



Revised  
**FINAL AGENDA**  
(\*Indicates Item Added)

CITY HALL – SECOND FLOOR CONFERENCE ROOM  
4755 SW Griffith Drive  
Beaverton, OR 97005

SPECIAL MEETING  
MAY 26, 2005  
6:30 P.M. - Following Budget  
Committee Meeting

CALL TO ORDER:

ROLL CALL:

PUBLIC HEARING:

05092            A Resolution Adopting a Supplemental Budget (#S-05-2) for the Fiscal Year Commencing July 1, 2004, and Making Appropriations Therefrom. (Resolution No. 3814)

ACTION ITEM:

\*05102            Intergovernmental Agreement with Tualatin Hills Park and Recreation District for the Purchase of Phase II of the Mt. Williams Property

EXECUTIVE SESSION:

In accordance with ORS 192.660 (2) (h) to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed and in accordance with ORS 192.660 (2) (e) to deliberate with persons designated by the governing body to negotiate real property transactions and in accordance with ORS 192.660 (2) (d) to conduct deliberations with the persons designated by the governing body to carry on labor negotiations. Pursuant to ORS 192.660 (3), it is Council's wish that the items discussed not be disclosed by media representatives or others.

ADJOURNMENT

This information is available in large print or audio tape upon request. In addition, assistive listening devices, sign language interpreters, or qualified bilingual interpreters will be made available at any public meeting or program with 48 hours advance notice. To request these services, please call 526-2222/voice TDD.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** A Resolution Adopting a Supplemental Budget (#S-05-2) for the Fiscal Year Commencing July 1, 2004, and Making Appropriations Therefrom

**FOR AGENDA OF:** 05/26/05    **BILL NO:** 05092

**Mayor's Approval:** *Lida G. Adland*

**DEPARTMENT OF ORIGIN:** Finance *AD Claire*

**DATE SUBMITTED:** 05/05/05

**CLEARANCES:** City Attorney *AR*

**PROCEEDING:** Public Hearing

**EXHIBITS:** Resolution  
Exhibit A – Supplemental  
Summary Report

**BUDGET IMPACT**

EXPENDITURE REQUIRED \$-0-	AMOUNT BUDGETED \$-0-	APPROPRIATION REQUIRED "See Attached"
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**HISTORICAL PERSPECTIVE:**

Earlier on the evening of May 26, 2005, Supplemental Budget #S-05-2 will have been reviewed and approved by the Budget Committee and forwarded to the City Council for formal action. State Statutes require that the City Council hold a public hearing prior to adopting the Supplemental Budget.

Supplemental Budget #S-05-2 will not increase taxes levied in this fiscal year.

**INFORMATION FOR CONSIDERATION:**

Attached is the resolution which amends the current fiscal year budget by adopting Supplemental Budget #S-05-2. The Supplemental Budget is presented in summary form in Exhibit A "Budget Supplemental Summary Report".

**RECOMMENDED ACTION:**

Council hold a public hearing and approve the attached resolution which adopts Supplemental Budget #S-05-2 for the current fiscal year and makes appropriations therefrom.

A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET  
FOR THE FISCAL YEAR COMMENCING JULY 1, 2004  
AND MAKING APPROPRIATIONS THEREFROM

BE IT RESOLVED BY THE CITY OF BEAVERTON AS FOLLOWS:

Section 1. The City Council hereby adopts for the fiscal year 2004-05, the Supplemental Budget (#S-05-2), as approved after public hearing before the Council at its meeting of May 26, 2005, and now on file in the office of the City Recorder (attached hereto as Exhibit A and incorporated herein).

Section 2. For the reasons and purposes set forth in Exhibit A of Section 1 above, the Council finds and determines that it is necessary to make the amendments in appropriations as indicated in Exhibit A. These supplemental appropriations will not increase taxes levied in this fiscal year. Said supplemental appropriations are hereby authorized by the Council.

Section 3. The Finance Director or his designee shall make the appropriate entries in the books, accounts and records of the City to effect the purpose of this Resolution.

Adopted by the Council this \_\_\_\_ day of May, 2005.

Approved by the Mayor this \_\_\_\_ day of May, 2005.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_  
Sue Nelson, City Recorder

\_\_\_\_\_  
Rob Drake, Mayor

sbudresol

BUDGET SUPPLEMENTAL SUMMARY REPORT  
S-2005-2

REPORT-DATE 5-04-05

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	<u>REVISED BUDGET</u>	<u>SUPPLEMENTAL BUDGET</u>	<u>REVISED BUDGET</u>
<u>GENERAL FUND</u>			
EXPENDITURES:			
PERSONAL SERVICES	2,160,016	32,830	2,192,846
MATERIALS & SERVICES	1,906,363	113,167	2,019,530
CAPITAL OUTLAY	75,722	722-	75,000
	-----	-----	-----
	4,142,101	145,275	4,287,376
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NON-DEPARTMENTAL			
CONTINGENCY	1,956,765	209,145-	1,747,620
	-----	-----	-----
	1,956,765	209,145-	1,747,620
	-----	-----	-----
HUMAN RESOURCES DEPARTMENT			
PERSONAL SERVICES	721,610	11,308	732,918
MATERIALS & SERVICES	239,055	2,308-	236,747
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	960,665	9,000	969,665
	-----	-----	-----
MUNICIPAL COURT			
PERSONAL SERVICES	785,249	9,000	794,249
MATERIALS & SERVICES	311,580	9,000-	302,580
	-----	-----	-----
	1,096,829	0	1,096,829
	-----	-----	-----
CITY ATTORNEY'S OFFICE			
PERSONAL SERVICES	816,901	7,000	823,901
MATERIALS & SERVICES	27,750	1,000	28,750
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	844,651	8,000	852,651
	-----	-----	-----
POLICE DEPARTMENT			
PERSONAL SERVICES	14,452,848	11,500-	14,441,348
MATERIALS & SERVICES	3,031,069	16,500	3,047,569
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	17,483,917	5,000	17,488,917
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BUDGET SUPPLEMENTAL SUMMARY REPORT  
S-2005-2

REPORT-DATE 5-04-05

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	<u>REVISED BUDGET</u>	<u>SUPPLEMENTAL BUDGET</u>	<u>REVISED BUDGET</u>
<u>GENERAL FUND</u>			
EXPENDITURES: CONTINUED			
COMMUNITY DEVELOPMENT DEPT.			
PERSONAL SERVICES	3,144,942	1,000	3,145,942
MATERIALS & SERVICES	186,188	1,000-	185,188
	-----	-----	-----
	3,331,130	0	3,331,130
	-----	-----	-----
OPERATIONS DEPARTMENT			
PERSONAL SERVICES	843,832	45,605	889,437
MATERIALS & SERVICES	444,756	3,735-	441,021
	-----	-----	-----
	1,288,588	41,870	1,330,458
	-----	-----	-----
TOTAL EXPENDITURES	31,104,646	0	31,104,646
	=====	=====	=====

BUDGET SUPPLEMENTAL SUMMARY REPORT  
S-2005-2

REPORT-DATE 5-04-05

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	<u>REVISED BUDGET</u>	<u>SUPPLEMENTAL BUDGET</u>	<u>REVISED BUDGET</u>
<u>STREET FUND</u>			
EXPENDITURES:			
PERSONAL SERVICES	1,603,593	20,592	1,624,185
MATERIALS & SERVICES	1,236,815	875	1,237,690
TRANSFERS	1,462,152	21,250	1,483,402
CONTINGENCY	1,948,802	42,717-	1,906,085
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TOTAL EXPENDITURES	6,251,362	0	6,251,362
	=====	=====	=====

STATE REVENUE SHARING FUND

EXPENDITURES:			
MATERIALS & SERVICES	391,915	125,000	516,915
CONTINGENCY	453,780	125,000-	328,780
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TOTAL EXPENDITURES	845,695	0	845,695
	=====	=====	=====

BUILDING OPERATING FUND

EXPENDITURES:			
PERSONAL SERVICES	2,114,416	3,500	2,117,916
MATERIALS & SERVICES	74,934	3,180	78,114
CONTINGENCY	1,009,443	6,680-	1,002,763
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TOTAL EXPENDITURES	3,198,793	0	3,198,793
	=====	=====	=====

STREET LIGHTING FUND

EXPENDITURES:			
PERSONAL SERVICES	149,594	1,982	151,576
MATERIALS & SERVICES	819,550	42,500	862,050
CONTINGENCY	149,845	44,482-	105,363
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TOTAL EXPENDITURES	1,118,989	0	1,118,989
	=====	=====	=====

TRAFFIC IMPACT FEE FUND

EXPENDITURES:			
PERSONAL SERVICES	106,057	1,500	107,557
TRANSFERS	775,518	64,000	839,518
CONTINGENCY	2,353,637	65,500-	2,288,137
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TOTAL EXPENDITURES	3,235,212	0	3,235,212
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BUDGET SUPPLEMENTAL SUMMARY REPORT  
S-2005-2

REPORT-DATE 5-04-05

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	REVISED BUDGET	SUPPLEMENTAL BUDGET	REVISED BUDGET
<u>LIBRARY FUND</u>			
EXPENDITURES:			
PERSONAL SERVICES	3,453,446	209,232-	3,244,214
MATERIALS & SERVICES	881,277	31,682	912,959
CONTINGENCY	358,873	177,550	536,423
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TOTAL EXPENDITURES	4,693,596	0	4,693,596
	=====	=====	=====

CAPITAL PROJECTS FUND

REVENUES:

MISCELLANEOUS REVENUES	124,000	58,250-	65,750
TRSFERS FROM STREET FUND	250,000	21,250	271,250
TSFR FR TRAFFIC IMPACT FEE FD	750,926	64,000	814,926
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TOTAL REVENUES	1,124,926	27,000	1,151,926
	=====	=====	=====

EXPENDITURES:

CAPITAL OUTLAY	2,073,896	27,000	2,100,896
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TOTAL EXPENDITURES	2,073,896	27,000	2,100,896
	=====	=====	=====

ASSESSMENT PROJECT FUND

EXPENDITURES:

CAPITAL OUTLAY	0	7,500	7,500
CONTINGENCY	419,195	7,500-	411,695
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TOTAL EXPENDITURES	419,195	0	419,195
	=====	=====	=====

WATER FUND

EXPENDITURES:

PERSONAL SERVICES	1,337,173	15,500	1,352,673
MATERIALS & SERVICES	2,473,189	9,845-	2,463,344
CONTINGENCY	3,179,838	5,655-	3,174,183
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TOTAL EXPENDITURES	6,990,200	0	6,990,200
	=====	=====	=====

BUDGET SUPPLEMENTAL SUMMARY REPORT  
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	<u>REVISED BUDGET</u>	<u>SUPPLEMENTAL BUDGET</u>	<u>REVISED BUDGET</u>
<u>SEWER FUND</u>			
EXPENDITURES:			
PERSONAL SERVICES	844,151	4,822	848,973
MATERIALS & SERVICES	792,099	1,840-	790,259
CONTINGENCY	1,653,533	2,982-	1,650,551
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TOTAL EXPENDITURES	3,289,783	0	3,289,783
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STORM DRAIN FUND

EXPENDITURES:			
PERSONAL SERVICES	1,144,984	6,345	1,151,329
MATERIALS & SERVICES	410,383	6,769	417,152
CAPITAL OUTLAY	2,389,500	81,360	2,470,860
CONTINGENCY	208,049	13,114-	194,935
CONTINGENCY - DEDICATED	3,142,644	81,360-	3,061,284
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TOTAL EXPENDITURES	7,295,560	0	7,295,560
	=====	=====	=====

REPROGRAPHICS FUND

EXPENDITURES:			
PERSONAL SERVICES	214,191	10,500	224,691
MATERIALS & SERVICES	454,676	38,300-	416,376
CAPITAL OUTLAY	0	38,300	38,300
CONTINGENCY	75,308	10,500-	64,808
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TOTAL EXPENDITURES	744,175	0	744,175
	=====	=====	=====

GARAGE FUND

EXPENDITURES:			
MATERIALS & SERVICES	498,940	34,500	533,440
CONTINGENCY	34,589	34,500-	89
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TOTAL EXPENDITURES	533,529	0	533,529
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MAPPING/TECHNICAL SERVICE FUND

EXPENDITURES:			
PERSONAL SERVICES	347,103	4,500-	342,603

BUDGET SUPPLEMENTAL SUMMARY REPORT  
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	<u>REVISED BUDGET</u>	<u>SUPPLEMENTAL BUDGET</u>	<u>REVISED BUDGET</u>
<u>MAPPING/TECHNICAL SERVICE FUND</u>			
EXPENDITURES: CONTINUED			
MATERIALS & SERVICES	60,370	5,600	65,970
CONTINGENCY	94,131	1,100-	93,031
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TOTAL EXPENDITURES	501,604	0	501,604
	=====	=====	=====
<u>LIBRARY TRUST FUND</u>			
EXPENDITURES:			
MATERIALS & SERVICES	74,000	778	74,778
CONTINGENCY	52,872	778-	52,094
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TOTAL EXPENDITURES	126,872	0	126,872
	=====	=====	=====
<u>INSURANCE AGENCY FUND</u>			
REVENUES:			
TRSFERS FRM INSURANCE FUND	0	400,000	400,000
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TOTAL REVENUES	0	400,000	400,000
	=====	=====	=====
EXPENDITURES:			
PERSONAL SERVICES	156,349	3,356	159,705
MATERIALS & SERVICES	6,328,582	529,372	6,857,954
TRANSFERS	617,288	400,000	1,017,288
CONTINGENCY	383,205	82,728-	300,477
RESERVE	1,875,000	450,000-	1,425,000
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TOTAL EXPENDITURES	9,360,424	400,000	9,760,424
	=====	=====	=====

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Intergovernmental Agreement with Tualatin Hills Park and Recreation District for the Purchase of Phase II of the Mt. Williams Property.

**FOR AGENDA OF:** 05-26-05 **BILL NO:** 05102

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** City Attorney 

**DATE SUBMITTED:** 05-24-05

**CLEARANCES:** Finance 

**PROCEEDING:** Action Agenda.

**EXHIBITS:** IGA with THPRD  
Agenda Bill 04099 (5/17/04)  
(without attachments)

**BUDGET IMPACT**

<b>EXPENDITURE</b>	<b>AMOUNT</b>	<b>APPROPRIATION</b>
REQUIRED \$125,000	BUDGETED \$125,000	REQUIRED \$0

**HISTORICAL PERSPECTIVE:**

A little over one year ago, the City Council authorized the purchase of 8.78 acres for \$1,000,000 for use for a water reservoir. The Council also entered into an IGA that allowed THPRD to have limited use of the same property for recreation. The property sits on the top of Mt. Williams and was owned by Ms. Dernbach and was part of the Phase I purchase of Ms. Dernbach's property by the Trust for Public Land (TPL) and THPRD. What currently is before the Council is Phase II of that purchase.

**INFORMATION FOR CONSIDERATION:**

THPRD, through TPL, is seeking to conclude Phase II of the Mt. Williams purchase of 14.87 acres of property for a total of \$2.7 million. The City is contributing \$125,000. Metro is contributing \$100,000. Washington County is contributing \$300,000. Private parties are contributing \$75,000 held by the TPL. Through grants to THPRD, MTIP is contributing \$600,000 and Oregon State Parks is contributing \$500,000, with the balance coming from THPRD. The agreement with the District is very simple and provides that the District will use the property for recreational purposes as determined by the District.

**RECOMMENDED ACTION:**

Approve the agreement and authorize the disbursement of \$125,000 for the purchase of Phase II of the Mt. Williams property.

**INTERGOVERNMENTAL AGREEMENT**

**BETWEEN:** The City of Beaverton, a unit of  
local government of the State of Oregon (City)

**AND:** The Tualatin Hills Park and Recreation District, a unit of  
local government of the State of Oregon (District)

**EFFECTIVE  
DATE:** \_\_\_\_\_

**RECITALS**

- A. ORS 190.010 provides that units of local government may enter into agreements for the performance of any and all functions and activities that any party to the agreement, its officers or agents have the authority to perform.
- B. The District previously purchased property at the Mt. Williams site for recreational purposes and the City previously purchased property at the Mt. Williams site for purposes of a water reservoir in Phase I. The District is purchasing additional property for recreational purposes on the Mt. Williams site, Phase II, for which the City is contributing one hundred twenty-five thousand dollars (\$125,000).

**AGREEMENT**

- 1. The City shall pay into an escrow account to be used for the Phase II purchase of the Mt. Williams site by the District for property legally described in Exhibit A and as shown on the map in Exhibit B. If the property is not purchased, the money shall be returned to the City.
- 2. The property that the District purchases shall be for recreational purposes as determined by the District.
- 3. **Indemnification.** To the extent legally possible, District and City shall indemnify and hold the other, its officers, agents and employees, harmless from and against any and all claims, actions, liabilities, costs, including attorney fees and other costs of defense, arising out of or in any way related to any act or failure to act by each other and each other's employees, agents, officers and contractors. The District shall be solely responsible and shall indemnify the City for any actions arising out of the recreational use of the property.
- 4. **Assignment.** Neither party shall assign this contract, in whole or in part, or any right or obligation hereunder, without the other party's prior written approval.
- 5. **Compliance with Laws.** District and City shall comply with all applicable federal, state, and local laws, rules, ordinances and regulations at all times and in the performance of the work.

6. **Arbitration.** Any controversy regarding the terms and conditions of this agreement shall be submitted to arbitration. Any party may request arbitration by written notice to the other. If the parties cannot agree on a single arbitrator within 15 days from the giving of notice, each party shall within five days select a person to represent that party and the two arbitrators shall immediately select a third impartial person to complete a three-member arbitration panel. The panel shall conduct the arbitration in accordance with the provisions of ORS Chapter 33, or the corresponding provisions of any such future law. The arbitrator(s) shall assess all or part of the cost of the arbitration, including attorney fees, to any or all parties.
  
7. **Integration.** This contract embodies the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein. This contract shall supersede all prior communications, representations or agreements, either oral or written, between the parties. This contract shall not be amended except in writing, signed by both parties.
  
8. **Interpretation.** This contract shall be governed by and interpreted in accordance with the laws of the State of Oregon.

**City of Beaverton**

**Tualatin Hills Park and Recreation District**

By: \_\_\_\_\_  
 (signature)  
 \_\_\_\_\_  
 (print)  
 \_\_\_\_\_  
 (Title)

By: \_\_\_\_\_  
 (signature)  
 \_\_\_\_\_  
 (print)  
 \_\_\_\_\_  
 (Title)

Date: \_\_\_\_\_

Date: \_\_\_\_\_

EXHIBIT A

Order No.: 408172

**LEGAL DESCRIPTION**

A portion of that tract of land conveyed to Clifford J. Dernbach and Margaret C. Dernbach in Deed Document No's. 92069492 and 92069493, Washington County Deed Records located in the Northwest quarter of Section 20, Township 1 South, range 1 West, Willamette Meridian, in the City of Beaverton, County of Washington and State of Oregon, being more particularly described as follows:

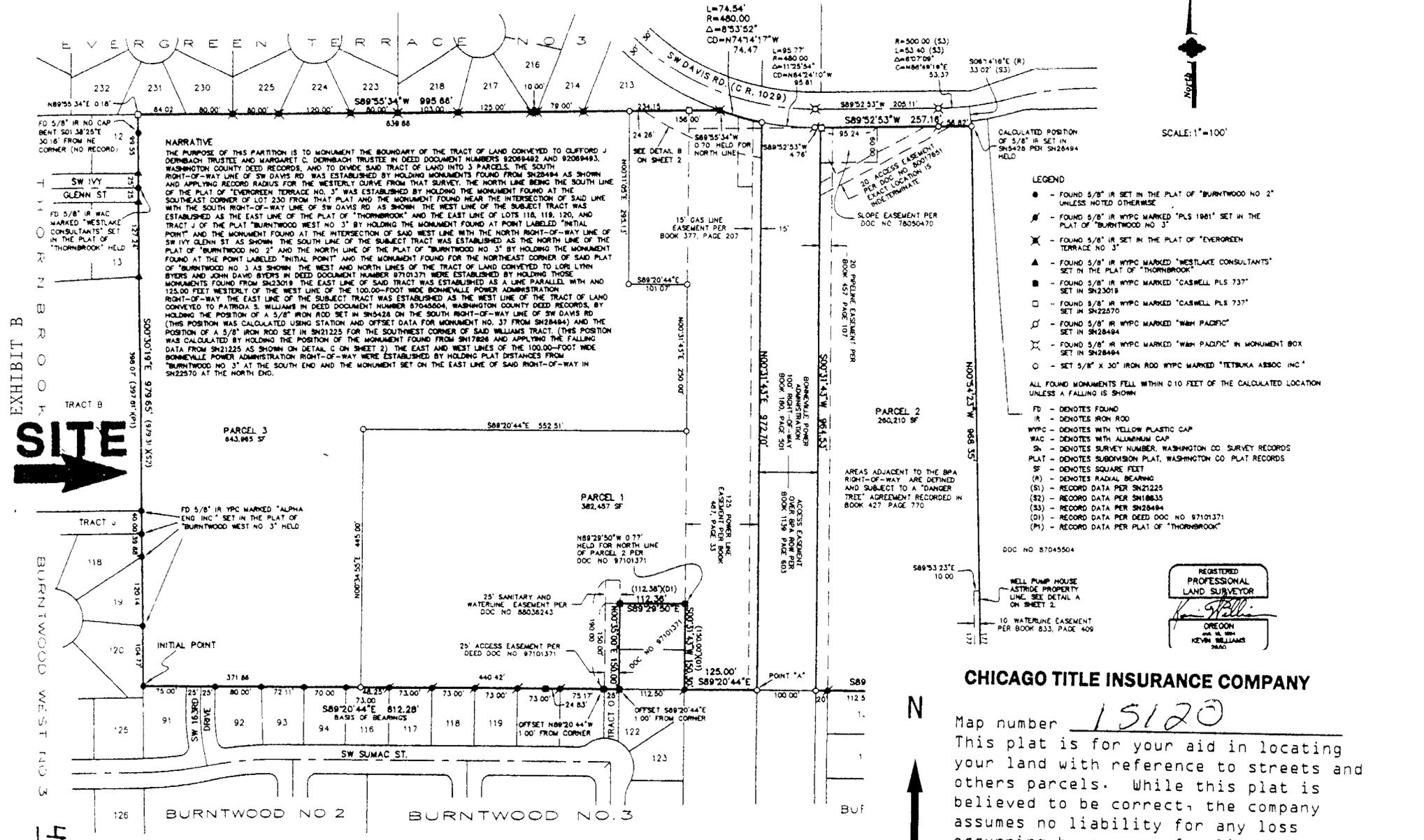
Commencing at the Northeast corner of Lot 116 of the Plat of "BURNTWOOD NO. 3", Washington County Plat Records; thence North 89°20'44" West, along the North line of said Lot 116, a distance of 48.25 feet to the true point of beginning; thence, North 00°34'55" East, leaving the North line of said Lot 116, a distance of 445.00 feet; thence South 89°20'44" East, a distance of 552.50 feet to the West line of the 125.00-foot wide power line easement recorded in Book 487, Page 33, Washington County Deed Records; thence North 00°31'43" East, along said West line, a distance of 250.00 feet; thence North 89°20'44" West, leaving said West line, a distance of 101.07 feet; thence North 00°11'05" East, a distance of 295.13 feet to the South line of the Plat of "EVERGREEN TERRACE NO. 3", Washington County Plat Records; thence South 89°55'34" West, along said South line, a distance of 839.66 feet to the East line of the Plat of "THORNBROOK", Washington County Plat Records; thence South 00°30'19" East, along said East line and the East line of the Plat of "BURNTWOOD WEST NO. 3", Washington County Plat Records, a distance of 979.65 feet to the North line of the Plat of "BURNTWOOD NO. 2", Washington County Plat Records; thence South 89°20'44" East, along said North line an the North line of said Plat of "BURNTWOOD NO. 3", a distance of 371.86 feet to the point of beginning.

# PARTITION PLAT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 20,  
TOWNSHIP 1 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,  
CITY OF BEAVERTON, WASHINGTON COUNTY, OREGON

APRIL 14, 2004

PARTITION PLAT NO. 2004-031  
RECORDED AS DOCUMENT NO. 200402554



**NARRATIVE**

THE PURPOSE OF THIS PARTITION IS TO MONUMENT THE BOUNDARY OF THE TRACT OF LAND CONVEYED TO CLIFFORD J. DORNBAUGH TRUSTEE AND MARGARET C. DORNBAUGH TRUSTEE IN DEED DOCUMENT NUMBERS 92089482 AND 92089493, WASHINGTON COUNTY DEED RECORDS, AND TO DIVIDE SAID TRACT OF LAND INTO 3 PARCELS. THE SOUTH RIGHT-OF-WAY LINE OF SW DAVIS RD. WAS ESTABLISHED BY HOLDING MONUMENTS FOUND FROM SH28494 AS SHOWN AND APPLYING RECORD RADIUS FOR THE WESTERLY CURVE FROM THAT SURVEY, THE NORTH LINE BEING THE SOUTH LINE OF THE PLAT OF "EVERGREEN TERRACE NO. 3" WAS ESTABLISHED BY HOLDING THE MONUMENT FOUND AT THE SOUTHEAST CORNER OF LOT 230 FROM THAT PLAT AND THE MONUMENT FOUND NEAR THE INTERSECTION OF SAID LINE WITH THE SOUTH RIGHT-OF-WAY LINE OF SW DAVIS RD AS SHOWN. THE WEST LINE OF THE SUBJECT TRACT WAS ESTABLISHED AS THE EAST LINE OF THE PLAT OF "THORNWOOD" AND THE EAST LINE OF LOTS 118, 119, 120, AND TRACT J OF THE PLAT "BURNWOOD WEST NO. 3" BY HOLDING THE MONUMENT FOUND AT POINT LABELED "INITIAL POINT" AND THE MONUMENT FOUND AT THE INTERSECTION OF SAID WEST LINE WITH THE NORTH RIGHT-OF-WAY LINE OF SW IVY GLEN ST AS SHOWN. THE SOUTH LINE OF THE SUBJECT TRACT WAS ESTABLISHED AS THE NORTH LINE OF THE PLAT OF "BURNWOOD NO. 2" AND THE NORTH LINE OF THE PLAT OF "BURNWOOD NO. 3" BY HOLDING THE MONUMENT FOUND AT THE POINT LABELED "INITIAL POINT" AND THE MONUMENT FOUND FOR THE NORTHEAST CORNER OF SAID PLAT OF "BURNWOOD NO. 3" AS SHOWN. THE WEST AND NORTH LINES OF THE TRACT OF LAND CONVEYED TO LORE LYNN BYERS AND JOHN DAVID BYERS IN DEED DOCUMENT NUMBER 97101371 WERE ESTABLISHED BY HOLDING THOSE MONUMENTS FOUND FROM SH23019. THE EAST LINE OF SAID TRACT WAS ESTABLISHED AS A LINE PARALLEL WITH AND 125.00 FEET WESTERLY OF THE WEST LINE OF THE 100.00-FOOT WIDE BONNEVILLE POWER ADMINISTRATION RIGHT-OF-WAY. THE EAST LINE OF THE SUBJECT TRACT WAS ESTABLISHED AS THE WEST LINE OF THE TRACT OF LAND CONVEYED TO PATRICIA S. WILLIAMS IN DEED DOCUMENT NUMBER 87045008, WASHINGTON COUNTY DEED RECORDS, BY HOLDING THE POSITION OF A 5/8" IRON ROD SET IN SH5428 ON THE SOUTH RIGHT-OF-WAY LINE OF SW DAVIS RD (THIS POSITION WAS CALCULATED USING STATION AND OFFSET DATA FOR MONUMENT NO. 37 FROM SH28494) AND THE POSITION OF A 5/8" IRON ROD SET IN SH21225 FOR THE SOUTHWEST CORNER OF SAID WILLIAMS TRACT. (THIS POSITION WAS CALCULATED BY HOLDING THE POSITION OF THE MONUMENT FOUND FROM SH17828 AND APPLYING THE FALLING DATA FROM SH21225 AS SHOWN ON DETAIL C ON SHEET 2) THE EAST AND WEST LINES OF THE 100.00-FOOT WIDE BONNEVILLE POWER ADMINISTRATION RIGHT-OF-WAY WERE ESTABLISHED BY HOLDING PLAT DISTANCES FROM "BURNWOOD NO. 3" AT THE SOUTH END AND THE MONUMENT SET ON THE EAST LINE OF SAID RIGHT-OF-WAY IN SH22570 AT THE NORTH END.

- LEGEND**
- - FOUND 5/8" IR SET IN THE PLAT OF "BURNWOOD NO. 2" UNLESS NOTED OTHERWISE
  - FOUND 5/8" IR WYPC MARKED "PLS 1061" SET IN THE PLAT OF "BURNWOOD NO. 3"
  - ✕ - FOUND 5/8" IR SET IN THE PLAT OF "EVERGREEN TERRACE NO. 3"
  - ▲ - FOUND 5/8" IR WYPC MARKED "WESTLAKE CONSULTANTS" SET IN THE PLAT OF "THORNWOOD"
  - - FOUND 5/8" IR WYPC MARKED "CASWELL PLS 737" SET IN SH23019
  - - FOUND 5/8" IR WYPC MARKED "CASWELL PLS 737" SET IN SH22570
  - - FOUND 5/8" IR WYPC MARKED "WASH PACIFIC" SET IN SH28494
  - ⊗ - FOUND 5/8" IR WYPC MARKED "WASH PACIFIC" IN MONUMENT BOX SET IN SH28494
  - - SET 5/8" X 30" IRON ROD WYPC MARKED "TETRUKA ASSOC INC"
- ALL FOUND MONUMENTS FELL WITHIN 0.10 FEET OF THE CALCULATED LOCATION UNLESS A FALLING IS SHOWN
- FD - DENOTES FOUND  
 IR - DENOTES IRON ROD  
 WYPC - DENOTES WITH YELLOW PLASTIC CAP  
 WAC - DENOTES WITH ALUMINUM CAP  
 SN - DENOTES SURVEY NUMBER, WASHINGTON CO SURVEY RECORDS  
 PLAT - DENOTES SUBDIVISION PLAT, WASHINGTON CO PLAT RECORDS  
 SF - DENOTES SQUARE FEET  
 (R) - DENOTES RADIAL BEARING  
 (S1) - RECORD DATA PER SH21225  
 (S2) - RECORD DATA PER SH18635  
 (S3) - RECORD DATA PER SH28494  
 (D1) - RECORD DATA PER DEED DOC NO 87101371  
 (P1) - RECORD DATA PER PLAT OF "THORNWOOD"
- DOC NO 87045504
- WELL PUMP HOUSE ASTRIDE PROPERTY LINE. SEE DETAIL A ON SHEET 2.
- 10 WATERLINE EASEMENT PER BOOK 833, PAGE 409

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*K. Wall*  
OREGON  
DEC 16, 1994  
KEVIN WILLIAMS  
PLAT

## CHICAGO TITLE INSURANCE COMPANY

Map number 15120  
 This plat is for your aid in locating your land with reference to streets and others parcels. While this plat is believed to be correct, the company assumes no liability for any loss occurring by reason of reliance thereon.

EXHIBIT B  
THORNWOOD  
BURNWOOD WEST NO. 3

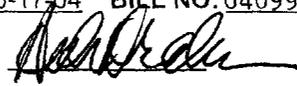
**SITE**

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

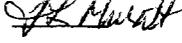
**SUBJECT:** Land Purchase for a Future Water Storage Reservoir; and Council Authorization for Mayor to Sign Intergovernmental Agreement with Tualatin Hills Park and Recreation District

**FOR AGENDA OF:** 5-17-04 **BILL NO:** 04099

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Engineering 

**DATE SUBMITTED:** 5-11-04

**CLEARANCES:** City Attorney   
Finance   
Purchasing 

**PROCEEDING:** Consent Agenda  
(Contract Review Board)

- EXHIBITS:**
1. Agreement for Sale of Real Property
  2. Property Deed and Exhibits
  3. Property Location Map
  4. Intergovernmental Agreement with THPRD
  5. Water Reservoir Conceptual Siting Plan

**BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$1,000,000	BUDGETED \$1,000,000 *	REQUIRED \$-0-

\* Funding of the land (real property) purchase is from the General Fund Account No 001-13-0003-651 approved in the adopted FY 2003-04 budget (\$400,000) and in the Supplemental Budget S-04-1 (\$600,000).

**HISTORICAL PERSPECTIVE:**

**Land Purchase**

Beginning in 1991 as a result of recommendations in the City's Water System Facility (master) Plan, the undeveloped 29.64-acre Mt. Williams site owned by Clifford and Margaret Dernbach, was identified by staff as a likely site for up to two 15 million-gallon water storage reservoirs needed in the future to serve the City's lower-pressure zone and largest single service zone.

At the time, engineering staff recognized the Dernbach property at 15820 SW Davis Road as the most suited in elevation and undeveloped size for future large water reservoirs. The Dernbach property (also known as Mt. Williams) was and is undeveloped except for the Dernbach single-family residential house.

Mr. Dernbach passed away prior to 2001. According to an article in *The Oregonian*, dated May 22, 2003, County Commissioner Dick Schouten 'knew that Margaret Dernbach was interested in her land remaining as a park, so he introduced her to officials from the Trust for Public Land.' The Trust for Public Land (TPL) negotiated and signed an exclusive and irrevocable option to purchase the entire property with Ms. Dernbach (trustee) on December 13, 2001.

According to TPL published information, the Trust for Public Land is a national nonprofit organization specializing in real estate, law and finance which works in partnership with public agencies, businesses and citizens' groups to acquire and protect recreational, scenic, historic and ecologically significant land. TPL states that as a non-membership organization, it protects land through acquisition until it can be conveyed to a public agency or nonprofit conservation group. What is not generally stated in published information is in exchange for tax benefits or other considerations, TPL collects from the land owner (seller) up to 20 percent of the land purchase price as a finder's fee to assist the land owner with finding public agency/nonprofit buyers so that the land will pass into public ownership.

Below is a chronology assembled to list events and actions taken which led up to the multi-intergovernmental and contractual arrangements with the Trust for Public Land and Ms. Dernbach to purchase an initial approximately 14.75 acres:

### **Chronology of Events**

<b>Date</b>	<b>Event</b>
April 1991	Water System Facility (master) Plan was completed by a consultant for the City which identified a need for up to two large reservoirs at the elevation and general area of the Mt. Williams (Dernbach) undeveloped site.
November 10, 1999	SW 155 <sup>th</sup> Avenue Reservoir Preliminary Siting Evaluation was prepared by an engineering consultant on contract to the City to develop siting concepts for one and two large reservoirs to determine which part of the Dernbach property would be suitable for a future reservoir.
September 18, 2001	Preliminary Title Report prepared for TPL prepared by Fidelity National Title Company of Oregon is submitted to TPL as an initial step toward an option to purchase the 29.64-acre tract of land owned by Margaret Dernbach in trust.
December 13, 2001	Option to purchase the 29.64-acre tract owned by Margaret Dernbach in trust is signed this date between Ms. Dernbach and Trust for Public Land.
October 2002	City staff is contacted by the Trust for Public Land (TPL) regarding the City's plans for possible purchase of the Mt. Williams site, owned by Margaret Dernbach in trust, for a possible future water storage reservoir. TPL option to purchase entire Dernbach property in effect.
February 13, 2003	Letter from Ron Willoughby, General Manager, Tualatin Hills Park and Recreation District, to Mayor Drake requesting City participation in a partnership of THPRD, City, and Washington County, with additional funding (\$250,000) from a pending Oregon State Parks & Recreation Department grant for recreation trails. The proposed partnership is to fund initial phase of purchase of 29.64-acre Dernbach property. The partnership would purchase first phase tracts from TPL, which holds an exclusive and irrevocable option to the Dernbach property. Not mentioned in the letter, but as a condition of the purchase option held by TPL, TPL would keep a percentage finders fee (brokering fee) from the amount paid by the public agencies before paying the difference to Margaret Dernbach.
March 17, 2003	Phase 1, Environmental Site Assessment completed by consultant under contract to the Trust for Public Land as due diligence for purchase of the Dernbach property.

Date	Event (continued)
April 22, 2003	Certified Appraisal by the consultant PGP (Palmer Goth and Pietka) Valuation Incorporated which appraised the "hypothetical market value" of the 29.64-acre Dernbach property at \$5,800,000. Assumed no reduction in value for the City's Tree and Vegetation Ordinance No. 4224.
May 28, 2003	Meeting hosted by TPL is held with staff of various interested parties (TPL, THPRD, City, Washington County, and Metro) to discuss possible public purchase of the 29.64-acre Dernbach property under option to TPL. Meeting discussion covered different scenarios for funding the purchase and those agencies to hold title to the land.
July 17, 2003	Mt. Williams Property Tour sponsored by Tualatin Hills Park and Recreation District held at the Mt. Williams (Dernbach) site. Elected officials and/or staff from the City, THPRD, Washington County, State Parks and Recreation Department, and TPL were in attendance.
October 2003	Meeting of the Mayor and City staff with representative of TPL to discuss the City's interest in purchasing a tract of the Dernbach property under option to TPL for the purpose of a future storage reservoir(s).
November 6, 2003	Letter from TPL to City staff member David Winship confirming the outcome of the meeting in October 2003 regarding the City's desire to purchase at least a 5.2-acre parcel of land for a possible future water storage reservoir.
Mid-December 2003	TPL option to purchase Dernbach 29.64-acre tract set to expire. Undisclosed agreement to renew option apparently signed near this date to extend into the future.
January 30, 2004	Trust for Public Land contacts the City to restart serious discussions for a purchase arrangement to acquire land for a future reservoir. Undisclosed TPL option to purchase the entire 29.64-acre Dernbach tract still in effect and will extend at least until the end of May 2004.
February 2, 2004	Engineering consultant hired by the City to begin route evaluation for purposes of easement acquisition of rights-of-way easements for inlet and outlet piping in the PGE and BPA existing rights-of-way to a future water storage reservoir with up to 20-million gallon volume located on the Mt. Williams (Dernbach) property.
March 12, 2004	Coordination meeting with Trust for Public Land, City staff representatives, Tualatin Hills Park and Recreation District (THPRD) and Washington County to finalize arrangements for first phase purchase of approximately an 8.78-acre tract (Parcel No. 1) to the City and a 5.97-acre tract (Parcel No. 2) to THPRD.
April 15, 2004	City issues a notice for a Land Division Preliminary Plat with TPL as the applicant. Proposed plat to accommodate a land purchase in two phases by the public of the Dernbach 29.64 acres.

As noted above, staff have been working with engineering consultants to produce preliminary water storage reservoir plans. The engineering work is to ensure that the site can support the intended use and to obtain needed rights-of-way for inlet and outlet piping and utilities for eventual development of a large reservoir and any additional water system related facilities. The attached Exhibit 5 shows a conceptual siting plan for a 20-million gallon reservoir on the property proposed for purchase. Staff have contacted both the City of Tigard (Tigard Water District) and the Tualatin Valley Water District regarding potential future joint projects to construct a large reservoir. A jointly funded project could reduce City cost when the need for a reservoir at this site is warranted.

As a part of due diligence by TPL to sell the property to the City and THPRD, a phase 1 Environmental Site Assessment was completed by a certified consultant on March 17, 2003. The consultant found that the assessment did not reveal evidence of recognized environmental conditions in connection with the property. The only remarkable findings in the report which impact the City's tract is potential asbestos in the house and possible presence of residue of pesticides used by the owners on fruit trees in the 1940s and 50s.

#### **Intergovernmental Agreement with Tualatin Hills Park and Recreation District**

As an integral part of the arrangements between the City and THPRD to purchase the two phase 1 tracts of land on Mt. Williams, the Park District has prepared an intergovernmental agreement by which it will manage the overall property, approximately 14.75 acres, generally for recreational use by the public. However, on the City's property, the intergovernmental agreement states that the primary use of the City land is for water system purposes and its secondary purpose is to allow public recreation.

#### **INFORMATION FOR CONSIDERATION:**

As a condition of the sale of the property and to protect Ms. Dernbach's right to occupy her land, the City's purchase agreement includes a 0.34-acre life estate for her benefit within the City's 8.78-acre tract. In any case, development of the City's tract to construct a storage reservoir which requires use of the life estate property cannot take place as long as the life estate is in effect.

Since the real property is purchased with the intent of use for a future water storage reservoir(s), reimbursement by the Water Fund and/or Water Construction Fund will take place over the next three years as funds are available for transfer.

#### **RECOMMENDED ACTION:**

1. Council, acting as Contract Review Board, authorize the Mayor to sign the attached Agreement for Sale of Real Property, escrow title closing documents and other applicable documents related to the land purchase of approximately 8.78 acres described above, as approved as to form by the City Attorney, in the amount of \$1,000,000. Funding of the purchase is from the budgeted account in the General Fund, noted above.
2. Authorize the Mayor to execute an Intergovernmental Agreement between the City of Beaverton and the Tualatin Hills Park and Recreation District to manage upon purchase the City's Mt. Williams' property for joint use consistent with the City's primary intended use of the property for water storage reservoir(s).