

**RESOLUTION NO. 1358**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO SETTLEMENT AGREEMENTS WITH HOMEBUILDERS ASSOCIATION OF METROPOLITAN PORTLAND AND MATRIX DEVELOPMENT CORPORATION RE: CLACKAMAS COUNTY CASE NO CCV9412034, AND MATRIX DEVELOPMENT CORPORATION RE: CLACKAMAS COUNTY CASE NO. 9501241; AND EXECUTE A SETTLEMENT AGREEMENT AND DEVELOPMENT AGREEMENT AND ASSOCIATED DOCUMENTS WITH VILLAGE AT MAIN STREET - PHASE 1, LLC, AND ROBERT G. JOHNSON AND ASSOCIATES.**

WHEREAS, the City has reached a negotiated settlement in the lawsuit entitled *Homebuilders Association of Metropolitan Portland and Matrix Development Corporation v. the City of Wilsonville*, Clackamas County Case No. CCV9412034 pertaining to the City's enactment of a supplemental street system development charge; and

WHEREAS, the Community Development Director and City Attorney recommend settling the dispute in accordance with the terms and conditions of a Settlement Agreement, a copy of which is on file with the City Recorder, has been presented to and reviewed by the City Council and is made a part of the record hereof. The seminal provisions of the Settlement leave the authority and methodology in place for the charge, but reduces the full amount of the charge by Two Hundred Forty-four Dollars (\$244.00) per trip and such reduction shall be applied retroactively to date of imposition.

WHEREAS, the City has also negotiated settlement in the lawsuit titled *Matrix Development Corporation v. the City of Wilsonville*, Clackamas County Case No. 9501241, which dealt with the City's enactment of a Park and Recreation Systems Development Charge; and

WHEREAS, the Community Development Director and City Attorney recommend settling the dispute in accordance with the terms and conditions of a Settlement Agreement, a copy of which is on file with the City Recorder, has been presented to and reviewed by the City Council and is made a part of the record hereof. The seminal provisions of the Settlement leave the authority and methodology in place for the charge, but reduces the full amount of the charge

by Three Hundred Dollars (\$300.00) for single family residents, Two Hundred Twenty-eight Dollars (\$228.00) for apartments, and Eight Dollars (\$8.00) for commercial and industrial; and

WHEREAS, Robert G. Johnson, is the owner of Great Northwestern Management Company, Robert G. Johnson and Associates, and the property known as Teufel Village, and obtained development approval for the aforementioned property for a mixed use commercial residential planned unit development, also known as Teufel Village. Robert G. Johnson is the managing partner of Village at Main Street, Phase 1, LLC, which is the developer along with Robert G. Johnson and Associates, of Phase 1 of the Teufel Village Development. Robert G. Johnson through his business entities is a member of the Homebuilders Association and participated in the aforementioned Homebuilders lawsuit and agrees in the settlements with both the aforementioned law suites; and

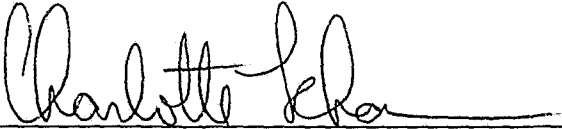
WHEREAS, as further consideration, Johnson seeks to have the aforementioned SDC reductions in the amount of Two Hundred Seventy-five Thousand Dollars (\$275,000.00) credited against the SDC's imposed against the Teufel Village Development, to pay the balance of the charges in installments, pursuant to state and city authority, and with certain security arrangements and guarantees, and agrees to construct certain major off-site public improvements to benefit Teufel Village, the general public, and certain other neighboring properties, and to enter into a development agreement concerning the public improvements to be made, the City's participation, and any further applicable credits; and

WHEREAS, the Community Development Director and City Attorney recommend acceptance of the Settlement Agreement and Development Agreement with the successor entity, Village at Main Street, Phase 1, LLC, Robert G. Johnson, managing partner; and Robert G. Johnson and Associates. The Settlement Agreement, the Development Agreement together with the respective documents associated therewith have been presented to and reviewed by the City Council and are on file with the City Recorder and made a part of the record herein.


NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The City Council approves and authorizes the City Manager and City Attorney to settle the above referenced legal cases in accordance with the terms and conditions in the documents referenced to in the above recitals.
2. The City Council authorizes the City Manager to enter into settlement agreements with the parties involved in the above mentioned litigation, and to execute the development agreement and associated documents with the respective parties named therein.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 20th day of February, 1997, and filed with the Wilsonville City Recorder this same date.

  
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CHARLOTTE LEHAN, Mayor

ATTEST:

  
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Sandra C. King, CMC, City Recorder

SUMMARY of votes:

Mayor Lehan	Yes
Councilor MacDonald	Yes
Councilor Helser	Yes
Councilor Luper	Yes
Councilor Barton	Excused