron rod at a point of tangency; thence North 53°00'00" West 12.99 feet to 5/8" iron rod at the most southerly point on ASH MEADOWS, a duly recorded plat in said Clackamas County in Plat Book 84, page 5; thence tracing said plat boundary North 53°00'00" West 411.00 feet to a 5/8" iron rod; thence South 81°14'15" West 44.81 feet to the northeast corner of OAK VIEW CONDOMINIUMS Plat No. 2437, a duly recorded plat in said Clackamas County; thence tracing the east line of said OAK VIEW CONDOMINIUMS South 00°08'14" West 330.00 feet to the southeast corner thereof; thence continuing South 00°08'14" West 528.00 feet to the point of beginning.

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K.M.W.  
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Said tract containing 9.626 Acres, more or less.

Based on PS 21995 as it is recorded in the Clackamas County  
Surveyor's Office.

Kenneth M. Wightman - 9/25/88

Kenneth M. Wightman, P.L.S. 942

DEA

EXHIBIT A-1  
PAGE 2 of 2

DWID EVANS AND ASSOCIATES INC  
ENGINEERS SURVEYORS PLANNERS LANDSCAPE ARCHITECTS

LEGAL DESCRIPTION

THE ASH ORGANIZATION, INC.

Parcel 2 10.860 Acres

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A tract of land situated in the northwest one-quarter of Section 13 in Township 3 South and Range 1 West of the Willamette Meridian in the City of Wilsonville, County of Clackamas, and State of Oregon, being more particularly described as follows:

Beginning at a 2" iron pipe, which is North 89°30'49" East 1322.705 feet and North 00°08'37" East a distance of 30.00 feet from the southwest corner of the northwest one-quarter corner of Section 13, said point also being on the northerly right-of-way line of Vlahos Drive; and running thence South 89°30'49" West along the said northerly right-of-way line 162.83 feet to a 5/8" iron rod at a point of curvature; thence along the arc of a 430.00 foot curve to the left, through a central angle of 06°59'05" an arc distance of 52.42 feet (the long chord of which bears South 86°01'17" West 52.39 feet) to a 5/8" iron rod at a point of reverse curvature the radial center of which bears North 07°28'16" West; thence along the arc of a 25.00 foot radius curve to the right, through a central angle of 84°19'27", an arc distance of 36.79 feet (the long chord of which bears North 55°18'33" West 33.56 feet) to a 5/8" iron rod at a point of tangency; thence South 76°51'11" West 40.00 feet to a 5/8" iron rod; thence southwesterly along the arc of a 20.00 foot radius curve to the right, through a central angle of 81°16'17", an arc distance of 35.46 feet (the long chord of which bears South 27°29'19" West 32.56 feet) to a 5/8" iron rod at a point of compound curvature; thence along the arc of a 20.00 foot radius curve to the left, through a central angle of 80°54'33", an arc distance of 28.24 feet (the long chord of which bears North 27°18'29" East 25.95 feet) to a 5/8" iron rod at a point of tangency; thence North 13°08'47" West 121.73 feet to a 5/8" iron rod at a point of curvature; thence along the arc of a 794.00 foot radius curve to the left, through a central angle of 39°51'13", an arc length of 552.29 feet (the long chord of which bears North 33°04'24" West 541.22 feet) to a point of tangency; thence North 53°00'00" West 12.99 feet to a 5/8" iron rod at the most southerly point on Ash Meadows Road right-of-way, as platted in ASH MEADOWS, a duly recorded plat in said Clackamas County in Plat Book 84, page 5; thence tracing the southeasterly boundary

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9-23-88

K.M.W.

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DEM  
of said ASH MEADOWS North 37°00'00" East 40.00 feet to a 5/8" iron rod at a point of curvature; thence along the arc of an 18.00 foot radius curve to the right, through a central angle of 90°00'00", an arc distance of 28.27 feet (the long chord of which bears North 08°00'00" West 25.46 feet) to a 5/8" iron rod at a point of tangency; thence North 37°00'00" East along the southeasterly right-of-way line of Roger Road 510.00 feet to a 5/8" iron rod at the most easterly point of the boundary of said ASH MEADOWS; thence leaving said southeasterly plat boundary on the northeasterly extension thereof North 37°00'00" East 57.00 feet to a 5/8" iron rod at a point of curvature; thence along the arc of a 400.00 foot radius curve to the left, through a central angle of 08°46'26", an arc length of 61.25 feet (the long chord of which bears North 32°36'47" East 61.19 feet) to a 5/8" iron rod at a point of non-tangent curvature, the radial center of which bears North 61°46'26" West; thence South 89°51'23" East 226.29 feet to 5/8" iron rod on the east line of the west half of the northwest one-quarter of said Section 13; thence South 00°08'37" West along said east line 1140.00 feet to the point of beginning.

Said tract containing 10.860 Acres, more or less.

Based on PS 21995 as it is recorded in the Clackamas County Surveyor's Office.

Kenneth M. Wightman 9/28/88  
Kenneth M. Wightman P.L.S. 942

## LEGAL DESCRIPTION

THE ASH ORGANIZATION, INC.

Revised Parcel 3 44.816



A tract of land situated in the northwest one-quarter of Section 13 and the northeast one-quarter of Section 14 in Township 3 South and Range 1 West of the Willamette Meridian in the City of Wilsonville, County of Clackamas, and State of Oregon, being more particularly described as follows:

Beginning at a 2" iron pipe at the initial point of ASH MEADOWS, a duly recorded plat in said Clackamas County in Plat Book 84, page 5; said pipe also being South 00°08'14" West 1311.28 feet and South 89°50'44" East a distance of 258.22 feet from the northwest corner of said Section 13; and running thence along the northerly boundary of said ASH MEADOWS plat South 00°09'16" West a distance of 23.50 feet to a 5/8" iron rod; thence North 89°50'44" West 228.24 feet to a 5/8" iron rod on the easterly right-of-way line of Boones Ferry Road at a point of non-tangent curvature, the radial center of which bears South 89°08'31" West; thence northeasterly along said easterly right-of-way line along the arc of a 746.20 foot radius curve to the left, through a central angle of 16°22'15", an arc distance of 213.21 feet (the long chord of which bears North 09°02'37" West 212.48 feet) to a 5/8" iron rod at a point of tangency; thence North 17°13'44" West 748.85 feet to a 5/8" iron rod at a point of curvature; thence northwesterly along the arc of a 1939.86 foot radius curve to the left, through a central angle of 08°56'00", an arc distance of 302.46 feet (the long chord of which bears North 21°41'44" West 302.15 feet) to a 5/8" iron rod at a point of tangency; thence North 26°09'44" West 107.28 feet to a 5/8" iron rod at the intersection of the easterly right-of-way line of said Boones Ferry Road and the southerly right-of-way line of Boeckman Road; thence tracing said southerly line of Boeckman Road North 89°35'44" East 387.35 feet to a 5/8" iron rod on the east line of said Section 14; thence North 89°29'30" East along said southerly right-of-way line 1322.94 feet to the east line of the west one-half of the northwest one-quarter of said Section 13; thence South 00°08'37" West along said east line 1443.50 feet to a 5/8" iron rod; thence North 89°51'23" West 226.29 feet to a 5/8" iron

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rod at a point of curvature; thence southwesterly along the arc of a 400.00 foot radius curve to the right, through a central angle of  $08^{\circ}46'26''$ , an arc distance of 61.25 feet (the long chord bears South  $32^{\circ}36'47''$  West 61.19 feet) to a  $5/8''$  iron rod at a point of tangency; thence South  $37^{\circ}00'00''$  West 57.00 feet to  $5/8''$  iron rod at the most easterly corner of Roger Road in said plat of ASH MEADOWS; thence tracing the northerly boundary of said road North  $53^{\circ}00'00''$  West 40.00 feet to a  $5/8''$  iron rod at the most northerly corner thereof; thence North  $37^{\circ}00'00''$  East 57.00 feet to a  $5/8''$  iron rod at a point of curvature; thence northeasterly along the arc of a 360.00 foot radius curve to the left, through a central angle of  $36^{\circ}51'23''$ , an arc distance of 231.58 feet (the long chord of which bears North  $18^{\circ}34'18''$  East 227.60 feet) to a  $5/8''$  iron rod at a point of non-tangent curvature, the radial center of which bears North  $89^{\circ}51'23''$  West; thence South  $86^{\circ}46'52''$  West 440.00 feet to a  $5/8''$  iron rod; thence South  $03^{\circ}01'47''$  East 167.43 feet to a  $5/8''$  iron rod on the northerly line of said ASH MEADOWS plat; thence North  $53^{\circ}00'00''$  West along the northerly line of said plat 89.06 feet to a  $5/8''$  iron rod at a point of curvature; thence along a 372.00 foot radius curve to the left, through a central angle of  $36^{\circ}50'44''$ , an arc distance of 239.22 feet (the long chord of which bears North  $71^{\circ}25'22''$  West 235.12 feet) to a  $5/8''$  iron rod at a point of tangency; thence North  $89^{\circ}50'44''$  West 73.00 feet to a  $5/8''$  iron rod at a point of curvature; thence along the arc of a 24.00 foot radius curve to the right, through a central angle of  $90^{\circ}00'00''$ , an arc distance of 37.70 feet (the long chord of which bears North  $44^{\circ}50'44''$  West 33.94 feet) to a  $5/8''$  iron rod; thence North  $89^{\circ}50'44''$  West 24.00 feet to the point of beginning.

Said tract containing 44.816 Acres, more or less.

Based on PS 21995 as it is recorded in the Clackamas County Surveyor's Office.

Kenneth M. Wightman 9/28/88  
Kenneth M. Wightman, P.L.S. 942

LEGAL DESCRIPTION

THE ASH ORGANIZATION, INC.

Recreation Parcel Exception 2.129 Acres

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A tract of land situated in the northwest one-quarter of Section 13 in Township 3 South and Range 1 West of the Willamette Meridian in the City of Wilsonville, County of Clackamas, and State of Oregon, being more particularly described as follows:

Beginning at a 5/8" iron rod which is South 89°50'44" East 382.90 feet and North 03°01'47" West a distance of 15.48 feet from the initial point of ASH MEADOWS, a duly recorded plat in Plat Book 84, page 5 in said Clackamas County; and running thence North 86°46'52" East a distance of 440.00 feet to a 5/8" iron rod at a point of non-tangent curvature, the radial center of which bears North 89°51'23" West; thence southwesterly along the arc of a 360.00 foot radius curve to the right, through a central angle of 36°51'23", an arc distance of 231.58 feet (the long chord of which bears South 18°34'18" West 227.60 feet) to a 5/8" iron rod at a point of tangency; thence South 37°00'00" West 57.00 feet to a 5/8" iron rod at the most northerly corner of Roger Road as platted in said ASH MEADOWS; thence South 37°00'00" West along the northwesterly right-of-way line of said Roger Road 16.61 feet to a brass screw at a point of non-tangent curvature, the radial center of which bears North 13°17'05" West; thence northwesterly along the northerly line of said ASH MEADOWS on the arc of a 26.00 foot radius curve to the right, through a central angle of 49°55'20", an arc distance of 22.65 feet (the long chord of which bears North 78°19'25" West 21.94 feet) to a 5/8" iron rod at a point of reverse curvature, the radial center of which bears South 36°38'15" West; thence northwesterly along the arc of a 132.00 foot radius curve to the left, through a central angle of 36°28'59", an arc distance of 84.05 feet (the long chord of which bears North 71°36'15" West 82.64 feet) to a 5/8" iron rod at a point of tangency; thence North 89°50'44" West 89.15 feet to a 5/8" iron rod at a point of curvature; thence northwesterly along the arc of a 168.00 foot radius curve to the right, through a central angle of 36°50'44", an arc distance of 108.04 feet (the long chord of which bears North 71°25'22" West 106.18 feet) to a 5/8" iron rod at a point of tangency; thence North 53°00'00" West 30.00 feet to a 5/8" iron rod; thence leaving the northerly line



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9-23-88  
K.M.W.  
Page 2 of 2

of said ASH MEADOWS North 03°01'47" West 167.43 feet to the true point of beginning.

Said tract containing 2.129 Acres, more or less.

Based on PS 21995 as it is recorded in the Clackamas County Surveyor's Office.

DEA

Kenneth M. Wightman 9-28-88  
Kenneth M. Wightman, P.L.S. 942

LEGAL DESCRIPTION

The Ash Organization, Inc.

Parcel 5

The East half of the Northeast quarter of Section 14, Township 3 South, Range 1 West, of the Willamette Meridian, in the County of Clackamas and State of Oregon.

EXCEPTING THEREFROM the following described property, to-wit: The North 965.0 feet of the east 1/2 of the Northeast 1/4 of said Section 14 lying between the west line of the Baldock Freeway and the centerline of Market Road #27.

ALSO EXCEPTING THEREFROM the following described property, to-wit: Beginning at the southwest corner of the above-described tract; thence southerly along the east line of the said Baldock Freeway, a distance of 650.0 feet; thence easterly parallel with the north line of said Section 14 a distance of 360.74 feet; thence northerly parallel with the Baldock Freeway a distance of 650.0 feet to the south line of the first above excepted tract; thence westerly along said south line and parallel with the north line of said Section 14, a distance of 360.74 feet to the place of beginning.

ALSO EXCEPTION THEREFROM that part lying within public roads.

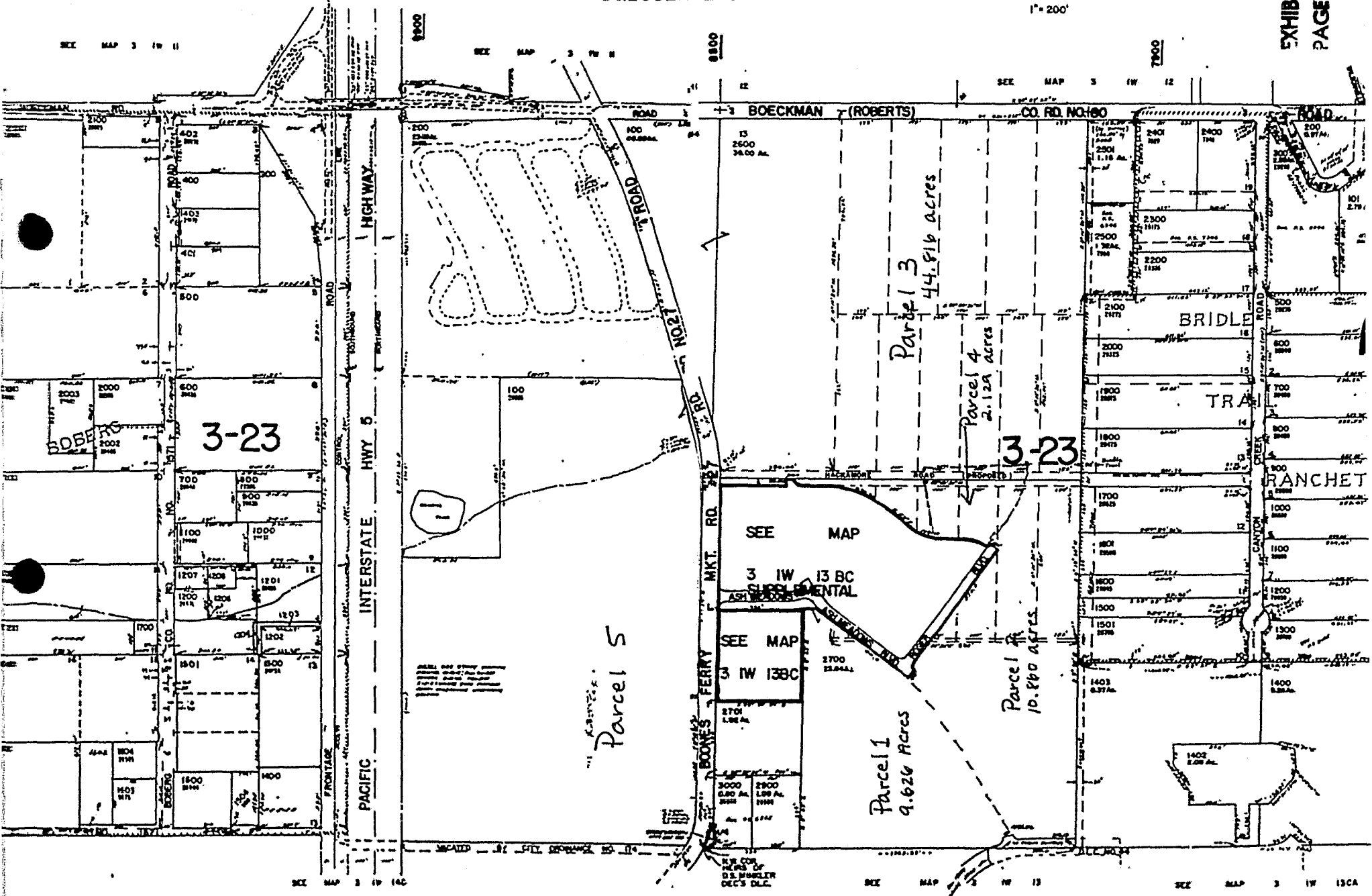
This description includes a parcel located between Market Road #27 and the east line of Section 14 which was sold to Mentor Graphics Corporation and became a part of the parcel described in Exhibit A-3.

NE 1/4 SEC. 14 T.3S. R.1W. W.M.  
CLACKAMAS COUNTY

EXHIBIT A-6  
Map Designating  
Parcels 1-5

NW 1/4 SEC. 13 T.3S. R.1W. W.M.  
CLACKAMAS COUNTY

EXHIBIT A-6  
PAGE 1 of 1



3-23

3-23

Parcel 5

Parcel 1  
9.626 Acres

Parcel 3  
44.816 acres

Parcel 4  
2.129 acres

Parcel 2  
10.880 acres

SEE MAP

SEE MAP  
3 IW 138C

3 IW 13 BC  
ASHWOOD RENTAL

BRIDLE ROAD  
TRAIL  
RANCHET

INTERSTATE HWY 5

PACIFIC FRONTAGE

BOONE'S FERRY

BOECKMAN (ROBERTS)

CO. RD. NO. 80

BOULEVARD



SEE MAP 3 1W 11

SEE MAP 3 1W 11

SEE MAP 3 1W 12

1200

8100

8000

SEE MAP 3 1W 14C

SEE MAP 3 1W 13

SEE MAP 3 1W 13CA

FOR COPY OF THIS MAP CONTACT  
D.E. WAGLER  
DEC'S OFF.

**OREGON TITLE Insurance Company**

**STATUTORY WARRANTY DEED**  
(Individual or Corporation)

The Ash Organization Inc. a California corporation doing business as Ash & Associates Inc. Grantor,  
conveys and warrants to Mentor Graphics Corporation, an Oregon corporation Grantee,  
the following described real property in the County of Clackamas and State of Oregon  
free of liens and encumbrances, except as specifically set forth herein:

Per attached Exhibit "A"

This deed also cancels and extinguishes the reservation set forth in the Declaration of Covenants, Conditions and Restrictions for Ash Meadows at pages 6 and 7, article 2.2 recorded August 27, 1981, as recorder's fee no. 81-30103.

This property is free of liens and encumbrances, EXCEPT:

Easement recorded January 3, 1962 in Book 597, page 32 in favor of Portland General Electric for lines and appurtenances affecting parcel III. Easement recorded February 27, 1962 in Book 599, page 194 in favor of Northwest Natural Gas Company for pipelines and appurtenances affecting parcel III.

The true consideration for this conveyance is \$ 2,450,000.00 (Here comply with the requirements of ORS 93.030\*)

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

DATED this 21 day of December, 1988. If a corporate grantor, it has caused its name to be signed by resolution of its board of directors.

THE ASH ORGANIZATION INC.

BY: [Signature] SEC. - TREAS.

**CORPORATE ACKNOWLEDGEMENT**

STATE OF OREGON, County of \_\_\_\_\_ Jss.

STATE OF OREGON, County of Multnomah Jss.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ by \_\_\_\_\_

The foregoing instrument was acknowledged before me this 21 day of December, 1988 by Stanley E. Ash, Sec. - Treas.

Notary Public for Oregon  
My commission expires:

Notary Public for Oregon  
My commission expires: 2-9-90

\*If the consideration consists of or includes other property or value, add the following: "The actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which)." part of the

Order No. 106007

After recording return to:  
Mentor Graphics Corporation  
8300 Creekside Pl.  
Beaverton, OR 97005  
Attn: Doug Sowles

NAME, ADDRESS, ZIP  
Use a change is requested all tax statements shall be sent to the following address

Mentor Graphics Corporation  
8300 Creekside Pl  
Beaverton, OR 97005

NAME, ADDRESS, ZIP

THIS SPACE RESERVED FOR RECORDER'S USE

EXHIBIT B  
PAGE 1 of 5

88 53412

OREGON TITLE INSURANCE COMPANY 106007C

PARCEL II

A tract of land situated in the Northwest one-quarter of Section 13, Township 3 South, Range 1 West of the Willamette Meridian, in the City of Wilsonville, County of Clackamas and State of Oregon, being more particularly described as follows:

Beginning at a 2 inch iron pipe, which is North 89°30'49" East 1322.705 feet and North 00°08'37" East a distance of 30.00 feet from the Southwest corner of the Northwest one-quarter corner of Section 13, said point also being on the Northerly right-of-way line of Vlahos Drive; and running thence South 89°30'49" West along the said Northerly right-of-way line 162.83 feet to a 5/8 inch iron rod at a point of curvature; thence along the arc of a 430.00 foot curve to the left, through a central angle of 06°59'05" an arc distance of 52.42 feet (the long chord of which bears South 86°01'17" West 52.39 feet) to a 5/8 inch iron rod at a point of reverse curvature the radial center of which bears North 07°28'16" West; thence along the arc of a 25.00 foot radius curve to the right, through a central angle of 84°19'27", an arc distance of 36.79 feet (the long chord of which bears North 55°18'33" West 33.56 feet) to a 5/8 inch iron rod at a point of tangency; thence South 76°51'11" West 40.00 feet to a 5/8 inch iron rod; thence Southwesterly along the arc of a 25.00 foot radius curve to the right, through a central angle of 81°16'17", an arc distance of 35.46 feet (the long chord of which bears South 27°29'19" West 32.56 feet) to a 5/8 inch iron rod at a point of compound curvature; thence along the arc of a 20.00 foot radius curve to the left, through a central angle of 80°54'33", an arc distance of 28.24 feet (the long chord of which bears North 27°18'29" East 25.95 feet) to a 5/8 inch iron rod at a point of tangency; thence North 13°08'47" West 121.73 feet to a 5/8 inch iron rod at a point of curvature; thence along the arc of a 794.00 foot radius curve to the left, through a central angle of 39°51'13", an arc length of 552.29 feet (the long chord of which bears North 33°04'24" West 541.22 feet) to a point of tangency; thence North 53°00'00" West 12.99 feet to a 5/8 inch iron rod at the most Southerly point on Ash Meadows Road right-of-way, as platted in ASH MEADOWS, a duly recorded plat in said Clackamas County in Plat Book 84, Page 5; thence tracing the Southeasterly boundary of said ASH MEADOWS North 37°00'00" East 40.00 feet to a 5/8 inch iron rod at a point of curvature; thence along the arc of an 18.00

(CONTINUED)

3

PARCEL II

A tract of land situated in the Northwest one-quarter of Section 13, Township 3 South, Range 1 West of the Willamette Meridian, in the City of Wilsonville, County of Clackamas and State of Oregon, being more particularly described as follows:

Beginning at a 2 inch iron pipe, which is North 89°30'49" East 1322.705 feet and North 00°08'37" East a distance of 30.00 feet from the Southwest corner of the Northwest one-quarter corner of Section 13, said point also being on the Northerly right-of-way line of Vlahos Drive; and running thence South 89°30'49" West along the said Northerly right-of-way line 162.83 feet to a 5/8 inch iron rod at a point of curvature; thence along the arc of a 430.00 foot curve to the left, through a central angle of 06°59'05" an arc distance of 52.42 feet (the long chord of which bears South 86°01'17" West 52.39 feet) to a 5/8 inch iron rod at a point of reverse curvature the radial center of which bears North 07°28'16" West; thence along the arc of a 25.00 foot radius curve to the right, through a central angle of 84°19'27", an arc distance of 36.79 feet (the long chord of which bears North 55°18'33" West 33.56 feet) to a 5/8 inch iron rod at a point of tangency; thence South 76°51'11" West 40.00 feet to a 5/8 inch iron rod; thence Southwesterly along the arc of a 25.00 foot radius curve to the right, through a central angle of 81°16'17", an arc distance of 35.46 feet (the long chord of which bears South 27°29'19" West 32.56 feet) to a 5/8 inch iron rod at a point of compound curvature; thence along the arc of a 20.00 foot radius curve to the left, through a central angle of 80°54'33", an arc distance of 28.24 feet (the long chord of which bears North 27°18'29" East 25.95 feet) to a 5/8 inch iron rod at a point of tangency; thence North 13°08'47" West 121.73 feet to a 5/8 inch iron rod at a point of curvature; thence along the arc of a 794.00 foot radius curve to the left, through a central angle of 39°51'13", an arc length of 552.29 feet (the long chord of which bears North 33°04'24" West 541.22 feet) to a point of tangency; thence North 53°00'00" West 12.99 feet to a 5/8 inch iron rod at the most Southerly point on Ash Meadows Road right-of-way, as platted in ASH MEADOWS, a duly recorded plat in said Clackamas County in Plat Book 84, Page 5; thence tracing the Southeasterly boundary of said ASH MEADOWS North 37°00'00" East 40.00 feet to a 5/8 inch iron rod at a point of curvature; thence along the arc of an 18.00

(CONTINUED)

3

foot radius curve to the right, through a central angle of 90°00'00", an arc distance of 28.27 feet (the long chord of which bears North 08°00'00" West 25.46 feet) to a 5/8 inch iron rod at a point of tangency; thence North 37°00'00" East along the Southeastly right-of-way line of Roger Road 510.00 feet to a 5/8 inch iron rod at the most Easterly point of the boundary of said ASH MEADOWS; thence leaving said Southeastly plat boundary on the Northeastly extension thereof North 37°00'00" East 57.00 feet to a 5/8 inch iron rod at a point of curvature; thence along the arc of a 400.00 foot radius curve to the left, through a central angle of 08°46'26", an arc length of 61.25 feet (the long chord of which bears North 32°36'47" East 61.19 feet) to a 5/8 inch iron rod at a point of non-tangent curvature, the radial center of which bears North 61°46'26" West; thence South 89°51'23" East 226.29 feet to a 5/8 inch iron rod on the East line of the West half of the Northwest one-quarter of said Section 13; thence South 00°08'37" West along said East line 1140.00 feet to the point of beginning.

PARCEL III

A tract of land situated in the Northwest one-quarter of Section 13, and the Northeast one-quarter of Section 14, Township 3 South, Range 1 West of the Willamette Meridian, in the City of Wilsonville, County of Clackamas and State of Oregon, being more particularly described as follows:

Beginning at a 2 inch iron pipe at the initial point of ASH MEADOWS, a duly recorded plat in said Clackamas County in Plat Book 84, page 5; said pipe also being South 00°08'14" West 1311.28 feet and South 89°50'44" East a distance of 258.22 feet from the Northwest corner of said Section 13; and running thence along the Northerly boundary of said ASH MEADOWS plat South 00°09'16" West a distance of 23.50 feet to a 5/8 inch iron rod; thence North 89°50'44" West 228.24 feet to a 5/8 inch iron rod on the Easterly right-of-way line of Boones Ferry Road at a point of non-tangent curvature, the radial center of which bears South 89°08'31" West; thence Northeastly along said Easterly right-of-way line along the arc of a 746.20 foot radius curve to the left, through a central angle of 16°22'15", an arc distance of 213.21 feet (the long chord of which bears North 09°02'37" West 212.48 feet) to a 5/8 inch iron rod at a point of tangency; thence North 17°13'44" West 748.85 feet to a 5/8 inch iron rod at a point of curvature; thence Northwestly along the arc of a

(CONTINUED)

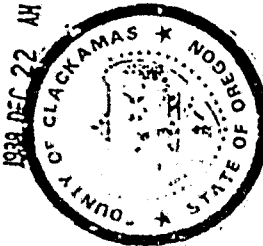
4

1939.86 foot radius curve to the left, through a central angle of 08°56'00", an arc distance of 302.46 feet (the long chord of which bears North 21°41'44" West 302.15 feet) to a 5/8 inch iron rod at a point of tangency; thence North 26°09'44" West 107.28 feet to a 5/8 inch iron rod at the intersection of the Easterly right-of-way line of said Boones Ferry Road and the South right-of-way line of Boeckman Road; thence tracing said Southerly line of Boeckman Road North 89°35'44" East 387.35 feet to a 5/8 inch iron rod on the East line of said Section 14; thence North 89°29'30" East along said Southerly right-of-way line 1322.94 feet to the East line of the West one-half of the Northwest one-quarter of said Section 13; thence South 00°08'37" West along said East line 1443.50 feet to a 5/8 inch iron rod; thence North 89°51'23" West 225.29 feet to a 5/8 inch iron rod at a point of curvature; thence Southwesterly along the arc of a 400.00 foot radius curve to the right, through a central angle of 08°46'26", an arc distance of 61.25 feet (the long chord bears South 32°36'47" West 61.19 feet) to a 5/8 inch iron rod at a point of tangency; thence South 37°00'00" West 57.00 feet to 5/8 inch iron rod at the most Easterly corner of Roger Road in said plat of ASH MEADOWS; thence tracing the Northerly boundary of said road North 53°00'00" West 40.00 feet to a 5/8 inch iron rod at the most Northerly corner thereof; thence North 37°00'00" East 57.00 feet to a 5/8 inch iron rod at a point of curvature; thence Northeasterly along the arc of a 360.00 foot radius curve to the left, through a central angle of 36°51'23", an arc distance of 231.58 feet (the long chord of which bears North 18°34'18" East 227.60 feet) to a 5/8 inch iron rod at a point of non-tangent curvature, the radial center of which bears North 89°51'23" West; thence South 86°46'52" West 440.00 feet to a 5/8 inch iron rod; thence South 03°01'47" East 167.43 feet to a 5/8 inch iron rod on the Northerly line of said ASH MEADOWS plat; thence North 53°00'00" West along the Northerly line of said plat 89.06 feet to a 5/8 inch iron rod at a point of curvature; thence along a 372.00 foot radius curve to the left, through a central angle of 36°50'44", an arc distance of 239.22 feet (the long chord of which bears North 71°25'22" West 235.12 feet) to a 5/8 inch iron rod at a point of tangency; thence North 89°50'44" West 73.00 feet to a 5/8 inch iron rod at a point of curvature; thence along the arc of a 24.00 foot radius curve to the right, through a central angle of 90°00'00", an arc distance of 37.70 feet (the long chord of which bears North 44°50'44" West 33.94 feet) to a 5/8 inch iron rod; thence North 89°50'44" West 24.00 feet to the point of beginning.

5

STATE OF OREGON  
County of Clackamas  
I, John F. Kuffman, County Clerk for the County of Clackamas, do hereby certify that the instrument of writing was received for recording in the records of said county at

1938 DEC 22 AM 10:08



With 1 my fees and seal attached  
John F. Kuffman  
Recording Clerk  
County Clerk  
88 53412



Property Tax  
Information For  
Parcel 5 (TL 100)

# < >R31W14A 00100 < TAX ACCOUNTING > < 82394-> 809888<

RECEIPT NO.	PAYMENT	TAX YEAR/B.G.	AMOUNT	DATE	TYPE
< ^	< FULL	^8901< ^	55,528.27<	^080990<	>F< <
> < ^	< ONE THIRD	^8901< ^	19,194.96<	^080990<	>1< <
> < ^	< TWO THIRDS	^8901< ^	37,704.39<	^080990<	>2< <
> < ^	<	^ < ^	<	<	<
-----CERTIFIED OWNER-----		TAX DUE	51,415.07 <	OUTSTANDING	51,415.07
ASH & ASSOCIATES INC		< TAX CODE 003023<	CITY WI<	DISTRICTS	
-----JANUARY 1 OWNER-----		ACTION		< MORTGAGE CODE ^0000<	
ASH & ASSOCIATES INC		< -----CERTIFIED VALUES-----			
-----CURRENT OWNER-----		ASSESSED	1955,980.00 <		
ASH & ASSOCIATES INC		< ASSESSED	1955,980.00 <		
17685 SW 65TH		< TAXABLE	1955,980.00 <		
LAKE OSWEGO		OR 97034<	FIREPATROL		
		0000<	FIREPATROL	.00 <	
		<	TAXABLE	.00 <	
-SPECIAL LEGAL DESCRIPTION-		FP ACRES	.00 <		
#SN 0065945		< FP ACRES	.00 <		
ADDED ASSESS MBL HOME ROLL		< TAXABLE	.00 <		
#XN 158222P & 124704P		<			
PT VAC ST		<			
#CL 701-670-61-05-89-62		<			
LEGAL DESC CONT'D					XMT >?

# < >R31W14A 00100 < LATEST SALE > < XMT >? > 809888<

FIELD TO: ASH & ASSOCIATES INC	<	LAND VALUE	1,284,000
17685 SW 65TH	<	BUILDING VALUE	671,980
LAKE OSWEGO OR 97034	<	FEATURE VALUE	
	<		
	<		

BY: NOT AVAILABLE

THE SALE IS AN UNQUALIFIED SALE WITH A CODE OF:

DATE OF SALE: 00/00< TYPE OF PROPERTY: IMPROVED

INSTRUMENT: < OFFICIAL RECORDS INDEX: 76-14390

SALES PRICE: 0

XMT >?

# DUNN, CARNEY, ALLEN, HIGGINS & TONGUE

ATTORNEYS AT LAW

851 S. W. SIXTH AVENUE, SUITE 1500  
PACIFIC FIRST FEDERAL BUILDING  
PORTLAND, OREGON 97204-1357

FACSIMILE (503) 224-7324  
TELEPHONE (503) 224-6440

ROBERT L. ALLEN  
BRADLEY O. BAKER  
JONATHAN A. BENNETT\*  
ROBERT F. BLACKMORE  
WILLIAM H. CAFFEE  
JOHN C. CAHALAN  
ROBERT R. CARNEY  
GEORGE J. COOPER, III  
ANDREW S. CRAIG  
I. KENNETH DAVIS  
MICHAEL J. FRANCIS  
BRYAN W. GRUETTER\*\*  
JACK D. HOFFMAN  
WILLIAM L. KOVACS†  
SALLY R. LEISURE  
MARSHA MURRAY-LUSBY  
NATHAN L. COHEN  
JAMES G. SMITH  
OF COUNSEL

CENTRAL OREGON OFFICE  
709 N.W. WALL STREET, SUITE 103  
BEND, OREGON 97701  
FACSIMILE (503) 389-6907  
TELEPHONE (503) 382-9241

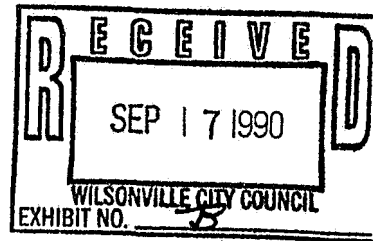
WASHINGTON, D.C. OFFICE  
1900 L. STREET, N.W.  
SUITE 500  
WASHINGTON, D.C. 20036  
TELEPHONE (202) 862-4972

ROBERT L. NASH\*\*  
GREGORY C. NEWTON††  
JEFFREY F. NUDELMAN\*  
JOAN O'NEILL P.C.\*  
GILBERT E. PARKER  
HELLE RODE  
CHARLES D. RUTTAN  
JOSEPH P. SHANNON\*  
G. KENNETH SHIROISHI†††  
SHANNON I. SKOPILO\*  
DONALD E. TEMPLETON\*  
THOMAS H. TONGUE  
DANIEL F. VIDAS  
ROBERT K. WINGER

\* ADMITTED IN OREGON  
AND WASHINGTON  
†† ADMITTED IN OREGON  
AND CALIFORNIA  
† ADMITTED IN PENNSYLVANIA,  
WASHINGTON, D.C., NOT  
ADMITTED IN OREGON  
\*\* RESIDENT, BEND OFFICE

September 17, 1990

Mayor John Ludlow  
Councilor Eldon E. Edwards  
Councilor Bob Dant  
Councilor Sandra Chandler  
Councilor Richard Clark  
City of Wilsonville  
P.O. Box 220  
Wilsonville, OR 97070



RE: The Ash Organization Reapportionment Application  
for LID No. 5 Assessment

Dear Mayor and Councilors:

Attached please find a copy of correspondence received from Thomas R. Page, legal counsel on behalf of Mentor Graphics. As noted, Mentor Graphics supports the application for reapportionment.

We have also reviewed the proposed form of resolution and memorandum from Mr. Ray Shorten with regards to the application. Ordinance 350 is concerned about reapportionment of an assessment which "will impair the security" of the City for collection of the assessment. As Mr. Shorten notes, the transfer more than complies with the requirement that the property have a value two times greater than the proposed reapportioned assessment on the parcel. The City's security under the proposal is more than adequate.

Also enclosed is a copy of correspondence conveyed to Mr. Kohlhoff, City Attorney, regarding his prior statements and concerns. It should be emphasized that the petition, if granted, enhances the City's ability to collect and, in

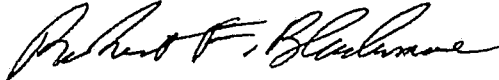
Mayor and City Councilors  
September 17, 1990  
Page 2

addition, provides the necessary security. It is a benefit to the City with no downside risk.

With regards to the case between the City and The Ash Organization, I am also attaching a copy of the Judge's opinion, which both parties have filed appeals from. Although I presume you have read the same, I attach it so that you can confirm that the opinion does not require the payment of any monies whatsoever but merely is a declaration of rights between the parties and, in fact, is an injunction against the City from taking any actions to collect any sums over and above the \$108,000 specified for work completed to date.

Thank you for your courtesies in considering these matters. We will be present at the work session and city council meeting for the purpose of responding to any additional questions you may have.

Very truly yours,



Robert F. Blackmore

RFB609/jjb

Enclosures

cc: Stanley E. Ash

TOEL RIVES BOLEY  
JONES & GREY

ATTORNEYS AT LAW  
SUITE 2300  
STANDARD INSURANCE CENTER  
900 SW FIFTH AVENUE  
PORTLAND, OREGON 97204-1268

Telephone (503) 224-3380  
Telecopier (503) 220-2480  
Cable Lawport  
Telex 703455

Writer's Direct Dial Number  
(503) 294-9216

September 14, 1990

Mr. Ray Shorten  
Finance Director  
City of Wilsonville  
30000 Town Center Loop East  
PO Box 220  
Wilsonville, Oregon 97070

Re: Assessment Reapportionment Application

Dear Mr. Shorten:

We are legal counsel to Mentor Graphics Corporation. Our client has reviewed The Ash Organization, Inc.'s application to reapportion assessment of LID No. 5 filed August 29, 1990 and supports that application.

Very truly yours,



Thomas R. Page

TRP:bak  
cc: Mr. Robert F. Blackmore ✓  
Mr. Michael E. Kohlhoff

T-PP0936

PORTLAND,  
OREGON

BELLEVUE  
WASHINGTON

SEATTLE  
WASHINGTON

VANCOUVER  
WASHINGTON

ST. LOUIS  
MISSOURI

WASHINGTON  
DISTRICT OF COLUMBIA

City of  
**WILSONVILLE**  
In OREGON

30000 SW Town Center Loop E • PO Box 220  
Wilsonville, OR 97070  
(503) 682-1011

September 13, 1990

Mr. Robert Blackmore  
851 SW Sixth Avenue Suite 1500  
Pacific First Federal Building  
Portland OR 97204-1357  
(fax 224-7324)

Dear Mr. Blackmore,

Please be advised that the Wilsonville City Council will consider the request for reapportionment accompanying this notice at their next City Council meeting on Monday, September 17, 1990 at 7:30 pm in the Wilsonville Council Chambers, 30000 S.W. Town Center Loop E., Wilsonville, Oregon.

If you have an interest in the Council consideration, please plan on attending this meeting.

Thank You,



Ray Shorten  
Finance Director

**RESOLUTION NO.**

**A RESOLUTION REQUESTING THE REAPPORTIONMENT OF AN ASSESSMENT IN LID #5 INVOLVING TAX LOTS 100 AND 2601, SECTION 14A.**

WHEREAS, the city staff has prepared a report on the above captioned subject which is attached hereto as Exhibit "A"; and

WHEREAS, the City Council has duly considered the subject and the recommendation(s) contained in the staff report; and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit "A", with the recommendation(s) contained therein and further instructs that action appropriate to the recommendation(s) be taken.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof on this 17th day of September, 1990 and filed with the Wilsonville City Recorder this same date.

---

JOHN M. LUDLOW, Mayor

ATTEST:

---

VERA A. ROJAS, City Recorder

SUMMARY of Votes:

Mayor Ludlow \_\_\_\_\_

Councilor Dant \_\_\_\_\_

Councilor Chandler \_\_\_\_\_

Councilor Clarke \_\_\_\_\_

Councilor Edwards \_\_\_\_\_

**MEMORANDUM****FINANCE DEPT**

City of  
**WILSONVILLE**  
In OREGON

30000 SW Town Center Loop E • PO Box 220  
Wilsonville, OR 97070  
(503) 682-1011

**TO: HONORABLE MAYOR AND CITY COUNCIL**  
**FROM: RAY SHORTEN, FINANCE DIRECTOR**  
**DATE: SEPTEMBER 13, 1990**

**RE: REQUEST FOR REAPPORTIONMENT OF**  
**ASSESSMENTS IN LID #5-TAX LOTS #100**  
**AND #2601, SECTION 14A, TOWNSHIP 3**  
**SOUTH, RANGE 1, WEST OF THE WILLAMETTE**  
**MERIDIAN.**

I have received an application for assessment reapportionment on the above tax lots from Robert F. Blackmore, attorney, on the behalf of the Ash Organization.

The request for reapportionment is to transfer the current assessment which the applicant maintains is on tax lot #2601 to tax lot #100.

If applicable, this transfer would more than comply with the requirement that each partitioned parcel of property must have a value of two times the proposed reapportioned assessment of the parcel. The 1989-90 assessed valuation for tax lot #100 equaled \$1,955,980 less taxes due of \$51,415. The approximate total of assessments due would equal \$482,233.

I do however have some major concerns in the following areas.

1. When the original assessments were made on properties in LID #5, the following tax lots were involved: Tax lot #100, #200, #2583, #2600 and #2700. Tax Lot #2583 involved Ash Meadows and was broken down into separate assessments which Mr. Ash made some payments on. However, the balance of the assessments remain as they were originally assessed. The application I received and associated with the request before



you at this time references a tax lot #2601. It would seem that the sale of property of Mentor Graphics evidently resulted in the creation of a new tax lot (#2601). To my knowledge, the City has not previously received a request for reapportionment of any of the remaining original assessments.

2. My second concern relates to Ordinance #350, Section 3.290 (c) which states "the Finance Director shall make no recommendation for a reapportionment of an assessment which will impair the security of the City for collection of the assessments upon the property, and the Finance Director may recommend to Council conditions upon such reapportionments for the protection of the City."

It has been City policy and my recommendation on previous requests for reapportionment, to include a condition of approval that all past due principal and interest be brought current. It is my understanding that a notice of appeal regarding the Judge's decision on recent litigation between the Ash organization and the City of Wilsonville may effect this requirement.

### RECOMMENDATION:

I can not recommend approval of this request for reapportionment until the following conditions are met.

#### CONDITION #1

The relationship of the original assessments to the current property configuration be reconciled.

#### CONDITION #2

Once Condition #1 has been reconciled, the principal and interest due the City, be paid as per the Judge's ruling and the remaining balances on the original assessments be brought current for tax lots #100, #2600 and #2700.

# DUNN, CARNEY, ALLEN, HIGGINS & TONGUE

ATTORNEYS AT LAW

851 S. W. SIXTH AVENUE, SUITE 1500  
PACIFIC FIRST FEDERAL BUILDING  
PORTLAND, OREGON 97204-1357

FACSIMILE (503) 224-7324  
TELEPHONE (503) 224-8440

ROBERT L. ALLEN  
BRADLEY O. BAKER  
JONATHAN A. BENNETT  
ROBERT F. BLACKMORE  
JOHN C. CAHALAN  
ROBERT R. CARNEY  
GEORGE J. COOPER, III  
ANDREW S. CRAIG  
I. KENNETH DAVIS  
MICHAEL J. FRANCIS  
BRYAN W. GRUETTER  
JACK D. HOFFMAN  
WILLIAM L. KOVACS  
BALLY N. LEIBURE  
MARSHA MURRAY-LUDDY

NATHAN L. COHEN  
JAMES G. SMITH  
OF COUNSEL

CENTRAL OREGON OFFICE  
709 N. W. WALL STREET, SUITE 103  
BEND, OREGON 97701  
FACSIMILE (503) 388-8907  
TELEPHONE (503) 382-9241

WASHINGTON, D.C. OFFICE  
1000 L. STREET, N.W.  
SUITE 800  
WASHINGTON, D.C. 20038  
TELEPHONE (202) 682-8972

ROBERT L. NASH  
GREGORY C. NEWTON  
JEFFREY F. NUDELMAN  
JOAN O'NEILL P.C.  
GILBERT E. PARKER  
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• ADMITTED IN OREGON AND WASHINGTON  
• ADMITTED IN OREGON AND CALIFORNIA  
• ADMITTED IN PENNSYLVANIA, WASHINGTON, D.C., NOT ADMITTED IN OREGON  
• RESIDENT, BEND OFFICE

August 29, 1990

Mr. Ray Shorten  
Finance Director  
City of Wilsonville  
3000 Town Center Loop East  
P.O. Box 220  
Wilsonville, OR 97070

30  
STANLEY ASH  
Mentor Graphics

RE: Assessment Reapportionment Application

Dear Mr. Shorten:

Enclosed please find The Ash Organization, Inc.'s application to reapportion assessment of LID No. 5. I trust you will find the application complete and note that, with allocation of the entire LID No. 5 assessment to tax lot 100, the City is more than adequately secured.

It is my understanding that you will review the application with Rosemarie of your office and make recommendation to the city council. Since the application conforms to the ordinance, I trust your recommendation will be for approval. If you have any questions or concerns with the application, please feel free to call.

Thank you for your courtesies.

Very truly yours,

*Robert F. Blackmore*  
Robert F. Blackmore

RFB562/jjb

Enclosures

cc: Stanley E. Ash

# ASSESSMENT REAPPORTIONMENT APPLICATION

APPLICATION TO REAPPORTION AN ASSESSMENT IN A LOCAL IMPROVEMENT  
DISTRICT WITHIN THE CITY LIMITS OF WILSONVILLE, OREGON

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City of Wilsonville Ordinance #350 Section #3.209 (copy attached)  
outlines the requirements necessary to initiate a reapportionment of  
an existing LID assessment.

To assure that your application can be adequately processed, please  
sign and return this form and include the following items to satisfy  
your requirements for reapportionment.

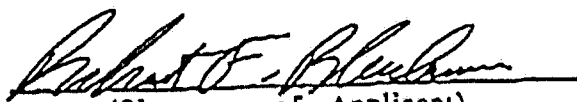
1. A legal description of each parcel of land into which the  
property is proposed to be divided.
2. The complete name and address of each of the owners and  
other parties having an interest in such property.
3. Verification that an application to partition the property  
involved has been initiated through the City of Wilsonville  
Planning dept.
4. A survey map showing tax lot #'s, acreage of each parcel and  
approximate location of tax lot being reapportioned.
5. Verification that each partitioned parcel of property will have a  
value of two times the proposed reapportioned assessment of  
the parcel.

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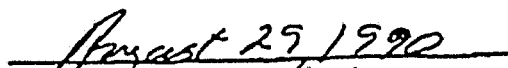
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All of the items above are provided with this application and I  
hereby apply to reapportion Tax Lot \*\*\_\_\_\_\_ in accordance  
with Ordinance #350.

\*\*See attached Assessment Reapportionment Application detail

  
(Signature of Applicant)

Robert F. Blackmore  
on behalf of

  
Date of Application

## ASSESSMENT REAPPORTIONMENT APPLICATION

This application to reapportion an assessment in a local improvement district within the city limits of Wilsonville, Oregon is made in accordance with City of Wilsonville Ordinance 350 Section 3.209. The Applicant, The Ash Organization, Inc., hereby petitions the City of Wilsonville to reapportion the LID #5 assessment against Clackamas County Tax Lot 2601 by removing the assessment from Tax Lot 2601 and reapplying the assessment to Tax Lot 100.

Pursuant to the application form prepared by the City for this purpose, attached is the information and items requested:

1. A legal description of each parcel of land into which the property is proposed to be divided.

The Ash Organization, Inc. owned the following contiguous parcels at the time of the Local Improvement District #5 assessment, all of which were subject to LID #5:

Parcel 1 - previously a part of TL 2700; currently a part of TL 2601 - See Exhibit A-1 attached

Parcel 2 - previously a part of TL 2700; currently a part of TL 2601 - See Exhibit A-2 attached

Parcel 3 - previously TL 2600 and a portion of TL 100; currently a portion of TL 2601 - See Exhibit A-3 attached

Parcel 4 - previously a part of TL 2700; currently TL 2700 - See Exhibit A-4 attached

Parcel 5 - previously the major portion of TL 100; currently TL 100 - See Exhibit A-5 attached

A map showing the above parcels is attached hereto as Exhibit A-6. A map showing the current tax lot designations is attached as Exhibit C.

2. The complete name and address of each of the owners and other parties having an interest in such property.

The Ash Organization, Inc., a California corporation, abn Ash & Associates, Inc., 17685 SW. 65th Ave., Lake Oswego, OR 97034 - current owner of Parcels 4 (TL 2700) and 5 (TL 100).

Mentor Graphics Corporation, an Oregon corporation, 8300 Creekside Pl., Beaverton, OR 97005 - current owner of Parcels 1, 2 and 3 (TL 2601).

3. Verification that an application to partition the property involved has been initiated through the City of Wilsonville Planning Dept.

On December 21, 1988, pursuant to a sale agreement between the Ash Organization, Inc., as seller and Mentor Graphics Corporation, as buyer, the following parcels were sold to Mentor Graphics Corporation:

- Parcel 1 - See Exhibit A-1 attached
- Parcel 2 - See Exhibit A-2 attached
- Parcel 3 - See Exhibit A-3 attached

A copy of the deed conveying Parcels 1, 2 and 3 is attached as Exhibit B. No partition was required for the sale of Parcels 1 and 2 because no division of tax lots was required for the sale of these two parcels. The sale of Parcel 3 required the addition of a portion of TL 100 to then Tax Lot 2600, but such portion had a discrete description due to the configuration of TL 100, and therefore did not require a lot line adjustment. Since the sale, Clackamas County has consolidated Parcels 1, 2 and 3 into a single tax lot, TL 2601.

4. A survey map showing tax lot numbers, acreage of each parcel and approximate location of tax lot being reapportioned.

The Applicant hereby petitions to have the LID #5 assessment currently against Parcels 1, 2 and 3 (TL 2601) reapportioned to and applied against Parcel 5 (TL 100). Parcels 1-5 constitute contiguous property held in single ownership at the time of the assessment, which is subject to the single assessment of LID #5. A map setting forth the information required is attached as Exhibit C.

5. Verification that each partitioned parcel of property will have a value of two times the proposed reapportioned assessment of the parcel.

The 1989-90 Clackamas County tax assessed value of TL 100 (Parcel 5) is \$1,955,980. A copy of property tax information relating to TL 100 is attached as Exhibit D. This value is many times the LID #5 assessment for Parcels 1, 2 and 3. Ordinance 350 requires that the reapportionment of an assessment shall not impair the security of the City for collection of an assessment. Reassignment of the assessment against Parcels 1, 2 and 3 (TL 2601) to Parcel 5 (TL 100) in no way impairs the City's security due to the substantial value of Parcel 5 (TL 100).

All of the items above are provided with this application and I hereby apply to reapportion Tax Lots 2601 and 100 in accordance with Ordinance #350.

Applicant:

The Ash Organization, Inc.

Date of Application:

By: Robert F. Blackmore  
Robert F. Blackmore  
Attorney on behalf of  
The Ash Organization

August 29, 1990

# DUNN, CARNEY, ALLEN, HIGGINS & TONGUE

ATTORNEYS AT LAW

851 S. W. SIXTH AVENUE, SUITE 1500  
PACIFIC FIRST FEDERAL BUILDING  
PORTLAND, OREGON 97204-1357

FACSIMILE (503) 224-7324  
TELEPHONE (503) 224-6440

ROBERT L. ALLEN  
BRADLEY O. BAKER  
JONATHAN A. BENNETT\*  
ROBERT F. BLACKMORE  
WILLIAM H. CAFFEE  
JOHN C. CAHALAN  
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MICHAEL J. FRANCIS  
BRYAN W. GRUETTER\*\*  
JACK D. HOFFMAN  
WILLIAM L. KOVACS†  
SALLY R. LEISURE  
MARSHA MURRAY-LUSBY  
NATHAN L. COHEN  
JAMES G. SMITH  
OF COUNSEL

CENTRAL OREGON OFFICE  
709 N.W. WALL STREET, SUITE 103  
BEND, OREGON 97701  
FACSIMILE (503) 389-6907  
TELEPHONE (503) 382-9241

WASHINGTON, D.C. OFFICE  
1900 L. STREET, N.W.  
SUITE 500  
WASHINGTON, D.C. 20036  
TELEPHONE (202) 862-4972

ROBERT L. NASH\*\*  
GREGORY C. NEWTON††  
JEFFREY F. NUDELMAN\*  
JOAN O'NEILL P.C.\*  
GILBERT E. PARKER  
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\* ADMITTED IN OREGON  
AND WASHINGTON  
†† ADMITTED IN OREGON  
AND CALIFORNIA  
† ADMITTED IN PENNSYLVANIA,  
WASHINGTON, D.C., NOT  
ADMITTED IN OREGON  
\*\* RESIDENT, BEND OFFICE

September 13, 1990

Michael E. Kohlhoff  
Attorney at Law  
Forum West building, Suite 1  
P.O. Box 706-9475 S.W. Wilsonville Road  
Wilsonville, OR 97070

RE: Reapportionment Application of The Ash Organization, Inc.

Dear Mr. Kohlhoff:

Thank you for your letter of September 11, 1990. The Ash Organization desires to go forward with its application.

In response to your comments, I assume your silence on the security being offered indicates an acceptance of the fact that the City will be more than adequately secured for the payments alleged owed to the City. Indeed, the application indicates that the City will remain secured by property valued by more than that which is required under the ordinance. The only issue is whether or not LID No. 5 litigation is relevant to this separate and distinct application.

The proposal effectively removes Mentor Graphics from any further entanglement in the litigation between the City and The Ash Organization. At the present time, should the City wish to pursue foreclosure, they would need to do so against Mentor Graphics. Your response leaves me with the impression that the City intends to leave Mentor Graphics entangled in this matter. We desire to remove Mentor Graphics from the situation entirely.

The proceedings in court have no impact upon our application for reapportionment. The court action, as you know, is to determine the validity of the assessment and

Michael E. Kohlhoff  
September 13, 1990  
Page 2

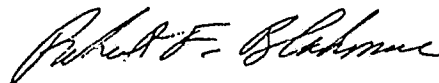
whether or not The Ash Organization is responsible for any portion of the LID assessment. The proceedings were declaratory and injunctive in nature and no money judgment resulted. This application does not impact upon, nor in any fashion affect, the courts declaratory and injunctive judgment.

As you know, the trial court's decision did not require The Ash Organization to bring the balance of the sums claimed owed by the City current. Why then, should the council condition a separate and distinct proceeding on such action? Indeed, the result benefits the City and makes ultimate enforcement action, if necessary, easier.

While I appreciate your concern regarding the relationship to the LID No. 5 litigation, it is not reasonable to ask The Ash Organization to pay sums which are disputed and which the court in its declaratory and injunctive ruling does not require us to pay. The proposal leaves the City more than adequately secured and is beneficial to the City in that it removes any entanglement of Mentor Graphics and allows the City to proceed with its remedies should it become necessary.

Finally, since the city has also appealed Judge Gilroy's decision, a supercedeous bond is not required under any circumstances. The City cannot claim the benefit (albeit, declaratory and injunctive and not a money judgment) of a decision it has appealed. The argument is moot.

Very truly yours,



Robert F. Blackmore

RFB593/jjb

cc: Stanley E. Ash



MICHAEL E. KOHLHOFF  
ATTORNEY AT LAW  
FORUM WEST BUILDING, SUITE 1  
P. O. Box 706-9475 S.W. WILSONVILLE ROAD  
WILSONVILLE, OREGON 97070  
TELEPHONE (503) 682-3955

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SEP 12 1990

DUNN, CARNEY

September 11, 1990

Mr. Robert F. Blackmore  
Dunn, Carney, Allen, Higgins & Tongue  
851 S.W. Sixth Ave., Suite 1500  
Pacific First Federal Building  
Portland, Oregon 97204-1357

Re: Assessment Reapportionment Application

Dear Mr. Blackmore:

It is my understanding you have recently filed an application for reapportionment of the LID #5 assessments for the properties owned by the Ash Organization due to sales to Mentor Graphics and are demanding the City proceed.

It is my understanding previously to this application, your firm has caused to be filed a notice of appeal and a cash undertaking seeking to stay further assessment proceedings to which the City has excepted due to the insufficiency of the undertaking.

Assuming the City's position is correct, but you would cause the appropriate supersedas bond to be filed, the proceedings would be stayed.

Reapportionment of the assessments levy entails a recommendation by the Finance Director of a reapportionment for assessment which will not impair the security of the collection of the assessments upon the property, and the Finance Director may recommend to the Council conditions upon the reapportionments for the protection of the City.

In keeping with the above, I am not aware of any reapportionment which has not been conditioned upon payment of any unpaid installment of an assessment for obvious, prudent financial reasons.

Thus, assuming all other conditions are met, reapportionment can be reasonably anticipated to carry a bring current condition.

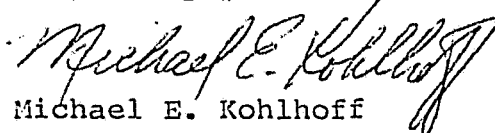
Mr. Rbt. Blackmore  
Assessment Reapportionment Application  
September 11, 1990  
Page 2

If proceedings are stayed, then so are the reapportionment proceedings. Assuming the parties could agree to going forward with the proceedings, then that still leaves the likely condition that reapportionment could only be effected upon payment to bring current. Therefore, it appears you have created a catch-22 position.

Let me suggest a potential resolution to settle and compromise this matter. Simply dismiss the appeal and pay the \$108,000.00 plus interest to be reasonably apportioned to the property's assessed. Pay the amount to bring current the balance and apportion same, which sums under the courts order are placed into an escrow account. Reapportionment could then occur. Any further assessment payment would be paid under the court's order. This untangles your client and Mentor from each other, allows the City to act in a prudent fiscal manner, still allows your client the protection of completion of the road condition of the court's order, saves everyone legal expense and time and energy, and further allows your client and Mentor to proceed with the planning of their properties. It may well be fruitful to meet with Mentor's attorneys in this regard.

Please advise.

Very truly yours,

  
Michael E. Kohlhoff

MEK/lgc

cc: Ray Shorten  
Mayor John Ludlow  
Pete Wall  
Steve Pfeiffer  
Rick Kuhn

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF CLACKAMAS

THE ASH ORGANIZATION, INC., a )  
California corporation, abn )  
ASH & ASSOCIATES, INC. )  
Plaintiff, )  
v. )  
THE CITY OF WILSONVILLE, a )  
municipal corporation, )  
Defendant. )

No. 89-2-190  
MEMORANDUM OPINION

After reviewing the record and considering the memoranda and arguments of counsel, the court finds and concludes as follows:

1. In 1984, plaintiff and other landowners petitioned to reinstate a dormant Local Improvement District (hereafter referred to as LID 5).
2. Pursuant to such petition, LID 5 was formed by defendant on April 15, 1985.
3. LID 5, by its terms, was to provide funding for the construction of certain improvements within the LID boundary, including streets, water, sewer, drainage and utilities.
4. Within LID 5 is located a certain portion of Parkway Avenue and an area known as Town Center Loop.
5. Construction of LID 5 was divided by defendant into two phases.
6. Phase I, the Town Center Loop construction, was completed in January of 1987.
7. Phase II, the work on Parkway Avenue from Town Center Loop to Boekman Road, has been delayed. Construction is now scheduled to begin in the fall of 1990.
8. More than five years have elapsed since the establishment of LID 5.
9. In March of 1985, and in conjunction with the development of LID 5, defendant sought Federal Arterial Secondary funds (FAS) for improvement of Parkway Avenue.

10. FAS funds (applied for through the county and administered by the State) were made available to defendant for Parkway Avenue to the extent that Parkway was deemed to be a "major collector". Such required development of Parkway Avenue both within and outside the boundaries of LID 5.

11. FAS funds have been available since September 1985.

12. FAS funds will be withdrawn by September 4th, 1990, unless LID 5 is "underway" by such time or an extension is granted by the state.

13. Defendant presently expects phase II to be underway this fall and to be completed in the spring or summer of 1991.

14. With respect to FAS funding, the court specifically finds that:

a. Defendant's effort to obtain FAS funding was not inappropriate.

b. Defendant did not commit itself to finishing Parkway Avenue north of Boekman Road to the detriment of the LID 5 participants.

c. FAS funds to be received by defendant may be used on Parkway Avenue entirely with LID 5 if defendant so chooses.

15. With respect to "delay", the court specifically finds that:

a. The resolution establishing LID 5 did not require it's completion within any fixed period of time.

b. The "phasing" of construction within LID 5 was not unreasonable.

c. The delay encountered in the completing of phase II has been produced by a combination of the following:

- 1) Lack of city funds.
- 2) Cost overruns.
- 3) The "Son of III" ballot measure.
- 4) Computer data problems.
- 5) Mentor Graphics development of the Parkway - Boekman intersection.

d. Said delay, the extent of which was originally unforeseen, did not constitute a substantial change in LID 5 so as to warrant its invalidation.

16. LID 5 has not been abandoned by defendant. On the contrary, defendant continues to pursue LID 5 completion "vigorously," as explained by plaintiff's expert.

17. Changes and modifications in LID 5 will produce benefits to LID 5 participants beyond those originally contemplated, while not altering the fundamental nature and purpose of the LID.

18. Plaintiff has, to date, benefited to the extent of \$108,000 from LID 5 improvements that have already been completed.

19. Defendant has, through its council, unanimously decided not to assess LID 5 participants beyond their original assessment amounts.

20. Other than \$10,365.89 paid by plaintiff in conjunction with the sale of a portion of plaintiff's property (Ash Meadows), plaintiff has paid nothing to defendant in response to its semiannual billings for plaintiff LID 5 assessment.

In accordance with the foregoing the court further finds and concludes that:

21. LID 5 has not been substantially changed or abandoned and should not, at this time, be subject to invalidation.

22. Phase II construction delays, though encountered by defendant in good faith, have been excessive and warrant equitable relief for plaintiff by way of an interest adjustment.

23. A judicial deadline should be set for completion of LID 5.

Accordingly,

24. Plaintiff's present LID 5 assessment in the amount of \$602,500.87 is found to be in all respects valid and remains in full force and effect, subject to payment as follows:

a. \$108,000.00, together with interest at the bonded rate, from October 1, 1985 until paid, shall be immediately due and payable and shall be subject to collection and foreclosure if not paid in full within thirty days from the date of entry of the judgment order herein.

b. As to the remaining sum of \$494,500.87, hereafter referred to as the balance sum:

- 1) Plaintiff shall pay interest on this amount, at the bonded rate, from the periods October 1, 1985 through September 30, 1987, and from July 1, 1990 till paid in full.
- 2) Plaintiff shall pay no interest on said balance sum for the period October 1, 1987 through June 30, 1990.
- 3) Plaintiff may pay the balance sum, in full, at any time without penalty, or may pay said balance sum as billed by defendant, semiannually, for the period of defendants bonded indebtedness.
- 4) All sums paid by plaintiff in satisfaction of the balance sum shall be held by defendant in an interest bearing escrow account until such time as LID 5 is completed (escrow charges, if any, to be borne by defendant).
- 5) If LID 5 is completed by November 1, 1991 such funds in escrow, including interest, shall be paid to defendant upon completion.
- 6) In the event LID 5 is not completed by November 1, 1991, said LID will be deemed by this court to have been substantially changed and abandoned and LID 5 shall be invalidated and held for naught. In such event, all amounts due or owing on the balance sum of \$494,500.87 will be cancelled and all amounts paid on such balance sum shall be retrieved from their escrow account, together with escrow account interest, and returned with such interest to plaintiff.
- 7) Though defendant may, before completion of LID 5, bill plaintiff semiannually for amounts owed on the balance sum, defendant shall not otherwise seek collection or initiate foreclosure proceedings on balance sums owed until thirty days after completion of LID 5.
- 8) Defendant shall, within five days of completion of LID 5, provide plaintiff with written notice of same.
- 9) The \$108,000 referred to in paragraph 24a above shall be paid in accordance with paragraph 24a without regard to completion of LID 5. That is


to say, in the event that LID 5 is not completed by November 1, 1991 as required in paragraph 24b 5) above and is, as a consequence, invalidated by the court, plaintiff's obligation to comply with paragraph 24a above is in no way altered; the court finding that the amount due per paragraph 24a is for benefits already realized by plaintiff and is not tied to the further progress of LID 5.

25. Plaintiff's obligation to defendant for LID 5 shall remain as presently assessed and defendant is enjoined from further assessing or reassessing plaintiff for expenses connected with LID 5.

26. Subject to the foregoing, all claims of plaintiff against defendant are dismissed.

27. Each party shall bear their own fees and costs.

DATED this 28 day of June, 1990.

  
Patrick D. Gilroy  
Circuit Judge