



City of Tigard

Tigard Business Meeting - Agenda

TIGARD CITY COUNCIL AND CITY CENTER DEVELOPMENT AGENCY

MEETING DATE AND TIME: January 24, 2012 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

MEETING LOCATION: City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are *estimated*; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. *Business agenda items can be heard in any order after 7:30 p.m.*

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

VIEW LIVE VIDEO STREAMING ONLINE:

<http://www.tvctv.org/government-programming/government-meetings/tigard>

CABLE VIEWERS: The regular City Council meeting is shown live on Channel 28 at 7:30 p.m. The meeting will be rebroadcast at the following times on Channel 28:

Thursday	6:00 p.m.	Sunday	11:00 a.m.
Friday	10:00 p.m.	Monday	6:00 a.m.



City of Tigard
Tigard Business Meeting - Agenda

TIGARD CITY COUNCIL AND CITY CENTER DEVELOPMENT AGENCY

MEETING DATE AND TIME: January 24, 2012 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

MEETING LOCATION: City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

6:30 PM

• **STUDY SESSION**

- **EXECUTIVE SESSION:** The Tigard City Council and City Center Development Agency will go into Executive Session to discuss real property transaction negotiations under ORS 192.660(2) (e). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM - January 24, 2012

1. **BUSINESS MEETING**
 - A. Call to Order
 - B. Roll Call
 - C. Pledge of Allegiance
 - D. Council Communications & Liaison Reports
 - E. Call to Council and Staff for Non-Agenda Items
2. **CITIZEN COMMUNICATION (Two Minutes or Less, Please)**
7:35 p.m. - time is estimated
 - A. Follow-up to Previous Citizen Communication
 - B. Tigard High School Student Envoy
 - C. Tigard Area Chamber of Commerce
 - D. Citizen Communication – Sign Up Sheet

3. INTRODUCTION OF CITY ENGINEER MIKE STONE
7:40 p.m. - time is estimated
4. PROCLAMATION - TIGARD BASKETBALL ASSOCIATION
7:45 p.m. - time is estimated
5. CONSENT AGENDA: (Tigard City Council) These items are considered routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
7:50 p.m. - time is estimated
 - A. Approve City Council Meeting Minutes for:
 1. November 14, 2011
 2. November 15, 2011
 2. November 22, 2011
 3. December 6, 2011
 - B. Specify City Council Liaison Appointments to City of Tigard and Regional Boards, Commissions, Committees, and Task Forces
 - C. Authorize the City Manager to Execute an Intergovernmental Agreement with Clean Water Services Regarding the Derry Dell Sewer Project
 - D. Adopt a Resolution of Necessity to Acquire Property for the Main Street/Green Street Retrofit (Agenda Item Summary and the proposed resolution will be attached and distributed on Friday, January 20, 2012.)
- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council/City Center Development Agency has voted on those items which do not need discussion.*
6. APPROVE THE CITY OF WEST LINN'S MEMBERSHIP IN THE METROPOLITAN AREA COMMUNICATIONS COMMISSION - RESOLUTION
7:55 p.m. - time is estimated
7. CONTINUE TO DISCUSS AMENDMENTS TO TIGARD MUNICIPAL CODE CHAPTER 1.16 AND CONSOLIDATION OF NUISANCE VIOLATIONS INTO A NEW TITLE 6
8:10 p.m. - time is estimated
8. UPDATE ON URBAN FORESTRY CODE REVISIONS PROCESS
8:40 p.m. - time is estimated
9. COUNCIL LIAISON REPORTS
9:10 p.m. - time is estimated
10. NON AGENDA ITEMS

11. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
12. ADJOURNMENT
9:15 p.m. - time is estimated

AIS-753

Item #: 3.

Business Meeting

Date: 01/24/2012

Length (in minutes): 5 Minutes

Agenda Title: Introduction of City Engineer Mike Stone

Prepared For: Dennis Koellermeier

Submitted By:

Greer Gaston
Public Works

Item Type: Update, Discussion, Direct Staff

Meeting Type:

Council Business
Meeting - Main

ISSUE

Public Works Director Dennis Koellermeier will introduce Tigard's new City Engineer, Mike Stone.

STAFF RECOMMENDATION / ACTION REQUEST

Not applicable.

KEY FACTS AND INFORMATION SUMMARY

Public Works Director Dennis Koellermeier will introduce Tigard's new City Engineer, Mike Stone. Mr. Stone started his position at the city on January 3, 2012.

Mr Stone holds a degree in civil engineering from Oregon State University and has served as the city engineer for the City of Wilsonville for the past 19 years. Prior to this, Mr. Stone worked for the City of Tualatin as a civil engineer for 10 years.

Mr. Stone also served as the member-at-large on the Intergovernmental Water Board from February 2010 to December 2011.

He is a resident of Tigard.

OTHER ALTERNATIVES

None.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

None.

DATES OF PREVIOUS COUNCIL CONSIDERATION

None.

AIS-767

Item #: 4.

Business Meeting

Date: 01/24/2012

Length (in minutes): 5 Minutes

Agenda Title: Tigard Basketball Association Proclamation

Submitted By: Cathy Wheatley
Administrative Services

Item Type: Update, Discussion, Direct Staff

Meeting Type:

Council Business
Meeting - Main

ISSUE

Should Mayor Dirksen issue a proclamation in honor of the 30th anniversary of the Tigard Basketball Assn.?

STAFF RECOMMENDATION / ACTION REQUEST

N/A

KEY FACTS AND INFORMATION SUMMARY

On December 13, 2011 TBA Board member Mark Padgett made a presentation about Tigard Basketball Assn. to the City Council. He noted that "The four councilors were very supportive of the contributions our hundreds of volunteers have made to our community over the last 30 years." He then thanked Council for their support of "this fine organization."

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

December 13, 2011 - Council received request from Mark Padgett during the Citizen Communication.

Fiscal Impact

Fiscal Information:

None.

Attachments

Tigard Basketball Association Proclamation

Proclamation

City of Tigard

30 YEARS OF SERVICE: TIGARD BASKETBALL ASSOCIATION 1981 - 2011

Whereas, the Tigard Basketball Association (TBA) is a volunteer run, non-profit organization that operates the recreational basketball program for Tigard youth in grades 3 through 12; and

Whereas, the program is open to all children within the City of Tigard or the Tigard-Tualatin School District boundaries; and

Whereas, TBA is celebrating 30 years of a program made successful by outstanding contributions from parents, coaches, community members; and

Whereas, thousands of Tigard students have participated in the TBA program over the past 30 years and had fun while becoming physically fit and learning respect and cooperation - skills that contribute to a well-developed community; and

Whereas, TBA's volunteers and coaches have been instrumental in teaching kids game skills, but more importantly, the broader concepts of teamwork and sportsmanship; and

Whereas, TBA continues to operate a scholarship program that assists low-income families so their children may participate in recreational basketball and learn the same skills and life lessons available to their peers; and

Whereas, over the past 30 years, hundreds of community members have volunteered their time, money and interests to benefit a program dedicated solely to Tigard's youth.

NOW THEREFORE BE IT RESOLVED THAT I, Craig E. Dirksen, Mayor of the City of Tigard, Oregon, do hereby proclaim the city's thanks for the many contributions made by community volunteers and donors in honor of

30 YEARS OF SERVICE: TIGARD BASKETBALL ASSOCIATION

Dated this _____ day of _____, 2012

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed.

Craig E. Dirksen, Mayor
City of Tigard

Attest:

City Recorder

AIS-766

Item #: 5. A.

Business Meeting

Date: 01/24/2012
Length (in minutes): Consent Item
Agenda Title: Approve City Council Meeting Minutes
Submitted By: Cathy Wheatley
Administrative Services
Item Type: Motion Requested

Meeting Type: Consent Agenda

ISSUE

Approve City Council meeting minutes.

STAFF RECOMMENDATION / ACTION REQUEST

Approve minutes as submitted.

KEY FACTS AND INFORMATION SUMMARY

Attached council minutes are submitted for City Council approval. (Dates of meetings are listed under "Attachments" below.)

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

[November 14, 2011 Joint Tigard/Lake Oswego Special Meeting Minutes](#)

[November 15, 2011 City Council Workshop Minutes](#)

[November 22, 2011 City Council Business Meeting Minutes](#)

[December 6, 2011 City Council Goal-Setting Meeting Minutes](#)



City of Tigard

Tigard City Council Special Meeting - Minutes

TIGARD AND LAKE OSWEGO JOINT CITY COUNCIL MEETING

MEETING DATE AND TIME:

November 14, 2011 – 7 p.m.

MEETING LOCATION:

City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

1. SPECIAL MEETING



Mayor Dirksen called the meeting to order at 7:06 p.m.

Roll Call:

Tigard City Council

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Council President Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson	✓	
Councilor Woodard	✓	

Lake Oswego City Council:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Hoffman	✓	
Councilor Gudman	✓	
Councilor Jordan	✓	
Councilor Kehoe	✓	
Councilor Moncrieff	✓	
Councilor Olson	✓	
Councilor Tierney	✓	

2. INTRODUCTIONS



Mayor Dirksen asked that people attending give a self-introduction. Staff attending the meeting included the following:

TIGARD CITY COUNCIL/LAKE OSWEGO CITY COUNCIL JOINT MEETING MINUTES – November 14, 2011

City of Tigard:

Interim City Manager Newton, Public Works Director Koellermeier, Finance and Information Services Department Director LaFrance, Utility Division Manager Goodrich

City of Lake Oswego:

City Manager McIntyre, City Attorney Powell, Project Director Komarek, Communications Director for the Lake Oswego/Tigard Water Partnership Heisler



3. PROGRAM PURPOSE (REVIEW)

Documents, prepared for this special meeting, are on file in the council meeting packet.

- Council Report – dated November 9, 2011, from Joel B. Komarek, Project Director for the Lake Oswego-Tigard Water Partnership regarding the Lake Oswego-Tigard Water Supply Expansion Project – Implementation Update.
- PowerPoint Slides – Lake Oswego-Tigard Water Partnership – Water Program Update Joint Council Meeting – November 14, 2011.

Lake Oswego City Engineer Komarek presented the staff report.

- Work commenced on the project in 2008, when the communities of Lake Oswego and Tigard entered into an Intergovernmental Agreement to jointly plan, finance, construct and operate an expanded water supply system for the benefit of both communities.
- Water program overview of existing facilities:
 - Clackamas River intake is located in the City of Gladstone. The water is pumped across the Willamette River through a 27-inch diameter pipeline to the treatment plant located in West Linn.
 - The current capacity of the treatment plant is 16 mgd.
 - The treated water is pumped through a 24-inch diameter finished water pipeline to the west side of the City of Lake Oswego to the terminal reservoir, Waluga Reservoir.
 - Tigard has a connection to the Waluga Reservoir, which is pumped into the Tigard community's distribution system.
 - The existing system was built in the mid- to late-1960's.
- Reviewed a concept rendering of River Intake Pump Station (RIPS) that will replace the existing station. This rendering was presented to the City of Gladstone Planning Commission several months ago as part of the conditional use and design review process. This concept was approved by the Gladstone Planning Commission and is being used for final design preparation. The land use process for the station is complete. Currently environmental permitting efforts are underway.
- Reviewed a map of the wide range of alternatives evaluated for the raw water pipeline system (intake) for the water treatment plant.

TIGARD CITY COUNCIL/LAKE OSWEGO CITY COUNCIL JOINT MEETING MINUTES – November 14, 2011

- Reviewed the finalized alternatives for the raw water pipeline:
 - Preferred option is the Hull Avenue to Mapleton Drive alignment.
 - Another option is the Meldrum Bar Park to Mary S. Young Park if an issue arises that would preclude the preferred option.
- Reviewed the raw water pipeline considerations (Slide 7).
- Reviewed preliminary and current site plans of the water treatment plant (Slides 8 and 9).
- Reviewed artist renderings of vantage points of the water treatment plant site.
- Reviewed the preliminary design considerations for the water treatment plant (Slide 15).
- Revised schedule predicts the plant will take about 28 months to build (originally anticipated 24 months).
- Reviewed the current alignment and work needed soon for the finished water pipeline connecting the water treatment plant to the Waluga Reservoir (Slide 15).
- Reviewed the recommended Waluga Reservoir 2 site location for a 3.5 million gallon tank that will provide storage not only for Lake Oswego but for Tigard from which to draw for the new Bonita Pump Station.

Tigard Public Works Director Koellermeier commented on Slides 20 and 21 for the new Bonita Pump Station:

- Reviewed that the best site has been located for a reservoir. The station will be relocated from the existing site, which was too small.
- Reviewed the features of the station.
- Reviewed plans to address storage and water age issues.
- Reviewed the supply connections, work done to acquire property, and plans to begin construction in April 2014, which is later than originally planned but will mitigate cash flow compression.

Lake Oswego City Engineer Komarek:

- Reviewed the updated schedule (Slide 22), which was revised to better manage the resources and cash flow.
- Reviewed that the plans are for the project to be completed well in advance of July 1, 2016.
- Reviewed the financial status (Slide 23). The partnership has spent a total of a little over \$13 million.
- Reviewed the key events/issues for the next six months (Slide 24). The plan is to use an alternative delivery method to procure the services of a horizontal directional drilling (HDD) contractor, as opposed to a conventional design/bid/build delivery approach – this process will begin the first quarter of 2012.
- Reviewed the status of the water rights appeals process. First briefings to the appeals court are due later in November.
- Reviewed that both Tigard and Lake Oswego will be positioning themselves and looking for their first bond issues: for Tigard, February 2012 bond issue; for Lake Oswego, a late second or early third quarter bond issue.

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Communications Director Heisler:

- Reviewed the 2011 public outreach priorities (Slide 25).
- Reviewed target audiences and methods (Slide 26).
- Reviewed public outreach and communications in efforts to create broad community support. (Slides 27 and 28).



Questions/Comments:

- Councilor Jordan asked how much energy would the solar panels produce and whether it makes sense to do more than what is required by state law. Lake Oswego City Engineer Komarek said he did not have the answer about how much energy the solar panels will produce as the panels have not been designed. He said they made an estimate using the administrative rule as to what “one percent” means in terms of the investment amount. One percent equals \$250,000. From that the engineers determined the number of panels that can be purchased and located on the treatment plant roof. At this time, the plans are for the required one percent, although it is possible more could be done. Councilor Jordan said it would be interesting to know what the trade-off is and if there is capacity.
- Councilor Jordan requested information about the decision to procure a horizontal directional drilling (HDD) contractor, rather than using a design/bid/build process. Lake Oswego City Engineer Komarek said for all facilities, other than the two HDD crossings, construction will be approached as a conventional design/bid/build with prequalification of contractors bidding on the major elements of work. The HDD projects are specialized and there is a smaller pool of qualified contractors. The partnership wants to make a decision based on factors that includes price. They want to select the contractor that brings the best combination of technical expertise, qualifications and price. They will use a competitive proposal approach to procure services.
- Councilor Jordan commented on a remark by one of the Gladstone City Council members regarding drilling under a community garden if the preferred alternative alignment for the pipeline is used. During discussion it was noted the preferred alignment would not affect any garden areas.
- Councilor Wilson referred to the 30 percent cost estimates due in the first half of 2012. He asked when was the last cost estimate done – have there been interim cost estimates? Lake Oswego City Engineer Komarek said the last program cost estimate was in November 2010. For purposes of rate setting and revenue requirements, this estimate (cash flow forecasting) was updated in March 2011 and again in September 2011, to make sure both communities were collecting sufficient revenue to support debt issues for 2012. When the schedule shifted, cash flow was reanalyzed to make sure the timing of the revenues was appropriate to the expenditures. The forecasts utilized many of the same assumptions used to develop the November 2010 estimate. When the 30 percent design development estimates are received from the design firms, forecasting can be predicted using the updated information.
- Councilor Moncrieff followed up on Councilor Jordan’s comments to support use of solar energy. She referred to the report that the existing water plant consumes about 55 percent

TIGARD CITY COUNCIL/LAKE OSWEGO CITY COUNCIL JOINT MEETING MINUTES – November 14, 2011

of the electricity used in Lake Oswego and energy costs have risen by 17 percent over the past year. She said she supports any efforts to minimize operating costs and to use the best technology. Lake Oswego City Engineer Komarek agreed this was a good point and said they were looking into a variety of sustainable practices for the plant. Primary objectives for the overall project were for a long operating life with low lifecycle costs. In addition to solar energy, they are also exploring opportunities for heat recovery. The plant design team includes a special group with a focus on sustainability. There has been discussion to go about the project so if the decision was made to seek a LEED (Leadership in Energy and Environmental Design) certification, it would be possible. Tigard Public Works Director Koellermeier said installation of solar panels has to be balanced with land use issues, such as buffering and screening. He referred to other sustainable features including natural lighting and things learned by visits to other plants – there will be many opportunities to institute sustainable practices in a variety of ways.

- Councilor Kehoe noted his support of the sustainable practices under discussion tonight. He urged a little caution regarding solar use noting his experience that, in general, solar panels do not generate enough electricity to justify the cost unless there are tax subsidies. He noted the need to keep the total cost of the project as low as possible for the citizens.
- Tigard Council President Buehner said she understands that over the last year there was an extensive value engineering process to evaluate the possibility of different ways to approach components of the plant or other parts of the project. She asked if Lake Oswego City Engineer Komarek received information for positive changes that might make the project more efficient and save money. Mr. Komarek said one of the recommendations for the plant was to consider using a somewhat new technology for water treatment that would dewater the silts and clay materials produced from the treated water. The original assumption was to use centrifuges to dry out solids; however, there is the possibility to use a screw press. While a screw press is used throughout the wastewater industry, there is little information about its use for drinking water. They have asked screw press vendors if they would be interested in a pilot test on the types of solids generated in the water treatment plant. They have talked with the City of Wilsonville to determine if they would be interested in facilitating the pilot project since they produce the same kinds of solids that will be produced in this plant. On a life cycle basis, the screw press has a better return on investment than the centrifuges, but they require a larger building to house them. The screw presses are easier to operate and maintain.
- Councilor Henderson asked for additional information on potential geotechnical problems. Lake Oswego City Engineer Komarek said they recently completed investigatory borings and analyses of the information for the plant site. About 25 feet below the site, there are soils that the engineers say are potentially liquefiable in a seismic event. This needs to be considered when designing the project structures, particularly those that are water bearing, so the amount of settlement that would occur after construction and a post-seismic event would be minimized. This translates to the type of foundation to be constructed and they are exploring options at this time including examining how this will impact costs.
- Councilor Wilson questioned whether a contractor should be procured early on to flush out some of the constructability issues. Lake Oswego City Engineer Komarek said the team

TIGARD CITY COUNCIL/LAKE OSWEGO CITY COUNCIL JOINT MEETING MINUTES – November 14, 2011

talked about this at length and there was a time when an alternative delivery was under consideration for the water treatment plant. In the end, they decided there was not a compelling reason for this plant site to move forward with alternative delivery. With a robust prequalification process, they can manage the risk. In response to a question from Councilor Wilson, Lake Oswego City Engineer Komarek said he did not have a cost premium figure for a compact footprint versus the more spread out earlier version. Generally, it might mean that they will have to construct a new structure adjacent to an existing structure that will have to remain in service. He agreed there is a cost to the compact footprint, but no cost comparison was done.

- Public Works Director Koellermeier reported that the design standards with regard to settlement are rigid.
- Councilor Gudman asked about the response from the West Linn neighborhood when the design features of the water treatment plant were presented. Ms. Heisler said they received a lot of positive comments. Some people appeared to be happy with the compact footprint since the structures would be located farther away from their property and with the additional landscape buffers that are planned. There remains a group of people who would prefer that the plant be moved to Lake Oswego.
- Councilor Gudman asked about the discount rate used for the analysis. Lake Oswego City Engineer Komarek said they have been carrying a 4.4 percent discount rate for all of the net present value analysis work.



4. WATER RIGHTS UPDATE

Lake Oswego City Engineer Komarek reviewed:

- The record generated by the contested case hearing in March 2010 was consolidated and entered into the record at the appellate court.
- A briefing schedule was set by Judge Brewer. Briefings are due November 28.
- It is anticipated that the petitioner, Water Watch, will be requesting an extension to the submittal date for their briefing. If granted, the extension period can range from 30-60 days.



5. SCHEDULE UPDATE/ISSUES

Lake Oswego City Engineer Komarek reported they are on schedule. Some things are being moved around to manage cash flow and resource allocations. They still anticipate a completion date well ahead of July 1, 2016.



6. QUESTIONS/COMMENTS

- Councilor Jordan said she is impressed with the new water treatment plant footprint – it is a positive step.

TIGARD CITY COUNCIL/LAKE OSWEGO CITY COUNCIL JOINT MEETING MINUTES – November 14, 2011

- Mayor Dirksen suggested another joint meeting around July. This would be about the time the 30 percent design review will be available for evaluation. Mayor Hoffman agreed that Lake Oswego would host the next meeting.
- Tigard Council President Buehner commented that the Oversight Committee members have had an opportunity to learn about various kinds of filtration systems. The new flocculation process is part of the reason the treatment plant footprint can be reduced and should result in cost savings.
- Lake Oswego Mayor Hoffman said he attended the National League of Cities conference last week. He attended a presentation facilitated by a person from the Clean Water America Alliance. The subject included information on a change in the way people view water. Points brought forward by the speaker included:
 - To be sustainable, we have to build systems that last.
 - New regulations are forthcoming and he advocated including the full true cost of water. Most cities' charges for drinking and wastewater represent one percent or less of the median household income. However, EPA is suggesting that to catch up with infrastructure, a reasonable monthly charge would be two percent for wastewater charges and two percent for drinking water. This cost is lower than services to provide television, cell phones or energy.
 - Children should never fear that they will not have glass of clean water.
 - In the 1950's there was a nationwide construction of water pipe projects with a life expectancy of 50 to 75 years. In the 1970's and 1980's there was a lot of construction of water treatment plants throughout the country, with a 25 to 50 year life cycle. A new wave of infrastructure investment is needed. \$250 billion will be needed to replace water infrastructure nationally.
 - Local entities now fund 90 to 95 percent of infrastructure.
 - In the USA, a water main breaks every two minutes.



7. ADJOURNMENT

Mayor Dirksen adjourned the meeting at 8:14 p.m.

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

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**TIGARD CITY COUNCIL/LAKE OSWEGO CITY COUNCIL JOINT
MEETING MINUTES – November 14, 2011**



City of Tigard Tigard Workshop Meeting - Minutes

TIGARD CITY COUNCIL & CCDA

MEETING DATE/TIME: November 15, 2011 – 6:30 p.m. – Workshop Meeting

MEETING LOCATION: City of Tigard – Town Hall, 13125 SW Hall Blvd., Tigard, OR 97223



1. WORKSHOP MEETING

- a. At 6:35 p.m. Mayor Dirksen called the meeting to order.
- b. Deputy City Recorder Krager called the roll:

	Present	Absent
Mayor Dirksen	x	
Councilor Henderson	x	
Councilor Wilson	x	
Councilor Woodard	x	
Council President Buehner	x	

- c. Pledge of Allegiance
- d. Council Communications & Liaison Reports - Mayor Dirksen mentioned that he attended a breakfast with Tigard Turns the Tide, a community organization supporting Tigard youth. Also in attendance were members of the Tigard High School STUD (Stop Tigard Underage Drinking) Club, Senator Burdick, Representative Doherty, Tigard/Tualatin Schools Superintendent Saxton, Tigard Chamber of Commerce Director Mollihan and others.

They heard what Tigard Turns the Tide is doing to decrease underage drinking. The rate of surveyed teenagers that said they drank alcohol within the past 30 days has dropped from about 40 percent five years ago, to about 27 percent today. Mayor Dirksen said Washington County sees Tigard High's club as a model. Councilor Henderson added that the STUD club gained 20 percent more members this year and Mayor Dirksen noted it is the largest club at Tigard High School.

Council President Buehner reported on the water project with Lake Oswego. She said they are attempting to meet with all state representatives and senators representing people in the water service area or those affected by pipeline construction. She advised she will be attending several of these meetings with the Lake Oswego's mayor.

TIGARD CITY COUNCIL MEETING MINUTES – November 15, 2011

- e. Call to Council and Staff for Non-Agenda Items- None.

At 6:40 p.m. Mayor Dirksen convened the City Center Development Agency (CCDA) meeting.

2. JOINT CITY CENTER DEVELOPMENT AGENCY (CCDA) AND CITY CENTER ADVISORY COMMISSION MEETING TO DISCUSS THE CCAC'S RECOMMENDATIONS ON DOWNTOWN ORGANIZATION FORMATION

Redevelopment Project Manager Farrelly said this was the fifth joint meeting of the CCDA/CCAC this year which demonstrates a closer collaboration between the two groups. CCAC members present were Philip Thornburg, Elise Shearer, Ralph Hughes, and Alex Craghead. CCDA Director Henderson mentioned that CCAC Chair Tom Murphy emailed regrets he was unable to attend.

Redevelopment Project Manager Farrelly gave background on the CCAC's recommendation to form a downtown organization. He said this organization would be broader and more inclusive than a business association. Membership would include residents, businesses, city government, Tigard's Chamber of Commerce, media and financial organizations. He said it would be organized as a non-profit entity providing advocacy, business recruiting and events attracting people to the downtown. He said many downtown organizations have a part- or full-time executive, including those in Oregon City, Albany, McMinnville and Corvallis. The Portland Development Commission helps to facilitate downtown organizations to promote particular neighborhoods, such as Hillsdale, Alberta Street and St. Johns.

Redevelopment Project Manager Farrelly commented that momentum has been building due in large part to the workshops consultant Michele Reeves conducted. Additionally, a core group of Main Street businesses organized third Friday evening events this summer. He said running a business does not leave much time for putting together events; a formal organization could help them achieve much more. He noted that one of consultant Reeves' main recommendations was to hire a professional with a track record in facilitating these kinds of organizations. Leland Consulting also advocated for this five years ago and again in their recent update. The CCAC wants to hire a professional. He said it is important to note that the city would only be hiring a professional to facilitate the group's formation. The initial task would be to gauge interest and then work with interested businesses to build support. A key task is to develop a road map towards becoming self-sustaining. Grants are available and there is potential for an economic improvement district (EID), as allowed in Tigard's Code. This would provide a long-term, stable, financial source.

CCAC Member Craghead said he would describe this position as a mentor for the organization. He said, "If we wait for an organization to organically form, we will be waiting for a long time." He said downtown businesses are struggling daily just to keep their doors open; they do not have the time or expertise to organize something like this. He said at the same time, it is premature to hire an executive director because it is not

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known what this organization would do, what kind of role it would have, or even if there is sufficient support. CCAC Member Craghead said the CCAC's perspective is that someone is needed who has the expertise to determine whether an organization can successfully be formed and whether it can become self-sustaining. If the answer is yes, then that person would help get it started but not remain as a permanent employee.

CCDA Director Henderson clarified the person would be a contractor, not an employee. CCAC Member Craghead agreed and said he assumed that if there was not enough support, the contract would end.

CCDA Director Wilson asked which downtown businesses are spearheading the third Friday events. Redevelopment Project Manager Farrelly mentioned Tigard Wine Crafters, Live, Laugh Love Glass; Sherri's Jewel Box, Max' Brew Pub, and Tigardville Station, among others. CCDA Director Buehner pointed out that these were the newer downtown businesses.

CCDA Director Woodard asked whether the priority was forming the organization or building membership. Redevelopment Project Director Farrelly said the person would work with the smaller groups of businesses and then seek interest within the larger business district. At that point a reality check would occur to see if it could stand on its own. He said this would facilitate better connections between stakeholders.



CCDA Director Woodard inquired about third Friday event participation. CCAC Member Shearer said there have been three third Friday events so far and while she did not have the numbers, the downtown was much busier on those Fridays. Redevelopment Project Director Farrelly responded to a question from CCDA Director Henderson regarding activities and said eight to ten businesses participate by staying open later, offering craft activities, musicians, and vendors, including the Tigard Farmers Market.



CCDA Director Buehner asked how long the contractor would need to be on board and Redevelopment Project Director Farrelly said he was not sure if there would be a specific time period or if they would just check in at the point when a decision was reached on whether the organization would go forward or not. CCDA Director Buehner asked whether local businesses would pay to support it even as the organization is being formed. Redevelopment Project Director Farrelly said, "Not at this point. The city would pay for the consultant."

CCDA Director Buehner asked, "If the recommendation is for the city to pay the entire cost, how would we respond to criticism from businesses in other parts of town that are not getting the same help?" CCDA Chair Dirksen responded that this is an acceptable use of urban renewal funds. If the funding is generated in the district it is a legitimate reason to use it there. He clarified that if an organization is formed and is successful, it will be funded in the long term by all partners, which includes the city.

CCDA Director Buehner said she had a problem with long-term city funding and said it should be funded only by the downtown businesses. Redevelopment Project Manager Farrelly suggested that one way to look at it is that the city is a large property owner in the downtown.

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CCDA Director Wilson said that consultants observe that successful downtowns always have a downtown organization, but he feels it is a fallacy to think that the organization is what causes success. He said success comes from a group of business owners that share a common interest and have the will to make something happen. The organization grows from that. He said he was weary of hiring another consultant to do another report to put on a shelf, and would rather refocus efforts in the urban renewal district's sixth year, from planning to doing. He said he supports the goals but questions whether it is premature to move forward with an organization.

CCAC Member Craghead said the main difference is that there would not be another report to put on a shelf. He said, "We are either going to get an association or we are going to get nothing."

CCDA Director Wilson said that the most likely businesses who would show interest in an organization are the ten or so who are participating now. He noted that he had recently become a downtown business owner but his firm, or an attorney's office or other consultant was not the right type of business for this type of promotion. He said until we recruit the right types of businesses, the base needs to be grown.

CCAC Member Shearer said she spoke with a consultant who worked with a neighborhood in the city of Portland and was told that three years of successful events helped coalesce businesses in that area into an association.

CCDA Chair Dirksen said, "Instead of hiring someone to test the waters, we'd hire someone who is an event planner or marketer for the downtown. CCDA Director Wilson said it could just be an assistant to the businesses who are already involved, and may not even be a year-around position or a full FTE. Measure the cost of this against potential things that can be done now.

CCDA Director Buehner said she remembered the last attempt to form an EID and unfortunately, a majority of the businesses said they did not see any benefit and did not want to spend any money. She expressed concern that the current business mix would respond in the same way.

Community Development Director Bunch said he was involved with urban renewal in Albany during the recession of the 1980's. He said the core group had four people, and then six. Those six people formed the nucleus of the Albany Downtown Association and created the urban renewal district. He said McMinnville had a similar situation until the city defined its economic character and future. Both groups recruited others within the business association to show up and fill vacant spaces. He said from his perspective, downtown Tigard is out-leveraged and out-competed by other commercial centers. The downtown has to find its bearings. We are fortunate that we have at least ten people who are interested. He noted that Michele Reeves said the first thing is to create some vibrancy and activity in the downtown. Leadership is crucial. It cannot happen with the city and it cannot happen with a few events and parades. It takes sustained overall efforts and connections with the larger Metro-area economic region.

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Community Development Director Bunch remarked that this is the second opportunity council has to pursue this idea. It is a staged effort to test the waters. He noted that “From the community development perspective, it is very important and worthwhile.”

CCDA Woodard said he sees the opportunity to brand and market the downtown. He acknowledged that there may be failures the first year, but Tigard needs to do something to bring people into downtown and connect to the neighborhoods. He said, “The funding is there for at least one year and it is worth a shot.”

In response to a question from CCDA Director Wilson, Redevelopment Project Manager Farrelly said the budget was \$50,000. He said annual goal setting and budgeting are coming up soon and he wanted to refocus as a result of the goal setting. He said he needs to see a work plan and wanted to ensure a reasonable expectation that what comes from this is sustainable.

CCAC Member Shearer mentioned the niche business areas mentioned by Consultant Reeves: auto, food and home décor. She suggested that the auto-oriented businesses coordinate an auto show to be held downtown similar to what was held in the old Tiger Days. She said “There have been two art shows in Tigard recently, why were they not held in our downtown? We have these arts and home décor businesses downtown and we need to get them working together.” She suggested that the funding could be used to help kick start events rather than fund a professional.

CCDA Director Henderson mentioned that a Shelby Mustang show can be put together on a moment’s notice and there are other opportunities. He said he is the council liaison to the CCAC, and told them, “You have done a wonderful job looking at what the problems are. You are putting out a request for a position makes sense.” He mentioned his support of Michele Reeves, noting that, “She had a five-step plan and within a period of three months, generated enthusiasm and hope. We need an individual who has done this before and has a proven program. We need to move forward.”

CCAC Member Hughes said the RFP is the process for bringing in ideas to council. He said, “The risk is that the excitement will die. Something has to be continued. People will ask what has council done to bring this forward and the answer will be, ‘nothing.’ We are putting it off.”

CCDA Chair Dirksen said he is supportive of a composite solution that includes hiring either a firm or an individual to organize events. He said issuing an RFP to see what we get for options is a good idea and would actually lead to more dialog among business owners. As people come downtown for events, more businesses will get interested in being involved to receive the benefits. CCDA Chair Dirksen said whoever is hired does not necessarily be the person that forms the organization. Setting up a non-taxable corporation is a legal step that can be accomplished later. He said what is needed now is someone with the time that the business owners don’t have to start the activity and plan events. The businesses will have to organize to do the events and that is what will lead to the formation of a downtown organization.

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CCDA Chair Dirksen said ideally, as this group grows, it would also act as a partner with the CCDA and CCAC for business recruitment, retention, development and consulting. He said he agreed it starts with activity and excitement in the downtown. He commented that over 1,000 people came downtown for the recent Halloween event. CCAC Member Murphy commented that some businesses were not favorable towards that type of event.

Redevelopment Project Manager Farrelly confirmed that what he was hearing from the CCDA was to scale back the idea to start with the specialist, but start with events and let it grow organically.

CCDA Chair Dirksen responded to CCAC Member Murphy's earlier comment about people asking, "What did council do? The real question will be, "What did *we* do about it? It is not just the council or the city; it is the entire community together that needs to do something."

CCDA Director Woodard suggested specifying in the RFP that Tigard is looking for someone with expertise not only in working with downtown associations, but with marketing events and activities. He said the biggest issue in the economy is jobs. This has the potential to generate more jobs. He further suggested using a college intern as an apprentice to the expert in order to expand resource opportunities.

Community Development Director Bunch said staff received good direction tonight from the CCDA in terms of exploration, development, leveraging, possibilities for business recruitment and retention and events. He said, "We are really interested in the prosperity and vitality of the downtown." He said the next step would be to proceed with the RFP and then report back to the CCDA.

CCDA Chair Dirksen suggested that before staff comes back to council, they first meet with business owners to help craft the RFP, asking the question, "What can we do to help?" He said their information can be used to develop the RFP. He offered to attend the meeting if it would be helpful.



The City Center Development Agency adjourned at 7:36 p.m. and the City Council reconvened.

3. RECEIVE PAVEMENT MANAGEMENT REPORT AND UPDATES ON 2011 PAVING AND RIGHT-OF-WAY MAINTENANCE

Senior Project Engineer McCarthy, Assistant Public Works Director Rager and Street Maintenance Supervisor Walker were present to discuss this item.

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Mayor Dirksen confirmed with council that they had reviewed the detailed reports submitted with the meeting packet for this item. Senior Project Engineer McCarthy said the 2011 summer paving budget was around \$1.1 million. \$300,000 of that amount was spent on slurry sealing twelve miles of city streets. He said slurry sealing is a good value, helping lower-volume residential streets maintain a good surface for about another ten years. \$700,000 was spent on pavement overlays covering about two and one-half miles. He said an exceptionally low bid on the overlay project allowed extra streets to be paved. He acknowledged Street Maintenance Supervisor Walker's crew who made many small-area pavement repairs, which allowed slurry sealing over the top for a good surface.

Senior Project Engineer McCarthy said Tigard's overall paving condition index started at a 68.7 average and while a drop to 68.1 was assumed because the street maintenance revenues are still phasing in, the overall paving condition index rose to 69 after this summer's paving activity.

Senior Project Engineer McCarthy said staff focused on pavement overlay work for major routes and applied slurry seals as preventive maintenance on lower-volume residential streets. He said, "We focused our dollars on major streets to make the best use of our money and serve the most people." He said what gets left out is paving work on lower volume streets that are not in such good condition. He distributed a map showing these particular streets which are on a backlog list. He said unfortunately, the backlog has been growing because the street maintenance fee increase was phased in. January 2012 fee increases will allow more of these backlog areas to be addressed.

Council requested that staff avoid the use of green and blue shades near each other on drawings and maps because they are hard to read.



Councilor Woodard asked if the increased street maintenance fees will help to take care of the backlog, or will it just continue to build as more people move to Tigard and the traffic increases. Senior Project Engineer McCarthy said the increased street maintenance fees will help reduce the backlog as long as paving prices remain close to the current rate. He said council voted for phased street maintenance fee increases designed to maintain the overall average and keep the backlog from growing.

Council President Buehner noted that there are streets listed on the paving list that are also slated for major work in the capital improvement plan (CIP). Project Engineer McCarthy replied that until the CIP has been adopted, the paving plan is tentative. He said another reason to put off paving is if utilities are coming through the area. Council President Buehner said she didn't want to spend money on roads that will be re-built in the near future. Project Engineer McCarthy said one reason to distribute a paving map now is to get all the potential conflicts out in the open so they can be resolved.

Councilor Henderson asked how many times a street can be slurry sealed, and when a paving overlay would be required. Senior Project Engineer McCarthy replied that slurry seals add eight to ten years of life to a street, and typically the city does about three slurry seals on a street before it is repaved.

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Council President Buehner said there is movement from Washington County towards the city taking over some of their streets. She asked if Senior Project Engineer McCarthy has had an opportunity to view these streets. He replied that he had and said they are not currently covered by the existing street maintenance fee.

Councilor Wilson commented on the slurry sealing on Bull Mountain area streets and noted that Benchview seemed a little different. He asked if an aggregate had been added. Senior Project Engineer McCarthy said Benchview had a different (type 3) slurry seal as it is a busier street than those nearby. He said type 3 seals tend to last a little longer and stand up to heavier traffic. Council President Buehner said she heard numerous complaints about the surface. Senior Project Engineer McCarthy said Benchview Street should become smoother over time as the aggregate settles into the oil binder, but staff will keep an eye on it.

Councilor Woodard referred to a prior discussion regarding bundling the slurry seal contract with Washington County, and asked if there was a cost saving opportunity. Senior Project Engineer McCarthy said the city and county have discussed this and will continue to explore it as an option. He said Tigard used about the same amount of slurry seal as the county did last year. Council President Buehner said the county doesn't keep their streets at the same level as Tigard. She gave kudos to the city for the notices given out and the cooperative crew this year. She suggested that for next time the city is paving in a neighborhood that has grouped mailboxes, the notices be stuck onto the boxes.

 Senior Project Engineer McCarthy discussed street maintenance fee true-ups. He said staff is looking at businesses on an on-going basis to ensure they are paying the correct amount. He said his goal is to contact one-eighth of the city each quarter. In the last review:

- 94 accounts were reviewed
- 9 accounts had a change in their fee after the review
- 4 went up (the biggest increase was a restaurant in a formerly vacant space)
- 5 went down

He said the net monthly revenue increase received by the city was about \$48.00 a month. Mayor Dirksen said if our experience is that there is not a lot of change, then maybe after a few years, the review will not need to be done as often.

Assistant Public Works Director Rager said the right-of-way maintenance program will be overseen by Streets Maintenance Supervisor Walker, with additional support from Parks Department personnel. He said that the areas receiving the most attention are the double frontage lots, such as Durham Road and Gaarde Street.

He said a right-of-way inventory was taken and the right of way areas were divided into segments. Based on demand, visibility, traffic and complaints, segments were prioritized.

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Council President Buehner expressed concerns about non-native species along Gaarde Street towards Walnut. Streets Maintenance Supervisor Walker said they are planning on getting rid of the blackberries 20-25 feet back from the sidewalk, but care must be taken not to affect the more natural setting area behind it.

Assistant Public Works Director Rager said their goal is to look at each street as a whole and at the very least bring the bad segments up to the level of the good streets. He said it cannot all be improved within the first year but the worst areas will be attacked first.

Councilor Wilson suggested new streets should be a higher priority. He said it was his preference that new streets such as Burnham are kept up before staff works on the others. He said the city invested in these planter strips and medians and requested they not let them go downhill.

Mayor Dirksen said the new areas are frontages for property owners who should feel an incentive to take care of the rights of way in front of their businesses. He said there ought to be ongoing education and encouragement for citizens in all parts of the city to take care of their right of way areas.

Councilor Henderson asked when 121st Avenue was reviewed and said neighbors have taken care of some of the problems there. In response, Streets Maintenance Supervisor Walker responded that the city is not encouraging major improvements but wants to bring some portions of 121st Avenue that do not come up to standard.

Council President Buehner suggested starting an Adopt a Right of Way program.

Councilor Wilson said a problem with Durham Road is the many types of landscape. He said one approach would be to identify the most expensive treatment, which would be adding lawn and irrigation and bring it all up to that level. He said, "I would prefer, given our budget, that some plantings come out." Streets Maintenance Supervisor Walker said the city is not advocating lawn and irrigation everywhere, but wants to eradicate weeds and debris and invasive species. He said the areas on Durham might get bark dust and some areas are candidates for street trees and shrubs. Areas shaded by trees would be weeded and then maintained with bark dust.

Councilor Wilson said he didn't see one option listed and that is overseeding grass or wildflowers with occasional right-of-way mowing. He said it browns out in late summer but is inexpensive and at least appears uniform. He said it might also be appropriate in some areas to plant Douglas firs and just allow them to shade everything out. Councilor Woodard asked if coordination with Friends of Trees would be an appropriate resource to assist in replanting some areas.

Mayor Dirksen mentioned a right of way in Bend planted in wildflowers that is quite popular with citizens there. He said he would share with staff a photograph he took of the right of way

Councilor Henderson said this review was prompted by Council's desire to keep track of the asphalt costs and he asked Senior Project Engineer McCarthy how that is done.

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Senior Project Engineer McCarthy said that half of a typical paving contract is the cost of the asphalt. He said the prices came in ten percent lower and staff structured the contracts so they could get more streets done.

Councilor Henderson said he still hears from people about how their street maintenance fee square footage is calculated from their roof footprint, which is not necessarily the square footage of the building. Senior Project Engineer McCarthy said the city has looked at all building and deducted any overhanging roof areas from the calculation. He said owners have the opportunity for a free review. Councilor Henderson asked about rollbacks for vacant buildings. Senior Project Engineer McCarthy said in the case of a vacant building, the owner can email or call him so a vacancy waiver can be applied.

4. RECEIVE UPDATE FROM METRO STAFF ON THE SOUTHWEST CORRIDOR PLAN

Senior Transportation Planner Gray introduced Metro Project Manager Tommy Mendoza who was present to discuss the Southwest Corridor Plan.

Senior Transportation Planner Gray provided context on previous discussions held about the Southwest Regional Corridor Plan and the high-capacity land use plan. She said it may be confusing because Tigard started their land use plan first. She distributed to council a table providing an overview of tasks and community outreach completed in the past year and what is planned for next year. A copy of her handout is in the packet for this meeting. She described how the southwest regional Corridor Plan relates to the High-capacity Land Use Plan. Council President Buehner complimented staff on a recently held open house.

Metro Project Manager Mendoza presented a PowerPoint on the corridor plan and how the integrated approach to corridor planning works. A copy of his presentation is in the packet for this meeting. Highlights included:

- The Southwest Corridor is prioritized as a transportation project through the following plans: Regional Transportation Plan (RTP), High-capacity Transportation Plan and the Mobility Plan.
- The most value is received if the project starts with the land use so this corridor transportation plan is an integrated transportation and land use planning process.
- What Tigard has prepared during the high-capacity planning process helps Metro to define and focus on areas.
- The corridor extends from Sherwood to Portland State University in downtown Portland.
- The mobility corridor, as identified in the RTP extends from Beaverton to Lake Oswego and from Portland to Sherwood.

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- Major transit facilities include WES, 15 bus lines, 2,000 parking spaces, three transit centers and 27,000 daily riders of those lines, I-5, Highway 217, Pacific Highway and Highway 43.
- About 25 evaluation criteria helped to define this corridor as a priority out of the RTP. These included population growth, employee growth and an increase in travel time due to the growth of about 30%.
- Major timeline and phases were shown.
- Different strategies and combinations of transit were described.

Metro Planner Mendoza said land use planning is a significant effort being undertaken with local jurisdictions. Communities are being asked to help identify focus areas where they want to invest and where they want to see growth. He said Tigard's high-capacity transit plan helps Metro identify the nodes and the elements within the nodes that help create livable areas. Metro will put them through evaluation criteria, which will be discussed over the next few months with the steering committee, and develop a preferred strategy. This integrated strategy of land use and transportation improvements will include policy changes, next steps, and "if-then" agreements. (Example: if light rail, then more intensive land use; if more highways, then more parks may be needed in the area, etc.) Improvements and policy changes will be prioritized for short-term, mid-term and long-term strategies for implementation. He said they hope to get to this point by the end of 2012 so some elements can be implemented in 2013.

 Councilor Wilson said asked what ODOT's role is and if high-capacity transit also included auto travel. Metro Planner Mendoza replied that they are looking at both highway and transit improvements. He said road improvements could come out of this plan as well as freeway or highway on- and off-ramp connections, and ODOT must be involved in that.

Councilor Wilson asked about the "chicken and egg" problem. He agreed that planning the places first and then connecting them was better than what was done in the past, but asked whether the route is chosen first and then the land use changes are made, or whether land use changes are made first, risking that there may not be transit to support it. Metro Planner Mendoza referred to the if-then approach and said if a high-capacity transit priority is to include the Tigard Triangle, that might be one set of land use improvement you want to target around. Let's say that the same alignment does not include Washington Square then there is less of a focus on Washington Square, and vice versa." Mayor Dirksen added that when routes are moved to the forefront during the decision-making process, we would go back and refine our land use based on preliminary decisions, so that the two are occurring simultaneously.

Councilor Wilson commented that the city was hoping some land use changes could be made sooner than ten years from now. Project Manager Mendoza said at the end of 2012 they will have a good idea of where this is going and that discussion will be put forward for the steering committee to help guide how the local commitments work with the regional commitments.

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Councilor Henderson said he grew up in the Parkrose neighborhood of Portland and when the Banfield freeway opened it was already outdated. He asked how this project will be kept up to date. Metro Project Manager Mendoza said the corridor was already prioritized based on existing need and there is congestion so we are playing catch-up already. He said the year 2035 is the planning term horizon and that is what we are targeting for to ensure our investments will help us succeed to that point.

Council President Buehner expressed concern that Metro's 2040 Project numbers were based on 1980's projections (during a recession), which turned out to be incorrect. She said most of the cities in Washington County had reached the projected 2010 numbers by 1995. She asked what kind of process is incorporated into this project to be able to update population numbers. Metro Project Manager Mendoza said Metro is going through this process now and Tigard's planners are involved. Council President Buehner stressed that their process needs to include an automatic adjustment to the numbers so no one is caught off guard when they change. Mayor Dirksen said Metro is required every five years to review what growth has occurred and what land is available. Council President Buehner said that review is region-wide and not specific to this Southwest Corridor. Metro Project Manager Mendoza replied, "The benefit is that this corridor plan will inform the regional forecast."

Councilor Woodard asked if it is known how much influence the city has over station location, even though we don't yet know what form of transit may be coming to Tigard. Mayor Dirksen said the city will identify those locations, and Council President Buehner said, "We have a lot of control." Metro Project Manager Mendoza agreed and said we hope to get in a partnership with you so it is not just the regional investment but what the city wants to see happen.

Mayor Dirksen and the Council thanked Mr. Mendoza for the update.

5. COUNCIL LIAISON REPORTS – None.
6. NON-AGENDA ITEMS – None.
7. EXECUTIVE SESSION - At 9:05 p.m. Councilor Wilson moved to adjourn the business meeting. His motion was seconded by Council President Buehner. All voted in favor. Mayor Dirksen announced that the Tigard City Council was convening into an executive session called under ORS 192.660 (2) (e) to discuss property negotiations.
8.  The executive session adjourned at 9:30 p.m.

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Carol A. Krager, Deputy City Recorder

Attest:

Mayor, City of Tigard

Date: _____

I/ADM/CATHY/CCM/Draft/November/111115

TIGARD CITY COUNCIL MEETING MINUTES – November 15, 2011



City of Tigard Tigard Business Meeting - Minutes

TIGARD CITY COUNCIL, LOCAL CONTRACT REVIEW BOARD AND CITY CENTER DEVELOPMENT AGENCY

MEETING DATE AND TIME:

November 22, 2011 – 6:30 p.m.

MEETING LOCATION:

City of Tigard - Town Hall - 13125 SW Hall Blvd.,
Tigard, OR 97223

- STUDY SESSION

Track 1

Mayor Dirksen called the meeting to order at 6:30 p.m.

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Council President Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson	✓	
Councilor Woodard	✓	

Staff present: Interim City Manager Newton, City Recorder Wheatley, Assistant to the City Manager Mills, Assistant Finance and IT Director Smith-Wagar, Redevelopment Project Manager Farrelly, Senior Management Analyst Wyatt, Community Development Director Bunch, Finance and Information Services Department Director LaFrance, City Attorney Ramis

- STUDY SESSION

- A. Discussion of Banking Services Contract

Assistant Finance and IT Director Smith-Wagar presented the staff report:

- The city now banks with US Bank. The city is limited by state law as to the selection of the primary bank account. It has to be a full-service bank approved by the state.
- The state changed the manner in which cities' deposits are collateralized, which affected the list of approved banks.
- The city has been banking with US Bank for a long time. This bank provides all of our primary services: general checking, credit card processing, and our lock box where a majority of the utility bill payments are mailed.

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- The city is at the end of its five-year contract with US Bank. This means we would either have to issue an Request for Proposal (RFP) and go through this process, or we can tag on to Lane County's RFP as provided by ORS 279A.215. After going through the RFP process, Lane County selected US Bank.
- Staff is recommending that the city remain with US Bank.
- There was brief discussion after Council President Buehner recalled the time about three years ago when the city requested a line of credit. The US Bank agreed to issue the line of credit but would charge the city interest on the entire amount even if the city only utilized a small portion. This event occurred at the time the banking industry was in distress and the banks were all being conservative in how they were conducting business.
- In response to a question from Councilor Henderson, Assistant Finance and IT Director Smith-Wagar said that the city does much of its business with the local US Bank branch. However services are also received from US Bank locations in Portland and in Minneapolis.
- In response to a question from Councilor Woodard, Assistant Finance and IT Director Smith-Wagar confirmed that US Bank is the only bank with the lock box service in Oregon. This service processes the utility billing payments.
- In response to a question from Councilor Henderson, there is a procedure safeguarding the city if the bank should fail. Assistant Finance and IT Director Smith-Wagar explained the manner the bank provides collateral with pledges in federal bonds.
- After discussion, the consensus of the City Council was for staff to move forward with the banking contract using Lane County's contract and the permissive cooperative procurement method. This matter will be scheduled on the December 20, 2011 City Council meeting agenda.

Track 2

B. Identify Preliminary Legislative Priorities for the 2012 Oregon Legislative Session

Senior Management Analyst Wyatt presented the information for this agenda item:

- The 2012 Legislative Session will begin on February 1, 2012.
- The Metro Parks District Bill has come up again. It sounds as if there might not be a great deal of support. There is an early December meeting that the Mayor will be attending on this subject. Mayor Dirksen explained that this is the attempt by Metro to have a restriction removed so Metro could create special districts. Specifically, it is Metro's desire to create a special district (the size of the Metro area) to become a taxing authority to collect tax money for parks maintenance and parkland restoration. In response to a question from Councilor Henderson, if the restriction is removed from state law, that would open the door to create any special district they choose if approved by a vote of the people.
- Oregon Investment Act – The plan is to propose a framework in the 2012 Session to create jobs and open up funding for small businesses. The State

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Treasurer and Governor are co-sponsoring the proposal; however, details at this point are vague.

- Revenues have not come in as well as the state had hoped and there is a \$100+ million deficit. Senior Management Analyst Wyatt referenced the potential of a temporary or permanent action that would affect state-shared revenues. There might be some pressure this session to institute reforms that would affect the budget process.
- House Bill 2712, passed in the 2011 session, altered the distribution system for municipal court fines. The League of Oregon Cities has requested the examination of some of the language approved; that is, the language that was approved is not necessarily the intent of the legislation. A ruling has just come down from the Department of Justice about local ordinances and how under the new system, parking tickets and several other items would be exempt from the fines affected by the law.
- Senator Burdick and Representative Doherty will be holding a meeting in Tigard Town Hall to preview the 2012 Legislative Session.
- Staff will update the City Council on Session activities in 2012.
- Former City Manager Prosser was appointed to serve on the TriMet Board of Directors.
- Discussion followed about the economy in Washington County, which has the lowest unemployment rate in the state and is one of the counties in better financial condition in the entire country. There was discussion on the fact that foreclosures were up in number in Washington County and there was speculation that this might be because there was a moratorium holding banks back on foreclosures for a period of time.

(Administrative Items were reviewed after the Executive Session.)

C. Administrative Items

A joint meeting with the Tigard-Tualatin School Board is scheduled for Monday, January 30, 2012. A light dinner will be available at 6:30 p.m. with the meeting beginning at 7 p.m. City Council consensus was that no television coverage should be arranged for this meeting. Mayor Dirksen suggested “Field Coordination” as one of the topics for the agenda.

Council Calendar:

- Thursday and Friday, November 24 and 25 - Thanksgiving Holiday, City Hall closed.
- Tuesday, December 6, 2011, Council goal-setting meeting, noon-5 p.m. at Fanno Creek House.
- Tuesday, December 13, 2011, Regular business meeting; 6:30 p.m. study session and 7:30 p.m. business meeting.
- Tuesday, December 20, 2011, Business meeting; 6:30 p.m. study session and 7:30 p.m. business meeting. (This business meeting will take the place of the regularly scheduled Workshop meeting.)

TIGARD CITY COUNCIL MEETING MINUTES – NOVEMBER 22, 2011

- Tuesday, December 27, 2011, Regular business meeting canceled.
- EXECUTIVE SESSION: At 7:01 p.m. the Tigard City Center Development Agency went into Executive Session to discuss real property transaction negotiations and the Tigard City Council went into Executive Session to discuss pending litigation with legal counsel under ORS 192.660(2) (e) and (h).

Executive Session concluded at 7:30 p.m.

7:30 PM

1. BUSINESS MEETING - NOVEMBER 22, 2011

A. Mayor Dirksen called the meeting to order at 7:37 p.m. 

B. Roll Call

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Councilor President Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson	✓	
Councilor Woodard	✓	

C. Pledge of Allegiance

D. Council Communications & Liaison Reports 

See Agenda Item No. 9 for City Council members' reports.

E. Call to Council and Staff for Non-Agenda Items: None.

2. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communication: None.

B. Citizen Communication – Sign Up Sheet  None.

3.  PROCLAMATION - PROCLAIM DECEMBER 4-10 AS HUMAN RIGHTS WEEK

Mayor Dirksen issued the proclamation.

 Tigard Police Captain Jim deSully spoke as a representative of the Washington County Human Rights Council. He thanked the Mayor and City Council for helping commemorate

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Human Rights Week and Human Rights Day, December 10, 2011. Most of the Washington County jurisdictions have issued similar proclamations, including Banks, Beaverton, Cornelius, Forest Grove, Hillsboro, King City, North Plains, Sherwood, Tualatin and the Washington County Board of Commissioners. The county Human Rights Council was launched in 2006 to promote respect and dignity of all people by supporting a community where every person is valued and equal rights and diversity are embraced.

 Mayor Dirksen reviewed the Consent Agenda:

4. CONSENT AGENDA: (Tigard City Council and Local Contract Review Board)

A. Approve Council Meeting Minutes:

August 23, 2011

September 13, 2011

~~October 11, 2011~~

The October 11, 2011 minutes were set over to October 25, 2011, for City Council consideration.

B. Local Contract Review Board:

1. Contract Award - Hydro-geological Services Related to Aquifer Storage and Recovery Program

Motion by Council President Buehner, seconded by Councilor Wilson, to approve the Consent Agenda with the exception of the October 11, 2011, City Council minutes, which will be placed on the October 25, 2011, City Council Consent Agenda for consideration.

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Buehner	Yes
Councilor Henderson	Yes
Councilor Wilson	Yes
Councilor Woodard	Yes



5. UPDATE FROM THE PARK AND RECREATION ADVISORY BOARD (PRAB)
REGARDING A CITY RECREATION PROGRAM

Park and Recreation Advisory Board (PRAB) Chair Troy Mears and Vice Chair Holly Polivka presented the update to the City Council. Other PRAB members present: Margaret (Peggy) Faber and Marshall Henry.

Mr. Mears and Ms. Polivka spoke about the upcoming city budget and City Council goals consideration. They referred to the Tigard Parks Master Plan and the results of the citizen

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survey as the basis of support for consideration for advancing community recreation activity services provided by the City of Tigard. After their presentation, Chair Mears and Vice Chair Polivka summarized the request from the PRAB:

 The PRAB would like the City Council to include a community and recreation activities program for the 2012-13 budget. Vice Chair Polivka added that the PRAB proposes that the city have someone or multiple persons facilitate recreational activities in the city.

 City Council discussed PRAB's request with the Chair and Vice Chair:

- Council President Buehner commented that the Summerfield area already provides a recreation outlet for its residents and this should be taken into consideration when proposing a program to be supported by city tax dollars. She also referred to the Senior Center and activities currently provided.
- Chair Mears and Vice Chair Polivka concurred with Council President Buehner's observations and proposed the initial city recreation program might consist of city coordination of the activities currently available so residents can take advantage of them. This coordination could be a starting point to grow a city recreation program. The plan would not be to offer redundant services provided by other groups.
-  Councilor Henderson noted the citizen survey results were only recently released and he has not had an opportunity to thoroughly review the information. It appears that a major segment of the residents support a city-run recreation program. Mayor Dirksen noted presentation of the survey results is scheduled later on tonight's agenda. This topic was moved up on the agenda and PRAB members were encouraged to stay during the presentation and discussion.
- Councilor Woodard, as the City Council Liaison to the PRAB, thanked the board members for all the work they have done this year identifying property acquisitions utilizing the proceeds of the parks bond. He said the one of the Board's priorities is to contemplate a city recreation program. He thanked the board for listening to the citizens and bringing this forward to the City Council. He spoke of different concepts of a city recreation program and opportunities to find ways to work together. He referred to the work by the City Center Advisory Commission and the efforts needed to identify a location for a downtown park plaza. He also offered that recreation programming could also benefit the local economy.
- Mayor Dirksen said he believes that the only reason the city does not have a recreation program is due to lack of funding. He referred to an upcoming meeting of the Tigard City Council with the Tigard-Tualatin School Board and one of the agenda items will be a discussion of coordination of community recreation facilities through a single office; i.e., potential for joint funding.
- Councilor Henderson said he previously served as the City Council Liaison to the PRAB and thanked them for their work.

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> The agenda was rearranged; Item No. 8 was discussed at this time:



8. RECEIVE AND DISCUSS FINDINGS FROM THE 2011 COMMUNITY ATTITUDES SURVEY

Senior Management Analyst Wyatt introduced this agenda item. Consultant Bob Beaulauier from Research 13 presented a PowerPoint slideshow highlighting how the survey was conducted, an Executive Summary, and survey results. The presentation slideshow, Results of 2011 Community Attitudes Survey, is filed with the council meeting materials.



City Council discussion and questions:

- Councilor Wilson referred to the demographic information citing the median age of respondents was age 57 and 88 percent were homeowners. He asked how this compared with the census data. He also asked how the researchers deal with the situation where there are diminishing amount of households that have landline telephone service. Councilor Wilson said he suspects that researchers are connecting with an older population to answer the survey. He asked for an explanation of how researchers “true up” their results to assure it is a representative sampling. Mr. Beaulauier said Councilor Wilson’s observations are often brought up when this type of survey is conducted. He reviewed how they approached the survey, which was to identify “population proportionate by areas.” He explained they did not choose to compile the survey results by selecting quotas for a certain type of responder because the sampling method used often for a voter issue and issues around citizenship does mean the responders represent an older group. Unlisted telephone numbers and cell-phone only households were included in the survey sampling.
- In response to an observation from Council President Buehner, Mr. Beaulauier agreed that if the survey would have been targeted to a frequent-voter group, that this would have resulted in an older population with a greater percentage of homeownership. He added that the survey was conducted similarly as to the method used for the 2009 citizen survey so results could be tracked longitudinally.
- Mr. Beaulauier concurred with Councilor Wilson’s understanding that the method used would result in a representative sampling of a person who is a voter. Mr. Beaulauier said if the target was based on census data, then they would not have been able to compare the results to the 2009 survey.
- Mayor Dirksen asked if Mr. Beaulauier would recommend adjusting the methodology in the future by targeting it more towards census data. Mr. Beaulauier said this would not necessarily mean the results would be “more representative” of overall citizen opinions, but would be a “different representation.” He suggested asking different questions and targeting a “complementary sample” of responders. He pointed out that they “bumped up” the sample this time by also conducting an Internet survey. In the future, they could include a frequent-voter component as well. Mayor Dirksen commented that the City Council wants to know what everyone in Tigard thinks – voters and non-voters.

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Council President Buehner offered a differing viewpoint and said she thought that looking at samplings from voters was important.

-  Senior Management Analyst Wyatt said staff will be doing more work compiling the survey results including preparing information for the City Council's upcoming goal-setting meeting.
- Mr. Beaulauier offered to prepare information isolating different groups based on census categories.
-  Interim City Manager Newton asked Mr. Beaulauier to give the City Council access to the "cross tabs" to review responses across different demographics.
-  Councilor Wilson commented on the question regarding population density. He said tying the existing and future neighborhoods into the same question made a negative response more likely. He said the responses, from the way the question was worded, were predictable. Mr. Beaulauier said this was a question that had been asked in the previous survey and was being tracked for any change in response results. Councilor Wilson noted the city is trying to increase the density in certain sectors in town. Mayor Dirksen added that this is being done so we do not have to increase the density in other areas. Councilor Wilson said that, given the amount of time and effort being devoted to this density allocation and given that the city is not hearing opposition to it so far, he was uncertain whether this question was useful. Mayor Dirksen said it is a difficult question to ask in order to receive a candid answer. Mr. Beaulauier commented that complete surveys have been done on this topic alone; i.e., the Portland Development Commission. Sometimes you learn what you already know – people do not want things built in their own backyard.
-  Councilor Henderson commented that a telephone survey is likely to be more costly than an online survey. He asked if it made sense to conduct a website survey every year along with the telephone survey every other year. Senior Management Analyst Wyatt replied that the intent of the city was to test the online survey for the first time and it was available for anyone to reply. In the future, they could possibly make the online survey available to a more targeted population to build up a database.
- Mayor Dirksen said that many people believe that an online survey is not representative because people self-select to participate and tend to have strong opinions on some issues. But, since the city conducted the online survey at the same time with the same questions, he would like to see a breakdown of every question comparing the telephone survey to the Internet survey. From this comparison, it might be possible to determine if the perception is correct that an online survey does not result in a representative sampling. Mr. Beaulauier commented that the results from the two surveys were fairly comparable, including the support for the city's role in recreation programming. Some of the problems with Internet surveys and self-selection have to do with false-positive results. People who tend to volunteer to complete a web survey are going to be more likely to give support on issues and you can get "burnt" going forward using these results. Internet surveys are useful for understanding some of the qualitative reasons why people might support or are against an issue.
- Councilor Woodard commented that the telephone survey was an older demographic than the online survey so it appears that two demographic sectors were sampled. He

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asked how accurate Mr. Beaulauier thought the survey results were. Mr. Beaulauier said the survey was accurate according to the selected methodology. The same screeners were used in 2009 and 2011; the results are comparable and representative.

- Councilor Woodard said he was surprised to see that the Neighborhood Network resource was rated so low as a city-activity information resource for citizens. He thought this program was robust. Comments were made that this was still a relatively new city program. Councilor Henderson pointed out that the website is also a communication tool for the Neighborhood Network Program and responders might not have connected the two when responding to the survey questions.
- Councilor Wilson said after having seen a number of surveys over the years, he has noted there is a remarkable consistency in responses. Major issues relate to traffic congestion among all demographics. In places where there has been a change, it could be attributed to the economic conditions, not anything the city has done or not done. Even the insecurity with regard to safety seems to be coming from a general negativity, since there has been no jump in the crime rate. The light rail question was asked for the first time this year and he said he was surprised to see it “so high” -- that was encouraging.
- Councilor Wilson referred to the responses on recreation and that one way to look at the survey results is that 80 percent support a recreation program. This appears to be consistent with what has been offered before in that there is a segment of the population that does not want any recreation programs and another that want a “full blown” program, but most everyone wants something along the lines of what we have been trying to accomplish. He pointed out the city had to pull back making city facility meeting rooms available because of the recession – at the very least the city ought to restore this service. He spoke to reserving playing fields and offering a coordination role for recreation. Councilor Wilson fully supports the coordination efforts by the city.
- Council President Buehner asked Mr. Beaulauier about the concerns expressed regarding safe streets and whether he thought the media’s 24/7 “hyping” any criminal activity that has occurred has influenced the results given the fact that the crime rates are reduced. Mr. Beaulauier said those types of things can be measured; however, it was not measured here. It varies a lot by area with regard to how people are impacted by the media. To answer this question for Tigard, he would need to conduct a community-policing type of survey. The Portland Police Bureau does an extensive survey every year and their results might be comparable by studying the data from communities neighboring Tigard.
- Mayor Dirksen commented that people might be responding that they feel less safe not only because of crime but because of the concerns with traffic congestion or lack of adequate pedestrian facilities. When the response was that he or she feels less safe, he said he wished there had been a follow-up question asking “why.”
-  Councilor Woodard said he sees a big connection between the online and the telephone survey concerning jobs and economic development. He said the consultants have been proposing activation efforts to get people interested in specific areas and build excitement. Active areas will stimulate job growth. He said he can see how recreation and economic development act as catalysts to one another – “they feed upon each other.” Senior Management Analyst Wyatt advised he will be preparing information for

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City Council similar to what Councilor Woodard was referring to – the cross pollination of some of the issues.

- Councilor Henderson referred to the PRAB recommendation for the City Council goal setting and the city’s budget prepared for 2012-13. Mayor Dirksen responded that this is noted and will be taken into consideration during the goal-setting session scheduled for City Council on December 6, 2011. From the results of the goal setting, it might be that there will be a request for a “white paper” examining the question for costs and a potential funding source for an identified recreation program. Interim City Manager Newton said the PRAB is recommending the Council consider including their recommendation as one of the City Council goals.



6. CONSIDER ADDITION OF FULLY FUNDED 1.0 FTE TRANSIT OFFICER TO POLICE DEPARTMENT AND A RELATED BUDGET AMENDMENT

Finance and Information Services Department Director LaFrance presented the staff report:

- The item before the City Council is a proposed resolution amendment to the FY 2012 budget for \$74,673. All of this amount will be fully reimbursed through an Intergovernmental Agreement the city has with TriMet and the City of Portland and will have no impact on the General Fund’s ending fund balance. The purpose would be to expand the Police Department’s presence on the TriMet Task Force that is used to help patrol and keep the riders safe in TriMet stations and facilities.
- In response to a question from Councilor Henderson, Finance and Information Services Department Director LaFrance said this program would continue next fiscal year and into the future as long as we are participating at the same level in the Task Force. Should TriMet have budget cutbacks and they decrease the funding, then we would need to cut back on our staff as well.
- Councilor Wilson noted officers for TriMet are supplied by a number of jurisdictions. He asked if these officers are paid on a TriMet pay scale. Police Chief Orr said each jurisdictions’ pay scale is applied so different rates occur depending on the home jurisdiction of the officer. The amount reimbursed to the city is 105 percent, which includes administration through the city’s finance department. All of the cities tend to pay their officers about the same. The City of Tigard, except for the City of Portland, provides more officers to TriMet than any other jurisdiction. Police Chief Orr explained that the officers serve a three-year rotation and return better trained having seen and experienced a different range of activity.
- Council President Buehner inquired about the number of police officers from Tigard now working for TriMet. Police Chief Orr said we have one sergeant and three officers; with the addition of this FTE, it would mean that there are four officers from Tigard.
- In response to a question from Mayor Dirksen, Police Chief Orr said TriMet has never terminated any positions in its history. It appears that the service will expand in the foreseeable future.
- In response to a question from Councilor Henderson about how TriMet funds these positions, Police Chief Orr advised there are various funding sources such as federal funds

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and the transit tax. Finance and Information Services Department Director LaFrance said he will contact TriMet to find out the funding sources for this program. Councilor Henderson said he would like to share this information with Tigard businesses so they would know where their tax dollars are being spent.

- Mayor Dirksen referred to concerns expressed by citizens about safety on public transportation. He is pleased TriMet is increasing security and ensuring that riders are paying for the service to support the system – this benefits everyone. Police Chief Orr noted that TriMet responds to situations that come up in Tigard by providing security upon request; i.e., the Trick-or-Treat on Main Street event.

Motion by Councilor Wilson, seconded by Council President Buehner, to approve Resolution No. 11-38.

RESOLUTION NO. 11-38 - A RESOLUTION TO APPROVE THE ADDITION OF 1.0 FTE POLICE OFFICER AND RELATED COSTS AND SUPPORTING REVENUES TO THE FY 2012 ADOPTED BUDGET IN POLICE IN THE AMOUNT OF \$74,673

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Buehner	Yes
Councilor Henderson	Yes
Councilor Wilson	Yes
Councilor Woodard	Yes



7. DISCUSS AMENDMENTS TO CHAPTER 1.16 OF THE TIGARD MUNICIPAL CODE

Assistant Community Development Director Hartnett introduced this agenda item. She also introduced the project team: Program Development Coordinator Shields, Temporary Code Compliance Program Specialist LaBarre, and Attorney Hall.



- Assistant Community Development Director Hartnett reviewed previous City Council discussions, gave background information on this section of the code, and referred to work recently completed with regard to the proposed amendments.
-  Council President Buehner advised she had some word-change suggestions, which she will forward to staff.
-  Councilor Woodard said he was concerned about penalties for out-of-area property owners and whether there are some guidelines about notification when there are code compliance issues.
-  Councilor Wilson said he generally agreed with the proposed amendments. He said he was concerned about the expansion of the code provisions and asked if the old language was reviewed to determine if there were sections that could be eliminated. He referred to some

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of the legal language and whether these types of code offenses require all of this specificity. His preference would be for simpler language. Councilor Henderson agreed with Councilor Wilson's comments and said the goal is to allow for easier use by the public – to be more readable.

-  Mayor Dirksen also noted his concern about readability of the new provisions. Conversely, he said he understands some of the legal wording is “boilerplate” and gives the city a legal basis for requiring compliance and for taking the action the city deems necessary.
-  In response to a comment from Mayor Dirksen, City Attorney Ramis advised the “warrant section” has been substantially expanded. The more structure outlined in the code language to justify a warrant for an administrative search, the better the opportunity will be for staff to make it workable. The attorney’s office purposefully used language employed in other jurisdictions.
-  Mayor Dirksen said the City Council needs more time to review the staff’s recommendations. He proposed that this item be pushed back until a later date. He also urged that City Council members contact staff individually with specific questions.
-  City Attorney Ramis commented that it is critical to use the correct implementing tools to make the system work; i.e., letters used to provide notice, the process used to provide notice, and the system set up to encourage compliance. The code provides the structure to give staff and the city the authority.
-  In response to a question from Councilor Woodard, Assistant Community Development Director Hartnett noted there are some frequent violators of the nuisance regulations who depend on the city’s notification to remind them of their obligation to do such things as mow their grass. Costs added to the fine amount could consist of direct costs; i.e., costs associated with abating the violation and staff’s time spent in addressing the violation. Costs are defined in the proposed code language.
- Councilor Woodard liked the provisions in the proposed language regarding using the services of a collection agency. He was also glad to see the provisions for hardship cases. For the most part, he liked the staff’s proposed documents.
- Assistant Community Development Director Hartnett reviewed that before a fee is charged to a property owner, there is a formal notification process. She said she will review the proposal to address Councilor Woodard’s concerns about notification to non-resident property owners. At this time, the city’s biggest challenge is with banks and other financial institutions that hold properties. The definitions refer to responsible party to help the city hold the correct person(s) accountable. Council President Buehner suggested, when dealing with a foreclosure situation, city officials should be contact the trustee empowered to implement the foreclosure. Assistant Community Development Director Hartnett said she thought language was included as suggested by Council President Buehner, but that she would recheck.
- Councilor Wilson asked about “confidential” complaints and whether a person gets to “face his accuser.” Program Development Coordinator Shields said that according to regulations governing public records, any complaint filed is public information with an exception that if the complainant indicates to staff they are afraid of retribution, staff can solicit an opinion from the city attorney whether they can keep the complainant’s information confidential against anything other than a court order. Aside from that exception, a respondent can

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contact the records division to obtain the name of the person who filed a complaint. Few make the effort to find out who complained. Councilor Wilson noted that many nuisance complaints are neighbor disputes. Discussion followed whether there was any way to address the situation where someone in the neighborhood complains frequently. Assistant Community Development Director Hartnett said that moving to the online system has, in some ways, made making a complaint a little more difficult. Formerly, complaints were taken by phone calls, drop-in, email, etc. The proposal attempts to funnel complaints to two primary methods; 1) online system or 2) fill out a specific form. By asking the community to actively participate with the city to manage the nuisance cases, there has been a shift with sharing the responsibility.

- Council members discussed the pros and cons of the public record aspect of making a complaint.
- Assistant Community Development Director Hartnett clarified how staff is administering the system now. Staff will make a site visit before the situation reaches the point of a possible fine; however, staff does not make a site visit with an initial complaint. Staff uses a “livability approach” at first and requests compliance. The response rate to this approach is very good and takes care of 75-80 percent of the complaints.
- In response to a question from Councilor Henderson, there is a provision in the “sign” section for an alternative approach to take care of signs placed illegally in the right of way. This has not been implemented because there are some administrative rule processes that need to be put in place. This continues to be a problem throughout the city.
- Program Development Coordinator Shields advised a second installment of related code revisions will be distributed to the City Council next week.

9. COUNCIL LIAISON REPORTS

 Councilor Woodard reported on recent Metropolitan Area Communications Commission (MACC) activity. TVCIV staff has been relocated to the Cornell area (a former Intel facility). MACC, because of this move, was able to recoup \$240,000 from its original investment, which can be applied to the new facility. He said MACC expects to add Happy Valley and West Linn as members; additional members will benefit the current membership for cost sharing and increased influence through additional cable subscribers. The Westside Economic Alliance will have some programming aired on community television channels during December. He spoke of services offered by Comcast, including low-income Internet service.

 Council President Buehner reported on the Lake Oswego Tigard Water Partnership Oversight Committee. There are a series of meetings occurring in the next couple of months with area legislators regarding the Lake Oswego project to fully inform affected residents on the scope of the project and how it is proceeding. Partnership representatives will be meeting with the Clackamas County Commission on November 28 to discuss the project in general with specific discussion on the route going through unincorporated Clackamas County.

10. NON AGENDA ITEMS: None.

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11. EXECUTIVE SESSION: Not held.

12. ADJOURNMENT (10:04 p.m.)

 Motion by Councilor Woodard, seconded by Councilor Wilson, to adjourn the meeting.

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Buehner	Yes
Councilor Henderson	Yes
Councilor Wilson	Yes
Councilor Woodard	Yes

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

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TIGARD CITY COUNCIL MEETING MINUTES – NOVEMBER 22, 2011



City of Tigard

Tigard City Council Goal Setting Meeting – Minutes

TIGARD CITY COUNCIL	
MEETING DATE AND TIME:	December 6, 2011 - Noon
MEETING LOCATION:	Tigard Fanno Creek House, 13335 SW Hall Boulevard, Tigard, Oregon

Council present:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Councilor President Buchner	✓	
Councilor Henderson	✓	
Councilor Wilson	✓	
Councilor Woodard	✓	

Staff Present: City Manager Wine, Assistant City Manager Newton, City Recorder Wheatley

Mayor Dirksen called the meeting to order at 12:22 p.m.

- City Manager Wine asked for individual City Council members to share what, in their service on the council, has been the most rewarding:
 - Councilor Woodard – Said that the most rewarding has been his service as liaison to the committees and boards, which has helped him identify differences in communication styles and differences in focus/perspectives. He feels he is more engaged in the process.
 - Councilor Wilson – Related that the most difficult was the time period when the city was dealing with the Bull Mountain annexation and people were berating the City Council and city organization. Since that time, credibility of the city has been restored and he noted that some of the persons most critical of the city are now among the strongest supporters. While a small thing, Councilor Wilson said updating the city logo was symbolic of a new direction for the city.
 - Mayor Dirksen agreed with Councilor Wilson’s comment about the statement the logo made in the city’s new direction and evolving community identity.

- Councilor Henderson – Said he realized how rewarding his job as a City Councilor could be when he spoke to the Metzger group attending that community’s Centennial celebration. The Metzger residents expressed their appreciation that the city participated in their event.
- Council President Buehner – Said she was frustrated before she came on City Council about the lack of action to move the city forward in key areas. During her tenure on City Council, the city has updated the Comprehensive Plan and has begun to address areas within the city’s sphere of interest; i.e., Areas 63 and 64. She referred to the city’s increased outreach to citizens and taking steps to making this the best community it can be. Decisions for long-term community vitality have been made, such as the water partnership and the passage of the parks bond. The City Council has taken on controversial items and has gained acceptance of the decisions it has made for the city. She said it is now time to implement the provisions of the updated Comprehensive Plan.
- City Manager Wine facilitated the City Council discussion on the goal-setting for 2012. Charts were kept during the discussion listing key points to be captured and these notes have been transcribed and are on file in the meeting packet. (City Recorder’s note: A final list of 2012 City Council goals were adopted by the City Council on January 10, 2012.) Below are bullet points of general observations and discussion:
 - Long-term goals: general agreement among the City Council was for staff to map out steps to *implement* these goals. There was stress on the word *implement* for items that have been in the planning and development stages, such as the Comprehensive Plan and Tigard Triangle Master Plan. These long-term goals will be listed under the heading of one goal.
 - There was discussion on the financial health of the state and the county and the need to monitor and be involved or give input on decision making for regional and statewide matters.
 - There was discussion on resource alignment and working as efficiently as possible.
 - City survey results were discussed. Councilor Wilson referred to the decrease in the number of people who feel safe, which might be a reflection of the state of the economy. A high number of citizens will have contact with members of the Police Department. There was interest in comparing traffic enforcement and its alignment with safety. Councilor Wilson said he would like to see crash data for trouble spots or some type of traffic safety performance measurements.
 - Financial stability and sustainability were discussed. Councilor Henderson referenced the requirement for continued communication on efforts in this area. Councilor Wilson added that constant monitoring for new technologies and practices is an important component.
 - Council agreed all of the five-year goals as stated last year should be retained.

Meeting recessed: 1:45 – 2 p.m.

- Councilor Woodard presented an electronic slide package entitled “City of Tigard – Recreation for the 21st Century.” A copy of the presentation is filed in the meeting packet.
- After the presentation, key points and follow-up activities were identified:

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- Prepare a white paper on a recreation program including the input received from the Park and Recreation Advisory Board and the 2011 Citizen Survey.
 - Create a proposed budget based on the scenario(s) outlined in the white paper.
 - The white paper should present options for recreation programming services including the potential of partnering with the schools for cooperative use of facilities, fields and activities.
 - Councilor Woodard spoke of costing out a volunteer coordinator or a recreation manager.
 - Mayor Dirksen mentioned he and Public Works Director Koellermeier had discussed an outline for a white paper on this subject.
 - City Manager Wine spoke to identifying what services should be subsidized and those that should be fee based.
 - Councilor Woodard said thought should be given to how to generate revenues.
 - Council President Buehner said she wanted want voter input on implementation of a recreation program.
 - Fee structure was discussed regarding rates needed to pay for costs. There was a suggestion a certain amount could be designated for scholarships.
 - A section of this goal area was articulated as, “Partner with the School District to produce a pilot recreation program.”
 - Assistant City Manager Newton suggested, in response to a suggestion from Councilor Henderson, that the white paper provide the amount of money that is now being spent on recreation programming.
 - Mayor Dirksen said he would like to change the name of the “Tigard Senior Center” to the “Tigard Center,” and that a broader range of events be offered at this facility.
 - A resource identifying existing non-profit organizations’ offerings should be assembled.
 - Mayor Dirksen suggested the Park and Recreation Advisory Board could host an open house to invite people to see a list of the recreational activities available in the community. He suggested these services could be assembled into a catalog.

- City Council discussed the progress on a number of planning efforts and the need to find a way to implement elements of these plans. (List was made on chart paper and has been transcribed and included in the meeting packet.)
- City Council discussed a shift in activity for the downtown within its role as the City Center Development Agency:
 - There is now some money available to make progress on a downtown plaza.
 - Concentrate on acquiring tenants for existing buildings – tenants that will bring activity downtown.
 - A suggestion that it might be time to re-evaluate the façade improvement program.
 - Concentrate on areas with the greatest potential.
 - Developers are beginning to show interest.

- Discussion on the urban creek.
 - Discussion on activities to identify willing participants.
 - Completing the trail system with MSTIP 3d dollars was mentioned.
 - Discussion on needed expertise and skill sets for: economic development, create a downtown association, real estate knowledge, identify potential tenant market to recruit businesses, and design and construction.
 - Review City Center Advisory Commission (CCAC) role to go forward with projects – articulate vision to the CCAC from today’s discussion.
 - Mayor Dirksen suggested to City Manager Wine the City Council would like to see a list of priorities along with what resources should be devoted to move forward in the downtown.
 - Discussion included that some kinds of subsidies will be required in the beginning to get what we want for the downtown.
- Council President Buehner reviewed her thoughts on the city’s annexation:
 - There are 13 island-areas of unincorporated land with the city’s boundaries.
 - The current annexation policy is not working and she sees the need to develop a proactive strategy to address islands. Neighborhoods “on the edges” around the Bull Mountain area should be coming into the city.
 - Councilor Wilson said it would be his preference to entice people to join the city; i.e., phase-in taxes over a period of time.
 - Discussion on particular areas:
 - Area near Fred Meyer that is surrounded by the city on three sides and its potential for future urban renewal designation.
 - Councilor Henderson noted Metzger wants to retain its identity. There was discussion on recognizing neighborhoods formally and by name.
 - Other topics reviewed included:
 - The Walnut Street project and the need for staff to look for funding sources.
 - Develop a long-term financial plan.
 - Identify funding for the City Facilities Plan.
 - Relocation of the Public Works facility; develop an action plan.
 - Public art and the City Center Advisory Commission’s role. Councilor Henderson referred to the idea of a clock tower in the downtown and referred to the Rotary Club’s interest in this project. Mayor Dirksen suggested that Councilor Henderson determine how involved the Rotary Club would want to be with regard to a clock tower. City officials need to determine priority for budgeting funds for public art. Should a citywide arts committee be established? Councilor Wilson said he could support a one percent set aside for art, but selection of art should be done by professionals and the art should be unique to Tigard.
 - Discussed concerns about disruption of downtown businesses during continued construction. Councilor Wilson would like to find out how to complete the construction as quickly as possible. Mayor Dirksen said particular attention should be paid to the sequence of construction and to convey urgency to private contractors to get projects completed – every day matters.

- City Council members discussed the individual liaison appointments to boards, committees and commissions. A copy of the matrix is attached with changes made by the City Council shown.

The meeting adjourned at 5:03 p.m.

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date:_____

2012 City Council Appointment Matrix

Attachment to December 6, 2011, City Council Goal Setting Minutes

Committee Name	Primary Representative	Alternate Rep	Meeting Frequency	Time Expectation	Staff Liaison
<i>Budget Committee</i>	All Council		3-4 consecutive Monday evenings in April & May		Toby LaFrance
The Budget Committee provides a public forum to obtain public views in the preparation of fiscal policy.					
<i>Budget Subcommittee- Social Services</i>	Councilor Woodard		1 meeting in March		Toby LaFrance
Reviews applications submitted by social service agencies for contributions from the city. Consists of 1 Council member and 2 citizen-members of the Budget Committee.					
<i>Budget Subcommittee - Events</i>	All Council		Council Workshop or Study Session in March		Toby LaFrance
Reviews requests for contributions to community events.					
<i>City Center Development Agency</i>	All Council		As needed during Council sessions, ongoing	2 x/month for 1 hr. 2 hours month	Sean Farrelly
This committee's role is to assist the Urban Renewal Commission in developing and carrying out an Urban Renewal Plan.					
<i>Community Development Block Grant Policy Advisory Board</i>	Councilor Henderson	Marissa Daniels	2 nd Thursday of the month at 7 p.m. Location rotates	Ongoing- appx. 2 hours month	Marissa Daniels
By IGA, Washington Co. established the Community Development Policy Advisory Board (PAB) to represent the County Consortium, make recommendations to the County Commissioners on all matters pertaining to the CDBG program. Includes a representative, generally an elected official, from the County and each of the 11 participating cities in the Co.					

Committee Name	Primary Representative	Alternate Rep	Meeting Frequency	Time Expectation	Staff Liaison
<i>Intergovernmental Water Board</i>	Councilor Buehner	Councilor Woodard	2nd Wednesday/month, 5:30 p.m., Water Building	Monthly	Dennis Koellermeier
To make recommendations to the Tigard City Council on water issues and to carry out other responsibilities set forth in the IGA between Tigard, Durham, King City and the Tigard Water District. Each jurisdiction is represented by a member + 1 at-large.					
<i>Metro Joint Policy Advisory Commission on Transportation</i>	Mayor Dirksen	City of Cornelius Councilor Jef Dalin	2 nd Thursday/month 7:30- 9 a.m. @ Metro		Judith Gray
A 17-member committee that provides a forum for elected officials and representatives of agencies involved in transportation to evaluate transportation needs in the region and to make recommendations to the Metro Council.					
<i>Mayor's Appointment Advisory Committee</i>	Jan – June 11 Councilor Henderson	July – Dec 11 Councilor Woodard	Jan – June 12 Councilor Buehner	July – Dec 12 Councilor Wilson	Staff Liaison to the committee interviewing
The Mayor & 1 Councilor (on a six-month rotation schedule) review applications and interview individuals interested in a board or committee appointment. Recommendations are forwarded to the Council for ratification.					
<i>Metropolitan Area Communications Commission</i>	Councilor Woodard	Louis Sears	6 times a year, usually Wednesday, 1-5 pm at MACC headquarters		Louis Sears
MACC is the governing body that oversees the contracts for cable services and TVCTV. The Executive Committee meets separately to make recommendations to the Commission on administrative issues including budget and the review of the Executive Director.					
<i>Metro Policy Advisory Committee (MPAC)</i>	Sherwood Mayor Keith Mays	Tualatin Councilor Chris Barhyte	2 nd and 4 th Wednesday 5-7 p.m. at Metro	Ongoing 4 hours/month	Ron Bunch
MPAC it is made up of elected officials. Representatives are elected by peers within Washington County cities.					

TIGARD CITY COUNCIL GOAL-SETTING MEETING MINUTES – DECEMBER 6, 2011

Committee Name	Primary Representatives	Alternate Rep	Meeting Frequency	Time Expectation	Staff Liaison
<i>Regional Water Providers Consortium</i> Consortium is comprised of all water suppliers in the metro area. The Councilor appointee to this group represents the city on regional policy issues.	Councilor Buehner	No appointment made	Quarterly meeting held at Metro		John Goodrich
<i>Tigard- Lake Oswego Joint Water Partnership Oversight Committee</i> Membership is comprised of staff and elected officials to govern water partnership between the cities.	We have two primary seats: Councilor Buehner & Mayor Dirksen		Monthly – working on a new meeting schedule		Dennis Koellermeier
<i>Washington County Coordinating Committee</i> WCCC reviews and comments on major land use and transportation issues and provides a forum for discussion which results in recommendations for a coordinated approach between jurisdictions. The Committee has specific authority on the Major Streets Transportation Improvement Program (MSTIP) and the Countywide Traffic Impact Fee (TIF) program. Representatives to JPAC and MPAC from County and cities in the Co. will be on the policy body.	Mayor Dirksen	Councilor Buehner	2 nd Monday @ noon Beaverton City Hall	1-2 hours per month	Mike McCarthy
<i>Westside Economic Alliance</i> Create an environment conducive to business growth, working to influence decisions on policies and regulations impacting the economic vitality of the area.	Mayor Dirksen	Councilor Wilson	3 rd Wednesday of month 7:30-9 a.m. @St. Vincent's Hospital Board Room	<u>PLUS: Optional Thursday Forum breakfast w/ speakers</u>	Ron Bunch
<i>Willamette River Water Coalition</i> Mission of the coalition is to protect the Willamette River and to protect Tigard's water rights.	Councilor Henderson	Councilor Wilson	Monthly		Dennis Koellermeier

TIGARD CITY COUNCIL GOAL-SETTING MEETING MINUTES – DECEMBER 6, 2011

Tigard Board & Committee Liaison Assignments:

<i>Committee Name</i>	Primary Representative	Alternate Rep	Meeting Frequency	Time Expectation	Staff Liaison
<i>City Center Advisory Commission</i>	Councilor Henderson		2 nd Wednesday/month@ 6:30 pm		Sean Farrelly
This committee's role is defined in the City Charter and is to assist the Urban Renewal Commission in developing and carrying out an Urban Renewal Plan.					
<i>High Capacity Transit Land Use Plan Citizens Advisory Committee</i>	Councilor Wilson	Councilor Buehner	meet during regularly scheduled Transportation Advisory Committee Mtgs		Judith Gray
Metro has identified the "SW Corridor" (PDX - Sherwood via Tigard) as the next priority expansion line for the regional HCT system. The city is gearing up for an extensive planning process beginning with a state-funded land use plan to identify potential station area locations and development traits to warrant HCT investment and achieve the city's aspirations. The Transportation Advisory Committee serves as the Citz. Advisory Comm. for the land use plan.					
<i>Library Board</i>	Councilor Henderson		second Thursday of each month at 7:00 PM		Margaret Barnes
Advisory to the Council regarding library policies, budget, facilities and other needs of the community to provide quality library service, per TMC 2.36.030.					
<i>Committee Name</i>	Primary Representative	Alternate Rep	Meeting Frequency	Time Expectation	Staff Liaison
<i>Neighborhood Involvement Committee (formerly CCI)</i>	Mayor Dirksen		3 rd Wednesday/every other mo. @ 7pm	6 hours a year	Joanne Bengtson
Charged with oversight for the Neighborhood Network program, encourages two-way communication between city and residents and encourages residents to be more involved. <i>(The committee changed its name to reflect new mission – previous incarnation was Committee for Citizen Involvement.)</i>					
<i>Park & Recreation Advisory Board</i>	Councilor Woodard		2nd Monday/month 7 pm in the Water Building		Steve Martin
To advise the Council on park and recreation policies, facilities, programs and budgets.					
<i>Planning Commission</i>	Councilor Woodard		1st & 3rd Monday/month @ 7pm		Susan Hartnett
Assists the City Council to develop, maintain, update and implement the Comprehensive Plan, to formulate the Capital Improvements Program, and to review and take action on development projects and development code provisions delegated to the Commission.					

<i>Committee Name</i>	Primary Representative	Alternate Rep	Meeting Frequency	Time Expectation	Staff Liaison
<i>Transportation Advisory Committee</i>	Councilor Wilson	Councilor Buehner	1 st Wednesday, 6:30 p.m., library 2 nd Floor Conf Rm	1.5 hr. meetings	Judith Gray
Advisory to council & staff regarding planning and development of a comprehensive transportation network, including development of plans and corresponding financing programs; development of funding mechanisms and sources to implement transportation projects and ensure adequate maintenance of the existing transportation infrastructure; public involvement and education in transportation matters and ways to improve traffic safety and accessibility in all transportation modes.					
<i>Tree Board</i>	Councilor Henderson		1 st Wednesday of month @ 6:30 p.m.		Todd Prager
The mission of the Tree Board is to develop and administer a comprehensive program for the management, maintenance, removal, replacement & protection of trees on public property.					
<i>Youth Advisory Council</i>	Mayor Dirksen		1 st & 3 rd Wednesdays @ City Hall		Sheryl Huiras
Students in grades 5-12 represent their peers as resources to the community to advise the best ways to build developmental assets for each youth in Tigard. The Youth Advisory Council also facilitates the development and implementation of programs and activities that are important to youth.					

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TIGARD CITY COUNCIL GOAL-SETTING MEETING MINUTES – DECEMBER 6, 2011

AIS-761

Item #: 5. B.

Business Meeting

Date: 01/24/2012

Length (in minutes): Consent Item

Agenda Title: Specify City Council Liaison Appointments to City of Tigard and Regional Boards, Commissions, Committees, and Task Forces

Submitted By: Cathy Wheatley
Administrative Services

Item Type: Motion Requested

Meeting Type: Consent Agenda

ISSUE

Approve the updated City Council Liaison appointments to City of Tigard and regional boards, commissions, committees, and task forces.

STAFF RECOMMENDATION / ACTION REQUEST

Approve the attached City Council Liaison appointments.

KEY FACTS AND INFORMATION SUMMARY

- Council members reviewed the traditional board and committee City Council liaison appointments at their December 6, 2011 special goal setting meeting and reached consensus on City Council member representation.
- Council groundrules regarding the Council members' liaison roles are as follows:

Communication as the Council Liaison with City Boards

- Council liaison assignments are determined by consensus of City Council. The goal is to have assignments evenly divided between Council members. Should two or more Council members seek appointment to a position the longest serving Council member will have first choice.
- Council Liaisons are to periodically attend Board meetings, listen to the Board discussion, set context for the Board regarding Council decisions/goals/policies and City priorities, answer questions and carry concerns and information back to the full Council.
- Council Liaisons are not to direct the business or decision-making process of the Board and do not vote of matters before the Board.
- Council Liaisons do not initiate, propose or advocate for their personal position on a matter before the Board. Council Liaisons are to protect the independence of the Boards.
- Council Liaisons at times may advocate Council actions on behalf of their assigned Board. Great care must be taken to avoid the appearance of unfairness, conflict of interest or circumstances where such possibilities may exist (e.g., Planning Commission quasi-judicial matters).

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

December 6, 2011 - Council Goal Setting Meeting

December 20, 2011 - Council Study Session - Reviewed Draft Matrix

Attachments

2012 City Council Liaison Appointments

2012 City Council Appointment Matrix

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AIS-671

Item #: 5. C.

Business Meeting

Date: 01/24/2012

Length (in minutes): Consent Item

Agenda Title: Authorize the City Manager to Execute an Intergovernmental Agreement with Clean Water Services Regarding the Derry Dell Sewer Project

Prepared For: Kim McMillan

Submitted By:

Greer Gaston
Public Works

Item Type: Motion Requested

Meeting Type:

Consent Agenda

ISSUE

Shall the council authorize the city manager to execute an intergovernmental agreement (IGA) with Clean Water Services (CWS) regarding the Derry Dell sewer project?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the council authorizes the IGA.

KEY FACTS AND INFORMATION SUMMARY

The council was briefed on the IGA at its December 13, 2011 meeting.

The City of Tigard and CWS share responsibility for the operation and maintenance of the city's sewer system.

CWS and the city have identified a problem — there are five locations where sanitary sewer lines are exposed as they cross Derry Dell Creek and Fanno Creek near Woodard Park. The creeks have washed away the soil/foundations surrounding these lines. As erosion continues, the exposed sewer lines could fail and sewage would be released into the waterways. Such a release would endanger public health, pollute the creek(s) and violate the federal Clean Water Act and state law. A map of the sewer line crossings is attached.

To rectify the problem, a joint city/CWS project is proposed. The project will remove the exposed sewer line crossings along with several sewer access manholes in Woodard Park. Improvements include:

- Designing and constructing approximately 1,200 feet of new sewer line.
- Removing or abandoning 1,800 feet of existing sewer line.
- Realigning a 700-foot stretch of Derry Dell Creek.

The attached IGA outlines city/CWS responsibilities as they pertain to the project. In short, CWS will design, contract, manage and fund the project. The city will:

- Purchase the real property, or obtain an easement for the real property, required for the project.
- Pay city permit and tree mitigation fees.
- Allow an exemption to the sensitive lands permit, with the provision that the work will be performed under the direction of the city and in accordance with city Standards and Specifications for Riparian Area Management.

The IGA was reviewed by the city attorney's office.

OTHER ALTERNATIVES

The council could:

- Choose not to authorize the IGA and could provide staff with direction on some other course of action.
- Direct staff to re-negotiate the IGA to pursue a different allocation of project responsibilities and/or funding.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

None

DATES OF PREVIOUS COUNCIL CONSIDERATION

The council was briefed on the IGA at its December 13, 2011 meeting.

With regard to real property transactions arising from the IGA, the council discussed this item in executive session on April 26, 2011.

Fiscal Impact

Cost: \$1,105,000

Budgeted (yes or no): Yes

Where Budgeted (department/program): CIP - Sanitary Sewer Fund

Additional Fiscal Notes:

The Capital Improvement Plan includes \$1,105,000 in fiscal year 2011-2012 for the Derry Dell sewer project. This dollar amount will be sufficient to fund the city's share of the project.

Attachments

IGA

Map of Sewer Line Crossings

**INTERGOVERNMENTAL AGREEMENT
BETWEEN CITY OF TIGARD AND
CLEAN WATER SERVICES FOR THE
DESIGN, PERMITTING, AND CONSTRUCTION OF
THE DERRY DELL GRAVITY SEWER REPLACEMENT**

This Agreement, dated _____, 2011, is between CLEAN WATER SERVICES (District) a county service district organized under ORS Chapter 451 and THE CITY OF TIGARD (City) an Oregon Municipality.

A. RECITALS

1. ORS 190.003 – 190.110 encourages intergovernmental cooperation and authorizes local governments to delegate to each other authority to perform their respective functions as necessary.
2. District and City entered into an Intergovernmental Agreement dated January 25, 2005 and Amendments thereto dated July 1, 2008 and July 1, 2009 (IGA) that articulate the procedures for working together on projects.
3. District and City have responsibility to operate and maintain sewers in the project area.
4. This project will result in improvements to the District's and City's sewer system by eliminating some of the existing exposed sewer/creek crossings.
5. Under the IGA, District and City share the costs for system improvements. City is responsible for the cost of pipes 12 inches in diameter and smaller. District is responsible for the cost of pipes larger than 12 inches in diameter.
6. The pipes included in this project range in size from 8 inches to 24 inches.
7. The most reliable and cost-effective solution requires a joint District and City project.
8. District and City wish to work cooperatively as District designs, permits, and constructs improvements to the sanitary sewer along Derry Dell Creek.

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

B. PROJECT DESCRIPTION

The Derry Dell sewer project includes designing and constructing approximately 1,200 feet of new sanitary sewer, removing or abandoning 1,800 feet of existing sanitary sewer, and realigning a 700-foot reach of Derry Dell Creek. The project will include removing five exposed sewer crossings on Derry Dell Creek and Fanno Creek and eliminating several sewer access manholes in Woodard City Park. Removing the crossings and eliminating the manholes will reduce the

risk of damage to the sewer system during periods of high stream flow, restore fish passage, improve the ecology and health of the stream corridor, and produce wetland mitigation credit. Stream bank erosion along Derry Dell Creek will also be addressed. The work described in this section shall be referred to as the “Project”.

C. DISTRICT OBLIGATIONS

District shall:

1. Provide the following Project delivery components:
 - a. Project management
 - b. Planning and public involvement
 - c. Preliminary design
 - d. Permitting
 - e. Assist City with negotiating a property acquisition to relocate the stream channel
 - f. Acquire easements needed to fill the existing stream channel
 - g. Final design
 - h. Contract documents
 - i. Bidding and contract award
 - j. Construction and contract administration

D. TIGARD OBLIGATIONS

City shall:

1. Assist District with Project planning and public involvement.
2. Provide existing planning information and data, as available.
3. Acquire real property or easement needed to relocate the new stream channel.
4. Allow District and its contractor access to City property and easements to construct and/or abandon sewer pipeline, perform site grading, and fill the existing stream channel.
5. Allow District and its contractor to remove trees and invasive vegetation on City property, as required.
6. Allow District and its contractor to replant and establish vegetation in any area disturbed by construction.
7. Pay City permit fees and tree mitigation fees as required by City code.
8. The parties agree that the Project will meet the requirements of section 18.775.020C of the City of Tigard Municipal Code for exemptions to a Sensitive Lands permit (Exemptions) provided the Project be performed under the direction of the City and in compliance with the provisions of the City of Tigard Standards and Specifications for

Riparian Area Management. The City Project Manager shall have the authority to direct District and its contractors within the scope of the Project to ensure that Project work meets these requirements. Either party may terminate this Agreement if the Project does not qualify for an Exemption by providing written notice to the other party.

E. COMPENSATION

District shall fund all aspects of the Project for assets and services described in Section C of this Agreement. City shall fund and pay for direct costs incurred by City including, but not limited to, City staff time, materials, and City permit fees for the services and assets described in Section D of this Agreement. City shall also pay for easement and land acquisition costs to relocate the creek.

District and City agree that assigning the cost of this Project by pipe size would be difficult. Therefore, the parties agree that District's fair share of the Project cost shall be the cost outlined to provide the services and assets described in Section C of this Agreement, and City's fair share of the Project cost shall be the cost for City to provide the services and assets described in Section D of this Agreement. The parties also agree that any mitigation credits generated as part of the Project shall be allocated between District and City in proportion to each party's final investment in the Project.

F. GENERAL TERMS

1. Laws and Regulations. City and District agree to abide by all applicable laws and regulations.
2. Term of this Agreement. This Agreement is effective from the date the last party signs it and shall remain in effect until the Project is complete and the parties' obligations have been fully performed or this Agreement is terminated as provided herein.
3. Amendment of Agreement. City and District may amend this Agreement from time to time, by mutual written agreement.
4. Termination. This Agreement may be terminated immediately by mutual written agreement of the parties, with the termination being effective in 30 days.
5. Integration. This document constitutes the entire agreement between the parties on the subject matter hereof and supersedes all prior or contemporaneous written or oral understandings, representations or communications of every kind on the subject. No course of dealing between the parties and no usage of trade shall be relevant to supplement any term used in this Agreement. Acceptance or acquiescence in a course of performance rendered under this Agreement shall not be relevant to determine the meaning of this Agreement and no waiver by a party of any right under this Agreement shall prejudice the waiving party's exercise of the right in the future.

6. Indemnification. Within the limits of the Oregon Tort Claims Act, codified at ORS 30.260 through 30.300, each of the parties shall indemnify and defend the other and their officers, employees, agents, and representatives from and against all claims, demands, penalties, and causes of action of any kind or character relating to or arising from this Agreement (including the cost of defense thereof, including attorney fees) in favor of any person on account of personal injury, death, damage to property, or violation of law, which arises out of, or results from, the negligent or other legally culpable acts or omissions of the indemnitor, its employees, agents, contractors or representatives.
7. Attorney Fees. If any dispute arises concerning the interpretation or enforcement of this Agreement or any issues related to the U.S. Bankruptcy Code (whether or not such issues relate to the terms of this Agreement), the prevailing party in any such dispute shall be entitled to recover all of its attorney fees, paralegal fees, costs, disbursements and other expenses from the non prevailing party, including without limitation those arising before and at any trial, arbitration, bankruptcy, or other proceeding and in any appeal.
8. Resolution of Disputes. If any dispute out of this Agreement cannot be resolved by the project managers from each party, the City Manager and District's General Manager will attempt to resolve the issue. If the City Manager and District's General Manager are not able to resolve the dispute, the parties will submit the matter to mediation, each party paying its own costs and sharing equally in common costs. In the event the dispute is not resolved in mediation, the parties will submit the matter to arbitration. The decision of the arbitrator shall be final, binding and conclusive upon the parties and subject to appeal only as otherwise provided in Oregon law.
9. Interpretation of Agreement.
 - A. This Agreement shall not be construed for or against any party by reason of the authorship or alleged authorship of any provision.
 - B. The paragraph headings contained in this Agreement are for ease of reference only and shall not be used in construing or interpreting this Agreement.
10. Severability/Survival. If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions shall not be impaired. All provisions concerning the limitation of liability, indemnity and conflicts of interest shall survive the termination of this Agreement for any cause.
11. Approval Required. This Agreement and all amendments, modifications or waivers of any portion thereof shall not be effective until approved by 1) District's General Manager or the General Manager's designee and when required by applicable District rules, District's Board of Directors and 2) City.

12. Choice of Law/Venue. This Agreement and all rights, obligations and disputes arising out of the Agreement shall be governed by Oregon law. All disputes and litigation arising out of this Agreement shall be decided by the state courts in Oregon. Venue for all disputes and litigation shall be in Washington County, Oregon.

13. Notice. The parties shall deliver any notice to the parties respective Project managers.

District's Project manager is:
Andy Braun, P.E.
Capital Program Manager
2550 SW Hillsboro Highway
Hillsboro, OR 97123

City's Project manager is:
Kim McMillan, P.E.
Construction Services and Engineering Supervisor
13125 SW Hall Blvd.
Tigard, OR 97223

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year first written above.

CLEAN WATER SERVICES

CITY OF TIGARD, OREGON

By: _____
General Manager or Designee

By: _____
City Manager or Designee

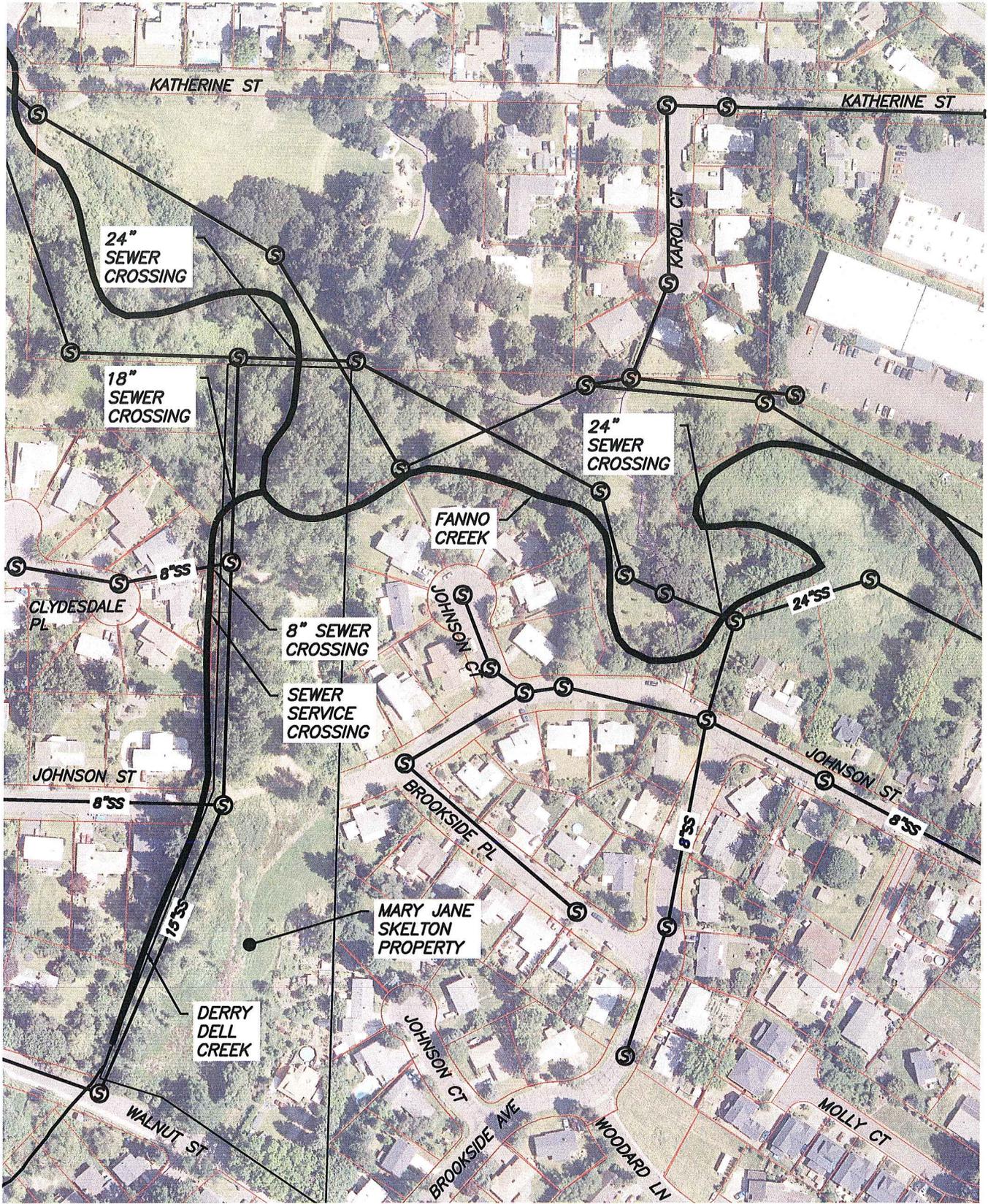
APPROVED AS TO FORM

APPROVED AS TO FORM

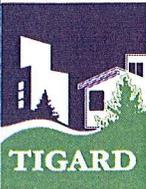
District Counsel

City Counsel

Plotted by: JEFF PECK on Thursday, November 04, 2010 at 9:58:10 AM from the 11x8.5 EXIST CONDITIONS layout tab
File Name: P:\01\11\ENG\PROJECTS\2010-2011\TY CIP\CSD PROJECTS\DERRY DELL CRK & SS\BASE.DWG



SCALE: 1"=200 FT



ENGINEERING DIVISION
PUBLIC WORKS DEPARTMENT

13125 S.W. HALL BLVD.
TIGARD, OREGON 97223
VOICE: 503-639-4171
FAX: 503-624-0752
WWW.TIGARD-OR.GOV

DERRY DELL CREEK SANITARY SEWER CROSSING EXISTING CONDITIONS (FIGURE 1)

FIGURE
FIG-1

FILE NO

AIS-756

Item #: 5. D.

Business Meeting

Date: 01/24/2012

Length (in minutes): Consent Item

Agenda Title: Adopt a Resolution of Necessity to Acquire Property for the Main Street/Green Street Retrofit Project

Prepared For: Kim McMillan

Submitted By:

Greer Gaston
Public Works

Item Type:

Meeting Type:

Consent Agenda

ISSUE

Shall the council adopt a resolution of necessity to acquire property for the Main Street/Green Street retrofit project?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the council adopts the resolution.

KEY FACTS AND INFORMATION SUMMARY

The Main Street/Green Street retrofit project will reconfigure Main Street and improve vehicular, bicycle, and pedestrian circulation. Project improvements include:

- Wider sidewalks
- Landscaping
- New street lighting
- Street trees
- Stormwater planters

The project is funded through a \$2.5 million, federally-funded grant from Metro. The city is required to provide \$650,000 in matching funds.

Project plans are about 90 percent complete, and, at this stage of design, it is necessary to start the right-of-way acquisition process. There are many segments of the existing sidewalk that are located on private property. Right-of-way (ROW) acquisition would place these segments in the public ROW. Additional ROW will be required for sidewalk widening and stormwater planters.

The resolution of necessity declares the need to acquire property and/or temporary construction easements for the purpose of constructing the Main Street/Green Street retrofit project.

Assuming the council adopts the resolution of necessity, the city's agent will enter into negotiations with property owners to buy the properties or portions of properties at the appraised value. Should negotiations prove unsuccessful, the resolution authorizes the city to proceed with condemnation.

The acquisitions under consideration involve the least amount of private property needed to achieve an effective green street design.

On February 22, 2011, the council approved an intergovernmental agreement (IGA) with the Oregon Department of Transportation (ODOT) to administer funds for right-of-way services for the Main Street/Green Street retrofit project. ODOT will ensure federal right-of-way acquisition requirements are met.

OTHER ALTERNATIVES

The council could choose not to adopt the resolution and direct staff on how to proceed with the ROW acquisition. However, ROW acquisition is a time sensitive piece of the process and must be complete before grant funding for construction can be released.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

2012 Long-Term Council Goals - "Continue implementing the Downtown Renewal Plan."

Adopted Plans:

Tigard Downtown Streetscape Design Plan, (2006)

City Center Urban Renewal Plan, (2005)

DATES OF PREVIOUS COUNCIL CONSIDERATION

On February 8, 2011, the council was briefed on the IGA with ODOT to administer funds for right-of-way services for the Main Street/Green Street retrofit project.

The council subsequently approved the IGA on February 22, 2011.

Fiscal Impact

Cost: \$202,000

Budgeted (yes or no): Yes

Where Budgeted (department/program): Metro Grant and Gas Tax

Additional Fiscal Notes:

The acquisition costs for this project are estimated at \$202,000. The project is funded with a \$2.5 million grant from Metro, \$450,000 from the gas tax fund and \$200,000 from the water fund. The City match is approximately 18% and therefore it expected we will need to budget 18% of \$202,000 for property acquisition in FY13 (approximately \$36,500).

Attachments

Resolution

Exhibits A & B for 29 Properties

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 12-**

A RESOLUTION DECLARING THE NEED TO ACQUIRE RIGHTS-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENTS ON PROPERTIES FOR THE PURPOSES OF INSTALLING, REPLACING, AND REPAIRING SIDEWALK AND GREEN STREET IMPROVEMENTS NEEDED TO PROVIDE SAFE TRANSPORTATION ROUTES FOR PEDESTRIANS

WHEREAS, the City of Tigard Charter grants the City of Tigard (“City”) authority to acquire interest in land for public purposes; and

WHEREAS, the City is authorized by ORS 223.005 et seq. and ORS 35.015 et seq. to purchase, acquire, take, use, enter upon and appropriate land and property within or without its corporate limits for the purposes provided in those statutes; and

WHEREAS, the City needs to acquire rights-of-way and/or temporary construction easements on 29 properties on Main Street as part of an overall green street project for the public purpose of providing safe transportation for pedestrians; and

WHEREAS, the City has determined that the acquisition of rights-of-way and/or temporary construction easements on certain properties is necessary and will be used for the location, installation, replacement and repair of the needed city sidewalk and green street improvements.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City does hereby find and declare that certain properties located in the City of Tigard, Washington County, Oregon are necessary and will be used for the installation, location, repair, replacement and improvement of a public sidewalk and green street. The properties for which the City needs to acquire a right-of-way and/or a temporary construction easement are legally described and depicted on the attached and incorporated Exhibit A and Exhibit B for each of the 29 properties (collectively, the “Properties”).

SECTION 2: The City Council finds that the acquisition of rights-of-way and/or temporary construction easements on the Properties is necessary and is in the public interest, and the improvements to said Properties are planned, and will be designed, located and constructed in a manner that will be most compatible with the greatest public benefit and the least private injury or damage.

SECTION 3: The city manager, or her designee, the city’s agent, and the city attorney, or his designee, are authorized to negotiate with the owners and other persons who have an interest in the Properties as to the compensation to be paid for these right-of-way acquisitions and/or temporary construction easements. The city manager is authorized to enter into agreements for acquisition of rights-of-way and/or temporary construction easements on the Properties at the appraised fair market value. The City Council must approve any agreement to purchase an interest in real property if the purchase amount is higher than \$75,000.

SECTION 4: In the event that no satisfactory agreement can be reached on right-of-way or temporary construction easement acquisition for all or any portion of the Properties, then the city attorney is directed and authorized to commence and to prosecute to final determination such proceedings as may be necessary to acquire the Properties or any portion of the Properties, including exercise of eminent domain, and upon the filing of such proceedings, possession of the affected real property therein may be taken immediately to the extent provided by law.

SECTION 5: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2012.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard)
December 7, 2011
OWNER: Highlands Associates, Ltd.
Page 1 of 3

State No. FAP 7365(009), Key No. 15600
Map & Tax Lot No. 2S 1 02AC-201
Property No. 1

PARCEL 1 – DEDICATION OF RIGHT-OF-WAY

A parcel of land located in the Northeast One-Quarter and the Northwest One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Bargain and Sale Deed to Highlands Associates, Ltd., recorded February 22, 2006 as Document 2006-020386, Washington County Records, said parcel being that portion of said property lying Northwesterly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

Station	to	Station	Offset on Southeasterly side of Centerline
0+80		2+10.64	46.00 feet (parallel with the proposed centerline of S.W. Main Street) to a point of reverse curve
2+10.64		2+25.51	46.00 feet (along arc with a 40.00 foot radius curve right, having a central angle of 31°43'58", long chord bears North 59°10'50" East, 21.87 feet and arc length of 22.15 feet) to 53.21 feet
2+25.51		3+60	53.21 feet in a straight line to 40.16 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street.

The parcel of land to which this description applies contains 999 square feet more or less.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South $60^{\circ}04'13''$ East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of $83^{\circ}20'36''$;

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North $78^{\circ}15'28''$ East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North $36^{\circ}35'10''$ East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of $22^{\circ}59'19''$;

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North $48^{\circ}04'50''$ East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North $59^{\circ}34'29''$ East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North $59^{\circ}34'29''$ East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North $59^{\circ}34'29''$ East, 42.66 feet to an angle point at station 10+45.62;

Thence North $55^{\circ}18'33''$ East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of $02^{\circ}22'38''$;

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North $54^{\circ}07'14''$ East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of $02^{\circ}22'47''$ (the long chord of which bears North $51^{\circ}44'32''$ East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North $50^{\circ}33'09''$ East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North $50^{\circ}33'09''$ East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed



centerline, from which, said Geodetic Control Station GC 022-071 bears South 61°56'29" West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter and the Northwest One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Bargain and Sale Deed to Highlands Associates, Ltd., recorded February 22, 2006 as Document 2006-020386, Washington County Records, said parcel being that portion of said property lying northwesterly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

Station	to	Station	Offset on Southeasterly side of Centerline
0+80		2+06.61	51.00 feet (parallel with the proposed centerline of S.W. Main Street)
2+06.61		3+12.93	51.00 feet in a straight line to 144.35 feet
3+12.93		3+60	144.35 feet in a straight line to 134.06 feet

EXCEPTING therefrom that portion of said property lying within the existing right of way of S.W. Main Street and the aforementioned Parcel 1.

The parcel of land to which this description applies contains 7,924 square feet more or less.

The stationing used to describe this parcel is based on the Proposed Centerline of S.W. Main Street described herein, being more particularly described in Parcel 1.

See attached Exhibit "B" hereby incorporated by reference.

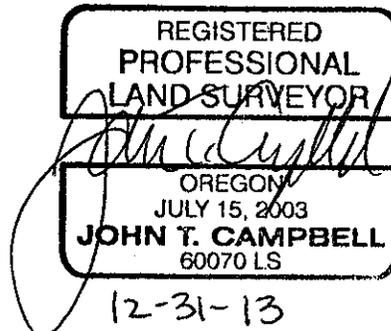


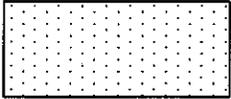
EXHIBIT "B"

PAGE 1 OF 1
 DECEMBER 7, 2011
 PROPERTY NO. 1

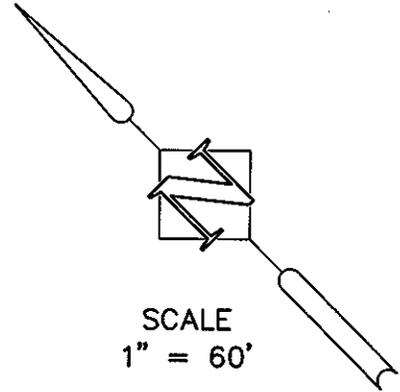
LEGEND



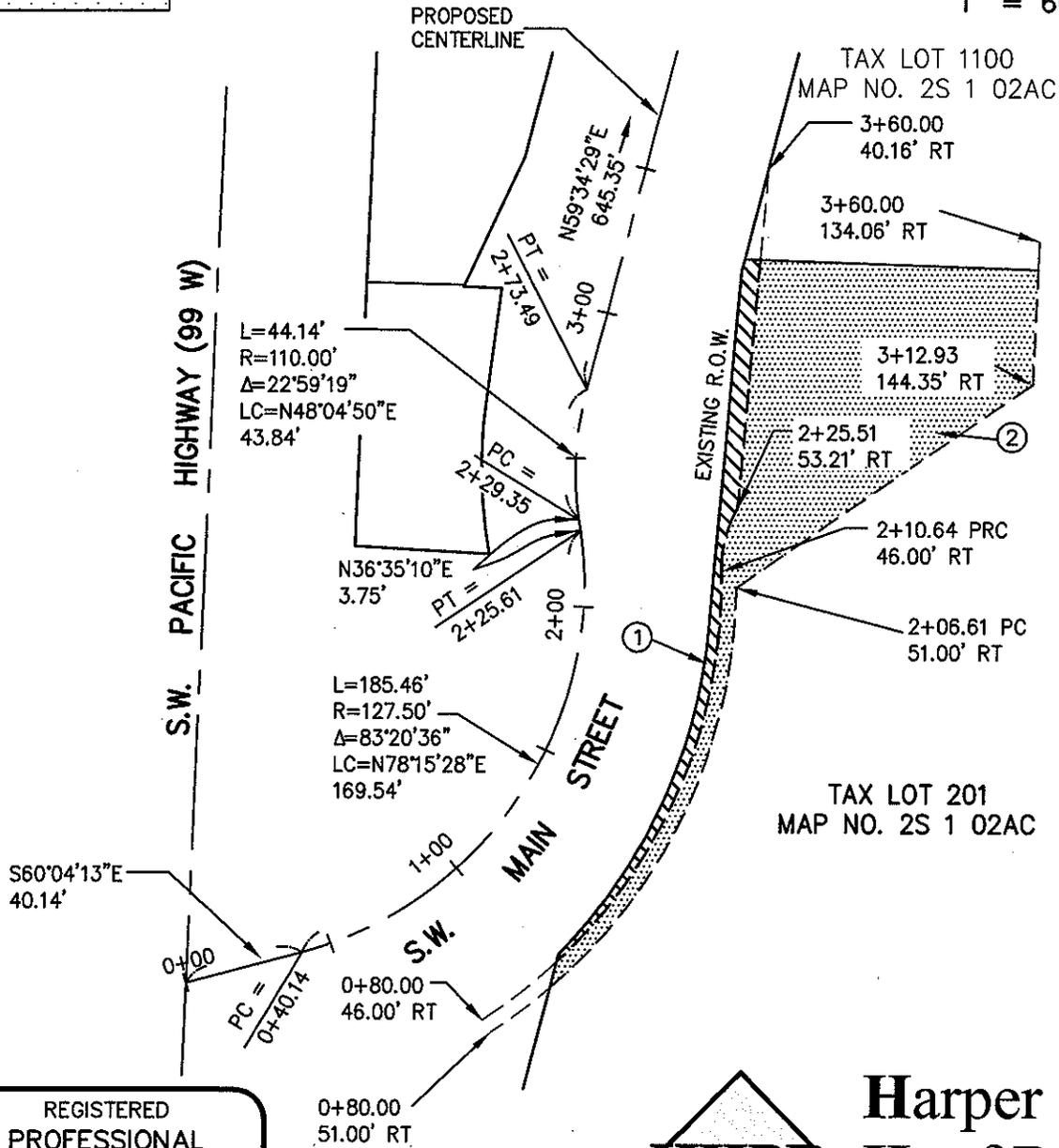
① PERMANENT R.O.W. EASEMENT
 FOR ROAD PURPOSES
 ± 999 SQ.FT.



② TEMPORARY CONSTRUCTION EASEMENT
 FOR ROAD PURPOSES
 ± 7924 SQ.FT.



SCALE
 1" = 60'



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

John T. Campbell
 OREGON
 JULY 15, 2003
 JOHN T. CAMPBELL
 60070 LS

EXP. 12-31-13



**Harper
 Houf Peterson
 Righellis Inc.**

ENGINEERS • PLANNERS
 LANDSCAPE ARCHITECTS • SURVEYORS

205 SE Spokane Street, Suite 200, Portland, OR 97202
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard)
December 7, 2011
OWNER: Wei Li
Page 1 of 3

State No. FAP 7365(009), Key No. 15600
Map & Tax Lot No. 2S 1 02AC-1000
Property No. 2

PARCEL 1 – DEDICATION OF RIGHT-OF-WAY

A parcel of land located in the Northwest One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Statutory Warranty Deed to Wei Li, recorded December 16, 2005 as Document 2005-158374, Washington County Records, said parcel being that portion of said property included in a strip of land lying Northwesterly of the following described proposed centerline of S.W. Main Street.

Station	to	Station	Width on Northwesterly side of Centerline
2+00		3+10	34.00 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street.

The parcel of land to which this description applies contains 145 square feet more or less.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13"East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North $36^{\circ}35'10''$ East, along the proposed centerline of S.W Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of $22^{\circ}59'19''$;

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North $48^{\circ}04'50''$ East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North $59^{\circ}34'29''$ East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North $59^{\circ}34'29''$ East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North $59^{\circ}34'29''$ East, 42.66 feet to an angle point at station 10+45.62;

Thence North $55^{\circ}18'33''$ East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of $02^{\circ}22'38''$;

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North $54^{\circ}07'14''$ East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of $02^{\circ}22'47''$ (the long chord of which bears North $51^{\circ}44'32''$ East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North $50^{\circ}33'09''$ East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North $50^{\circ}33'09''$ East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South $61^{\circ}56'29''$ West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North $42^{\circ}03'27''$ East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.



PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northwest One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Statutory Warranty Deed to Wei Li, recorded December 16, 2005 as Document 2005-158374, Washington County Records, said parcel being that portion of said property lying Southeasterly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

Station	to	Station	Offset on Northwesterly side of Centerline
2+00		2+80.15	44.00 feet (parallel with the proposed centerline of S.W. Main Street)
2+80.51		3+10	44.00 feet in a straight line to 47.58 feet

EXCEPTING therefrom that portion of said property lying within the existing right of way of S.W. Main Street and the aforementioned Parcel 1.

The parcel of land to which this description applies contains 899 square feet more or less.

The stationing used to describe this parcel is based on the Proposed Centerline of S.W. Main Street described herein, being more particularly described in Parcel 1.

See attached Exhibit "B" hereby incorporated by reference.

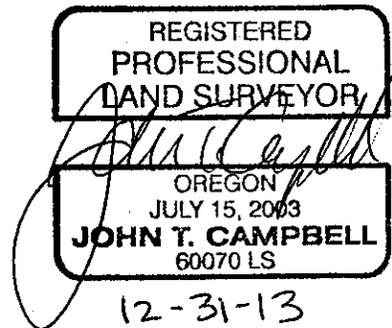
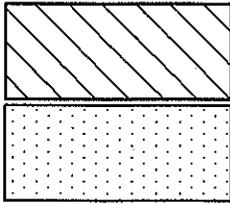


EXHIBIT "B"

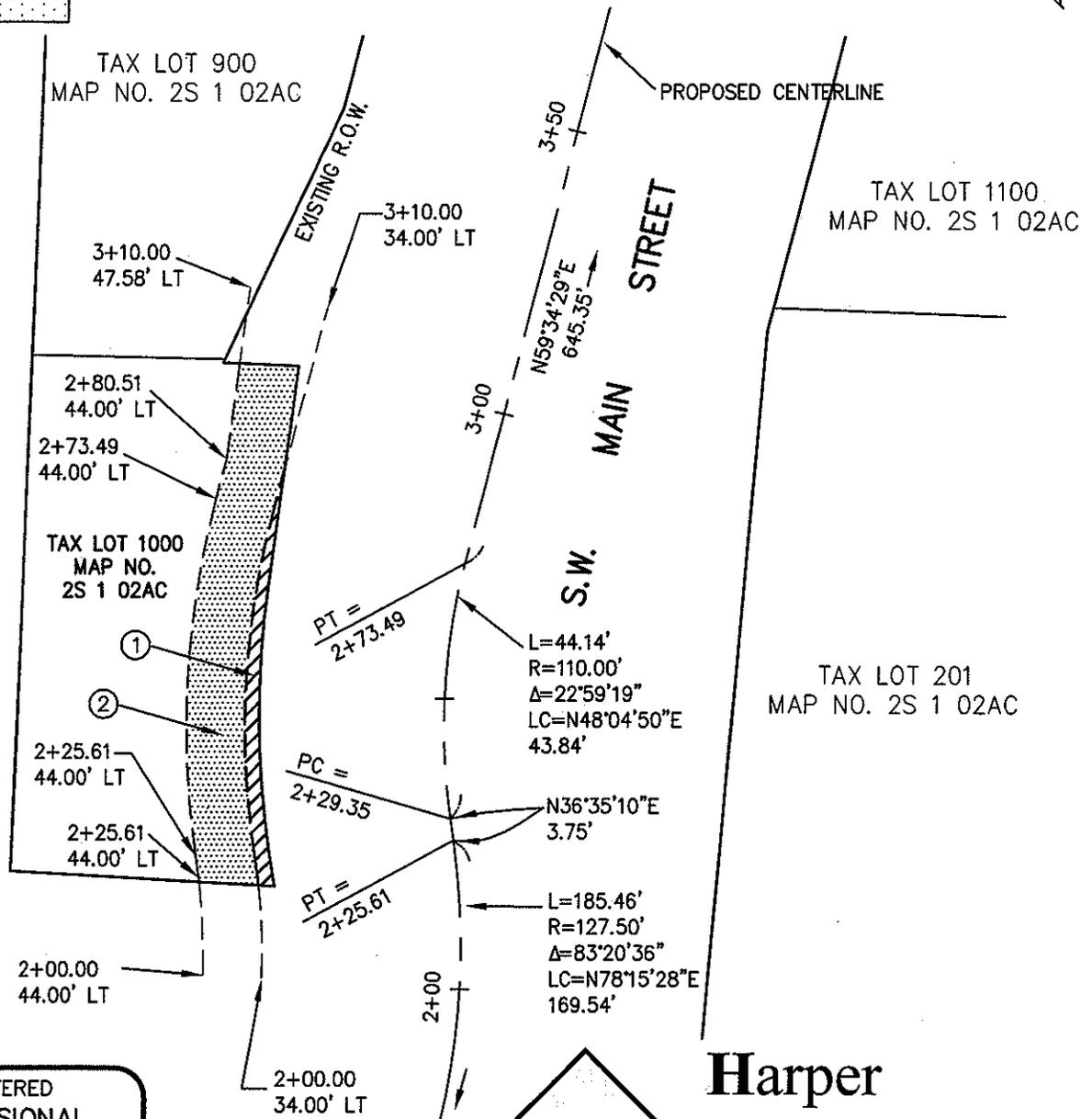
PAGE 1 OF 1
 DECEMBER 7, 2011
 PROPERTY NO. 2

LEGEND



- ① PERMANENT R.O.W. EASEMENT FOR ROAD PURPOSES ± 145 SQ.FT.
- ② TEMPORARY CONSTRUCTION EASEMENT FOR ROAD PURPOSES ± 899 SQ.FT.

SCALE
 1" = 30'



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

John T. Campbell
 OREGON
 JULY 15, 2003
 JOHN T. CAMPBELL
 60070 LS

EXP. 12-31-13



**Harper
 Houf Peterson
 Righellis Inc.**

ENGINEERS • PLANNERS
 LANDSCAPE ARCHITECTS • SURVEYORS
 205 SE Spokane Street, Suite 200, Portland, OR 97202
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171



**Harper
Houf Peterson
Righellis Inc.**

ENGINEERS ♦ PLANNERS
LANDSCAPE ARCHITECTS ♦ SURVEYORS

EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard)
December 7, 2011
OWNER: Fazilah Adam, Gary Ciment
Page 1 of 3

State No. FAP 7365(009), Key No. 15600
Map & Tax Lot No. 2S 1 02AC-900
Property No. 3

PARCEL 1 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter and the Northwest One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Statutory Warranty Deed to Fazilah Adam and Gary Ciment, recorded August 23, 2007 as Document 2007-092257, Washington County Records, said parcel being that portion of said property lying Southeasterly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

Station	to	Station	Offset on Northwesterly side of Centerline
2+85		3+43.87	55.92 feet in a straight line to 45.00 feet
3+43.87		4+00	45.00 (parallel with the proposed centerline of S.W Main Street)

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street, and any portion thereof lying within existing building structures.

The parcel of land to which this description applies contains 453 square feet more or less.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13"East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North 36°35'10" East, along the proposed centerline of S.W Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of 22°59'19";

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North 48°04'50" East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 59°34'29" East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North 59°34'29" East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North 59°34'29" East, 42.66 feet to an angle point at station 10+45.62;

Thence North 55°18'33" East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of 02°22'38";

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North 54°07'14" East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of 02°22'47" (the long chord of which bears North 51°44'32" East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 50°33'09" East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North 50°33'09" East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South 61°56'29" West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065,



Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

See attached Exhibit "B" hereby incorporated by reference.

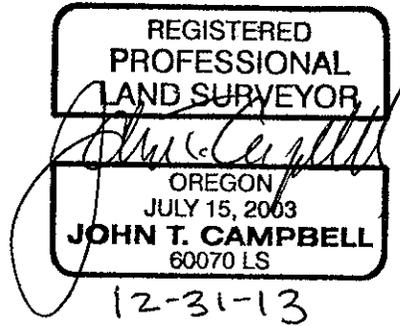
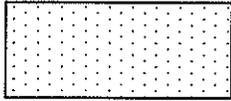


EXHIBIT "B"

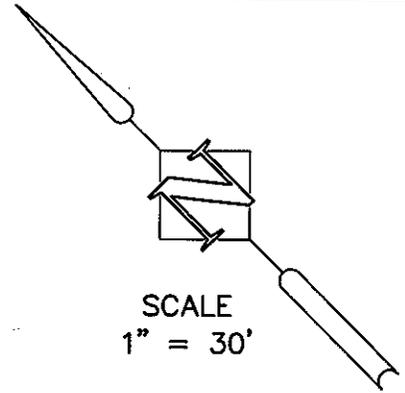
PAGE 1 OF 1
DECEMBER 7, 2011
PROPERTY NO. 3

LEGEND



- ① TEMPORARY CONSTRUCTION EASEMENT
FOR ROAD PURPOSES
± 453 SQ.FT. NET AREA
(EXCLUDES ANY AREA WITHIN EXISTING BUILDING)

SCALE
1" = 30'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

John T. Campbell

OREGON
JULY 15, 2003
JOHN T. CAMPBELL
60070 LS

EXP. 12-31-13



**Harper
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EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard)
December 7, 2011
OWNER: Main Street, LLC
Page 1 of 3

State No. FAP 7365(009), Key No. 15600
Map & Tax Lot No. 2S 1 02AC-1100
Property No. 4

PARCEL 1 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Bargain and Sale Deed to Main Street, LLC, recorded January 22, 2002 as Document 2002-007591, Washington County Records, said parcel being that portion of said property lying Westerly and Northwesterly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

Station	to	Station	Offset on Southeasterly side of Centerline
3+40		3+67.88	138.43 feet in a straight line to 132.34 feet
3+67.88		3+53.84	132.34 feet in a straight line to 68.11 feet
3+53.84		4+25	68.11 feet in a straight line to 52.76 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street.

The parcel of land to which this description applies contains 3,132 square feet more or less.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13"East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North $78^{\circ}15'28''$ East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North $36^{\circ}35'10''$ East, along the proposed centerline of S.W Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of $22^{\circ}59'19''$;

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North $48^{\circ}04'50''$ East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North $59^{\circ}34'29''$ East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North $59^{\circ}34'29''$ East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North $59^{\circ}34'29''$ East, 42.66 feet to an angle point at station 10+45.62;

Thence North $55^{\circ}18'33''$ East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of $02^{\circ}22'38''$;

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North $54^{\circ}07'14''$ East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of $02^{\circ}22'47''$ (the long chord of which bears North $51^{\circ}44'32''$ East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North $50^{\circ}33'09''$ East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North $50^{\circ}33'09''$ East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South $61^{\circ}56'29''$ West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065,



Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

See attached Exhibit "B" hereby incorporated by reference.

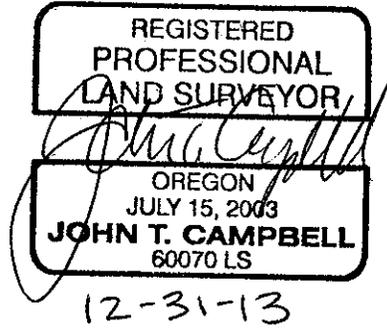
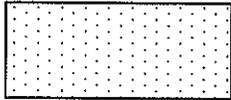


EXHIBIT "B"

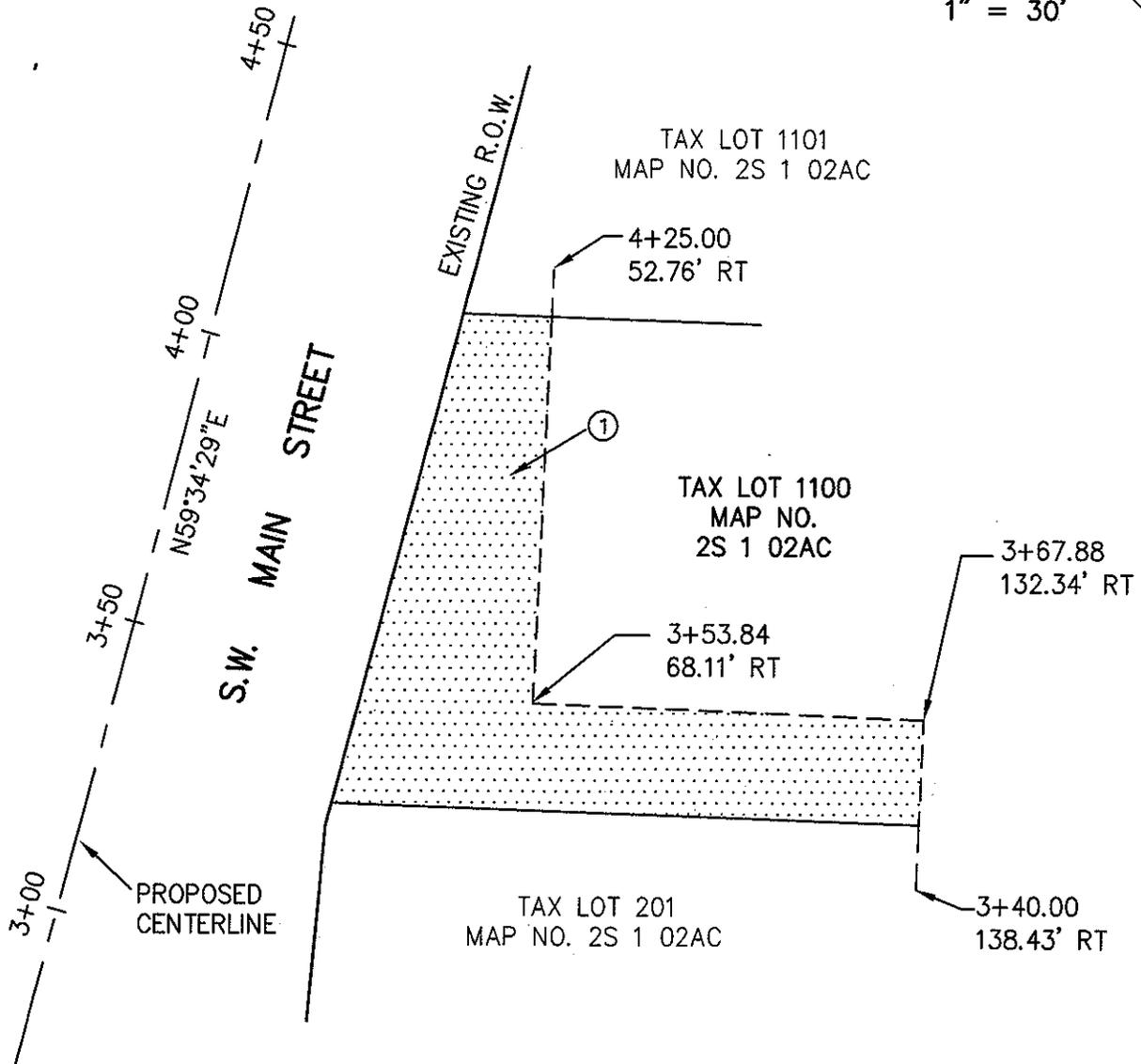
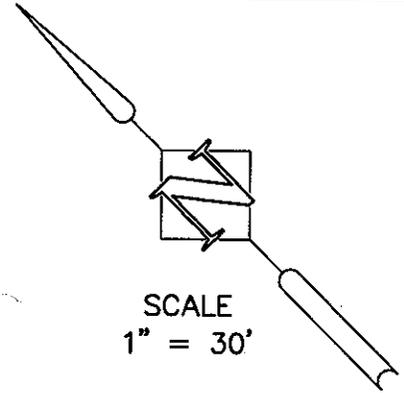
PAGE 1 OF 1
DECEMBER 7, 2011
PROPERTY NO. 4

LEGEND



① TEMPORARY CONSTRUCTION EASEMENT
FOR ROAD PURPOSES
±3132 SQ.FT.

SCALE
1" = 30'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
JOHN T. CAMPBELL
60070 LS

EXP. 12-31-13



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EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard)
December 7, 2011
OWNER: George S. Kadey Jr.
Page 1 of 3

State No. FAP 7365(009), Key No. 15600
Map & Tax Lot No. 2S 1 02AC-800
Property No. 5

PARCEL 1 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Contract to George S. Kadey Jr., recorded February 13, 1981 as Document 81005234, Washington County Records, said parcel being that portion of said property included in a strip of land lying northwesterly of the following described proposed centerline of S.W. Main Street.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13" East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North 36°35'10" East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of 22°59'19";

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North 48°04'50" East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 59°34'29" East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North 59°34'29" East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North 59°34'29" East, 42.66 feet to an angle point at station 10+45.62;

Thence North 55°18'33" East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of 02°22'38";

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North 54°07'14" East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of 02°22'47" (the long chord of which bears North 51°44'32" East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 50°33'09" East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North 50°33'09" East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South 61°56'29" West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

The width of said strip with reference to the above described centerline is as follows:

Station	to	Station	Width on Northwesternly side of Centerline
3+80		4+88.50	45.00 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street, and any portion thereof lying within existing building structures.



The parcel of land to which this description applies contains 269 square feet more or less.

See attached Exhibit "B" hereby incorporated by reference.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John T. Campbell

OREGON
JULY 15, 2003
JOHN T. CAMPBELL
60070 LS

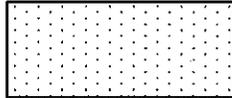
12-31-13



EXHIBIT "B"

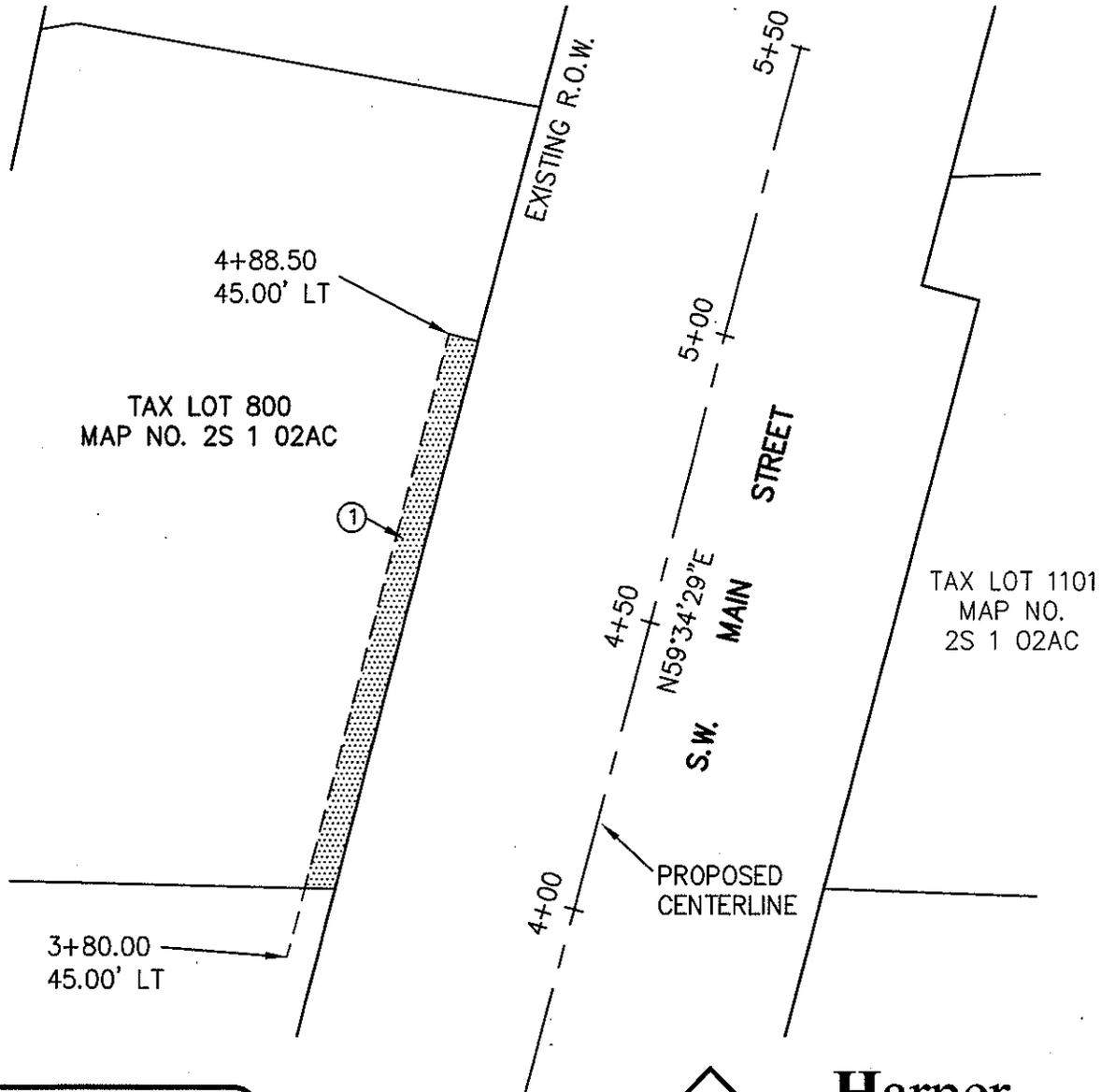
PAGE 1 OF 1
DECEMBER 7, 2011
PROPERTY NO. 5

LEGEND



- ① TEMPORARY CONSTRUCTION EASEMENT
FOR ROAD PURPOSES
± 269 SQ.FT. NET AREA
(EXCLUDES ANY AREA WITHIN EXISTING BUILDING)

SCALE
1" = 30'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

John T. Campbell
OREGON
JULY 15, 2003
JOHN T. CAMPBELL
60070 LS

EXP. 12-31-13



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EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard)
December 7, 2011
OWNER: Two G's Real Estate. LLC
Page 1 of 3

State No. FAP 7365(009), Key No. 15600
Map & Tax Lot No. 2S 1 02AC-1101
Property No. 6

PARCEL 1 – DEDICATION OF RIGHT-OF-WAY

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Statutory Warranty Deed to Two G's Real Estate, LLC, recorded February 29, 2008 as Document 2008-017891, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the following described proposed centerline of S.W. Main Street.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13" East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North 36°35'10" East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of 22°59'19";

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North 48°04'50" East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 59°34'29" East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North 59°34'29" East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North 59°34'29" East, 42.66 feet to an angle point at station 10+45.62;

Thence North 55°18'33" East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of 02°22'38";

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North 54°07'14" East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of 02°22'47" (the long chord of which bears North 51°44'32" East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 50°33'09" East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North 50°33'09" East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South 61°56'29" West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

The width of said strip with reference to the above described centerline is as follows:

Station	to	Station	Width on Southeasterly side of Centerline
5+00		5+50.00	35.00 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street.



The parcel of land to which this description applies contains 98 square feet more or less.

PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Statutory Warranty Deed to Two G's Real Estate, LLC, recorded February 29, 2008 as Document 2008-017891, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the aforementioned described proposed centerline of S.W. Main Street.

Station	to	Station	Width on Southeasterly side of Centerline
4+00		4+78.89	50.00 feet

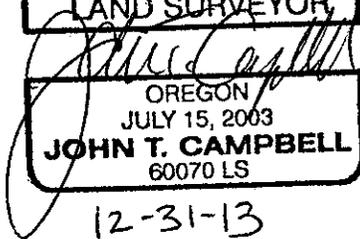
EXCEPTING therefrom that portion of said property lying within the existing right of way of S.W. Main Street.

The Parcel of land to which this description applies contains 638 square feet more or less.

The stationing used to describe this parcel is based on the Proposed Centerline of S.W. Main Street described herein, being more particularly described in Parcel 1.

See attached Exhibit "B" hereby incorporated by reference.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 15, 2003
JOHN T. CAMPBELL
60070 LS

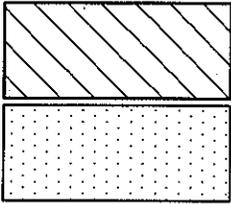
12-31-13



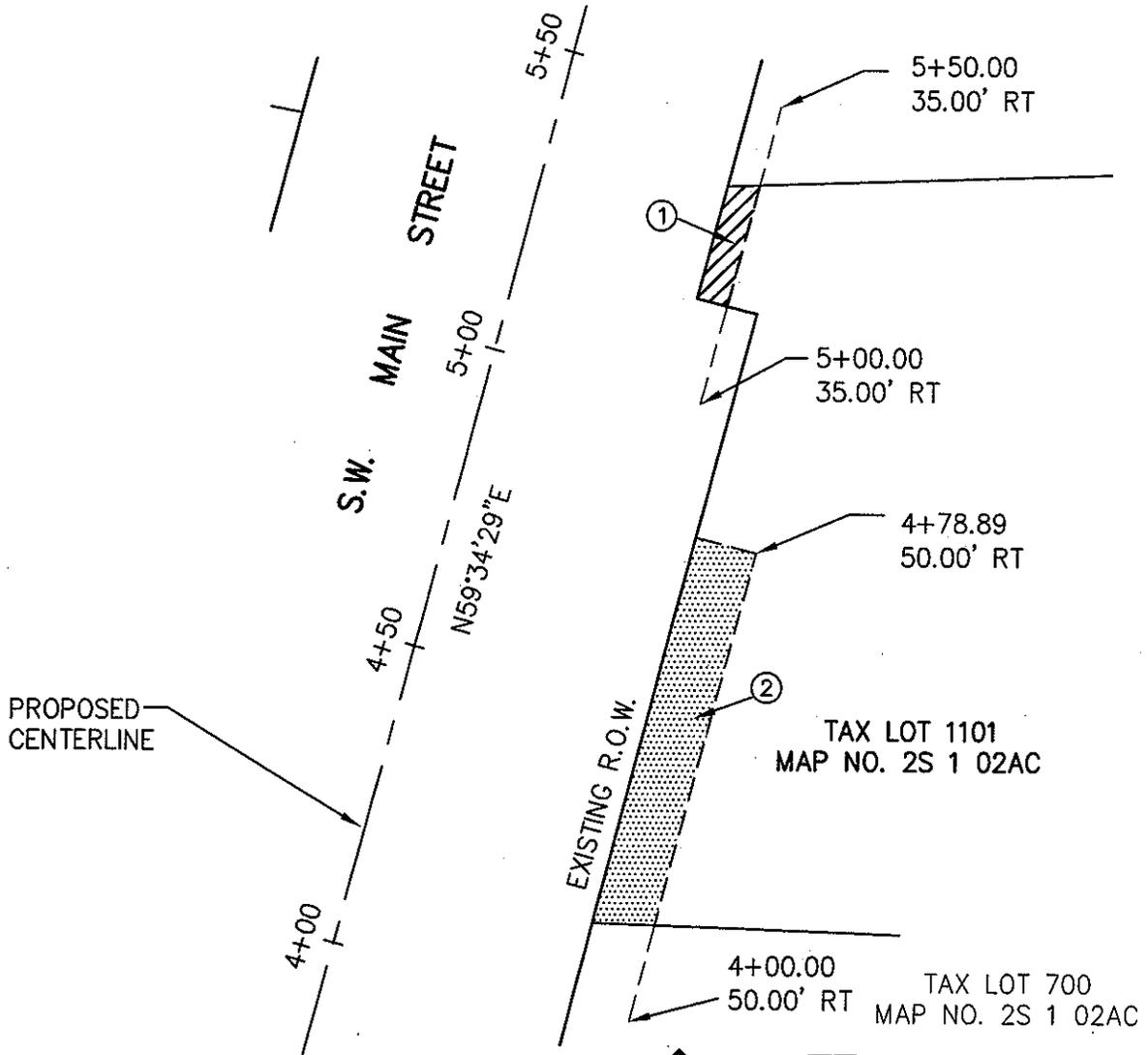
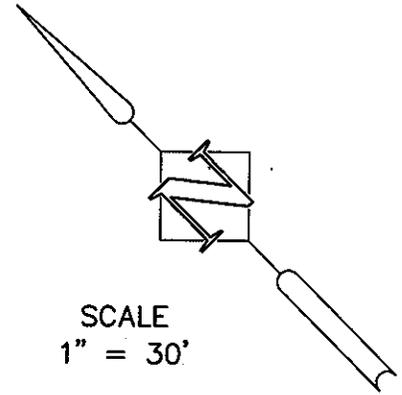
EXHIBIT "B"

PAGE 1 OF 1
DECEMBER 7, 2011
PROPERTY NO. 6

LEGEND



- ① PERMANENT R.O.W. EASEMENT FOR ROAD PURPOSES ± 98 SQ.FT.
- ② TEMPORARY CONSTRUCTION EASEMENT FOR ROAD PURPOSES ± 638 SQ.FT.



REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 15, 2003
JOHN T. CAMPBELL
60070 LS

EXP. 12-31-13



**Harper
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Righellis Inc.

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EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard)
December 7, 2011
OWNER: Dolan and Company,
Page 1 of 3

State No. FAP 7365(009), Key No. 15600
Map & Tax Lot No. 2S 1 02AC-700
Property No. 7

PARCEL 1 – DEDICATION OF RIGHT-OF-WAY

A parcel of land, located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Warranty Deed to Dolan and Company, LLC, recorded January 8, 1996 as Document 96001641, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the following described proposed centerline of S.W. Main Street.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13" East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North 36°35'10" East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of 22°59'19";

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North 48°04'50" East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 59°34'29" East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North 59°34'29" East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North 59°34'29" East, 42.66 feet to an angle point at station 10+45.62;

Thence North 55°18'33" East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of 02°22'38";

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North 54°07'14" East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of 02°22'47" (the long chord of which bears North 51°44'32" East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 50°33'09" East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North 50°33'09" East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South 61°56'29" West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

The width of said strip with reference to the above described centerline is as follows:

Station	to	Station	Width on Southeasterly side of Centerline
5+00		9+00	35.00 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street.



The parcel of land to which this description applies contains 1,635 square feet more or less.

PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land, located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Warranty Deed to Dolan and Company, LLC, recorded January 8, 1996 as Document 96001641, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the aforementioned described proposed centerline of S.W. Main Street.

Station	to	Station	Width on Southeasterly side of Centerline
5+65.60		9+00	45.00 feet

EXCEPTING therefrom that portion of said property lying within the existing right of way of S.W. Main Street and the aforementioned Parcel 1 and any portion thereof lying within existing building structures.

The Parcel of land to which this description applies contains 2,311 square feet more or less.

The stationing used to describe this parcel is based on the Proposed Centerline of S.W. Main Street described herein, being more particularly described in Parcel 1.

See attached Exhibit "B" hereby incorporated by reference.

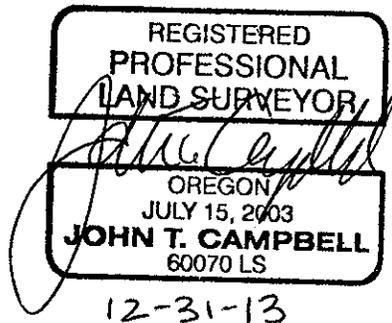
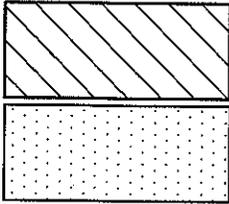


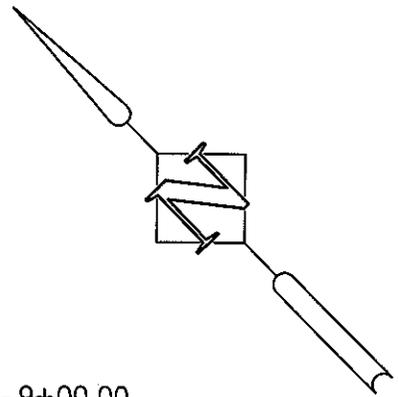
EXHIBIT "B"

PAGE 1 OF 1
 DECEMBER 7, 2011
 PROPERTY NO. 7

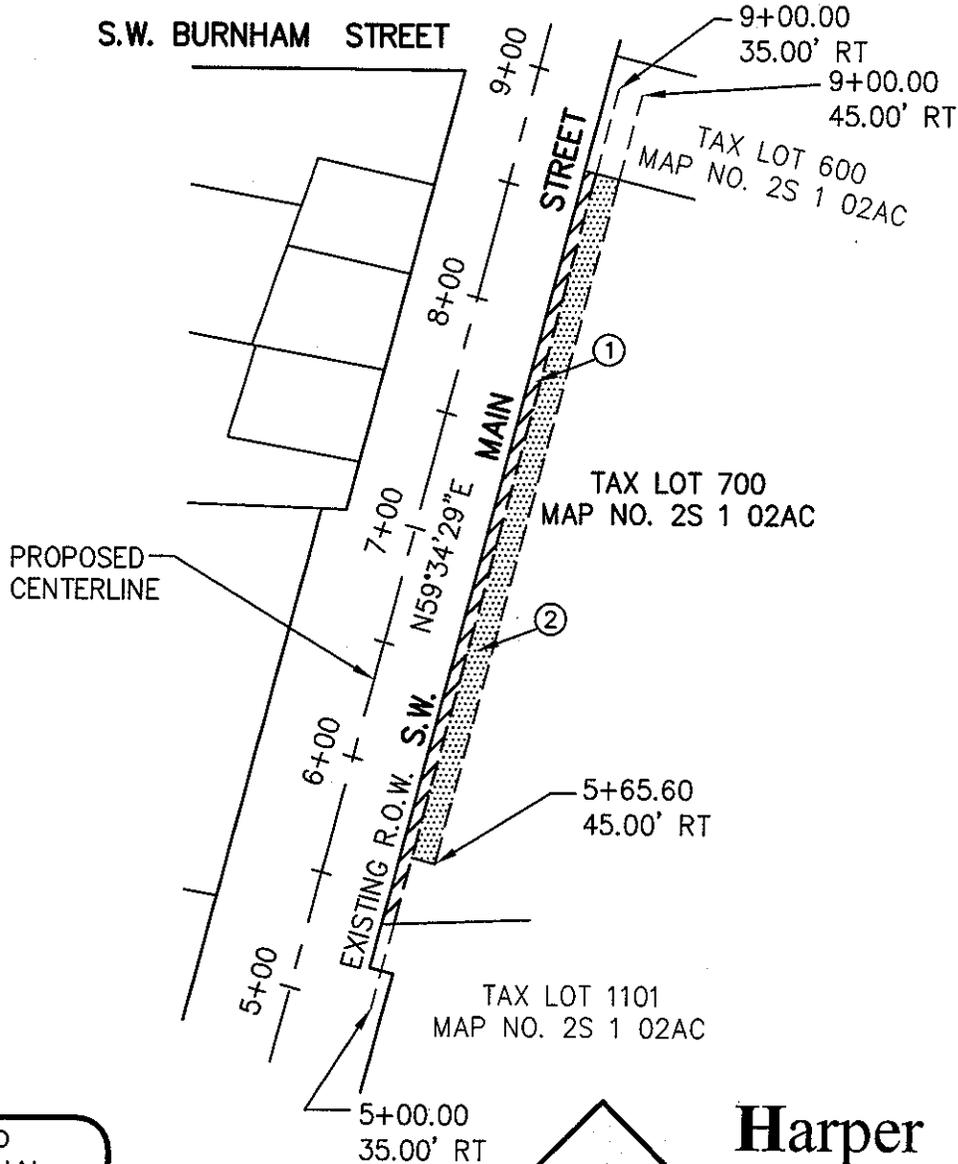
LEGEND



- ① PERMANENT R.O.W. EASEMENT FOR ROAD PURPOSES ± 1635 SQ.FT.
- ② TEMPORARY CONSTRUCTION EASEMENT FOR ROAD PURPOSES ± 2311 SQ.FT. NET AREA (EXCLUDES ANY AREA WITHIN EXISTING BUILDING)



SCALE
 1" = 80'



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

John T. Campbell

OREGON
 JULY 15, 2003
 JOHN T. CAMPBELL
 60070 LS

EXP. 12-31-13



**Harper
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 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171



EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard)
December 7, 2011
OWNER: Saxony-Pacific, L.L.C.
Page 1 of 3

State No. FAP 7365(009), Key No. 15600
Map & Tax Lot No. 2S 1 02AB-2000
Property No. 8

PARCEL 1 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Bargain and Sale Deed to Saxony-Pacific L.L.C., recorded April 3, 2000 as Document 2000026058, Washington County Records, said parcel being that portion of said property included in a strip of land lying northwesterly of the following described proposed centerline of S.W. Main Street.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13" East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North 36°35'10" East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of 22°59'19";

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North 48°04'50" East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 59°34'29" East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North 59°34'29" East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North 59°34'29" East, 42.66 feet to an angle point at station 10+45.62;

Thence North 55°18'33" East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of 02°22'38";

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North 54°07'14" East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of 02°22'47" (the long chord of which bears North 51°44'32" East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 50°33'09" East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North 50°33'09" East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South 61°56'29" West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

The width of said strip with reference to the above described centerline is as follows:

Station	to	Station	Width on Northwesternly side of Centerline
5+69.78		7+00	45.00 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street, and any portion thereof lying within existing building structures.



The parcel of land to which this description applies contains 349 square feet more or less.

See attached Exhibit "B" hereby incorporated by reference.

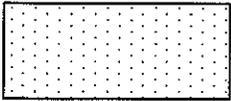
REGISTERED
PROFESSIONAL
LAND SURVEYOR
John T. Campbell
OREGON
JULY 15, 2003
JOHN T. CAMPBELL
60070 LS
12-31-13



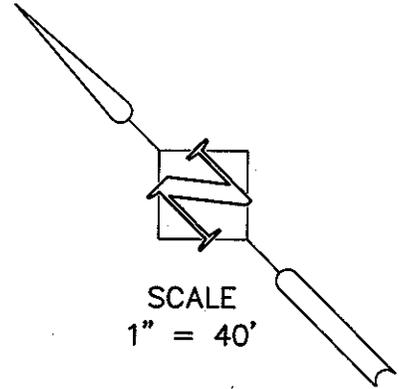
EXHIBIT "B"

DECEMBER 7, 2011
PROPERTY NO. 8

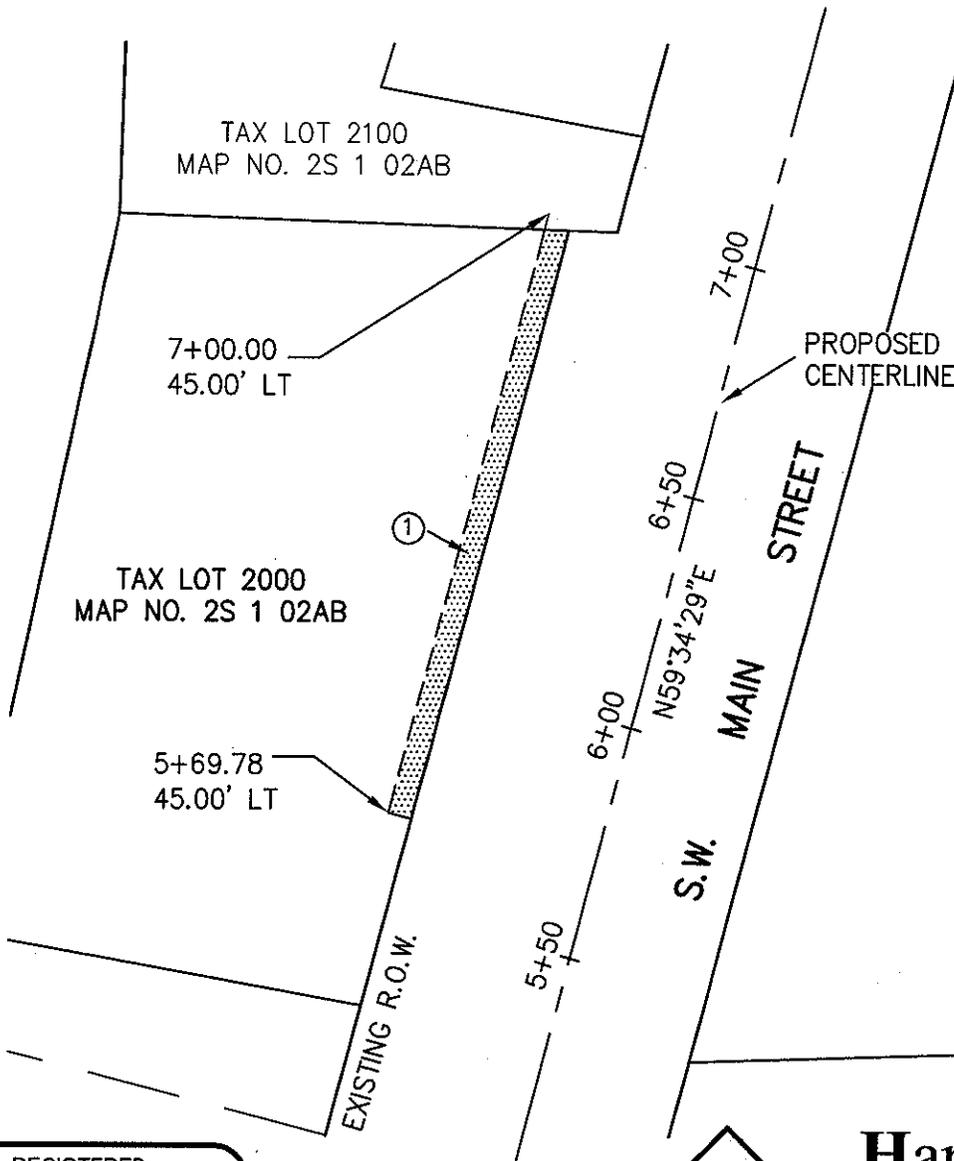
LEGEND



① TEMPORARY CONSTRUCTION EASEMENT
FOR ROAD PURPOSES
± 349 SQ.FT. NET AREA
(EXCLUDES ANY AREA WITHIN EXISTING BUILDING)



SCALE
1" = 40'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

John T. Campbell
OREGON
JULY 15, 2003
JOHN T. CAMPBELL
60070 LS

EXP. 12-31-13



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Righellis Inc.**

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EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard)
December 7, 2011
OWNER: Saxony-Pacific, L.L.C.
Page 1 of 3

State No. FAP 7365(009), Key No. 15600
Map & Tax Lot No. 2S 1 02AB-2100
Property No. 9

PARCEL 1 – DEDICATION OF RIGHT-OF-WAY

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Bargain and Sale Deed to Saxony-Pacific L.L.C., recorded April 3, 2000 as Document 2000026058, Washington County Records, said parcel being that portion of said property included in a strip of land lying northwesterly of the following described proposed centerline of S.W. Main Street.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13" East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North 36°35'10" East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of 22°59'19";

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North 48°04'50" East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 59°34'29" East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North 59°34'29" East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North 59°34'29" East, 42.66 feet to an angle point at station 10+45.62;

Thence North 55°18'33" East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of 02°22'38";

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North 54°07'14" East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of 02°22'47" (the long chord of which bears North 51°44'32" East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 50°33'09" East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North 50°33'09" East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South 61°56'29" West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

The width of said strip with reference to the above described centerline is as follows:

Station	to	Station	Width on Northwesternly side of Centerline
6+75		7+50	35.00 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street.



The parcel of land to which this description applies contains 106 square feet more or less.

PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

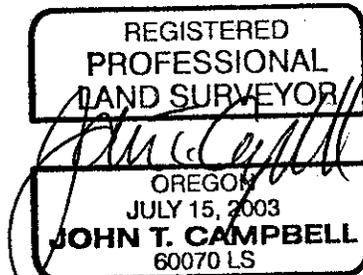
A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Bargain and Sale Deed to Saxony-Pacific L.L.C., recorded April 3, 2000 as Document 2000026058, Washington County Records, said parcel being that portion of said property included in a strip of land lying northwesterly of the aforementioned described proposed centerline of S.W. Main Street.

Station	to	Station	Width on Northwesterly side of Centerline
6+75		7+50	40.00 feet

EXCEPTING therefrom that portion of said property lying within the existing right of way of S.W. Main Street and the aforementioned Parcel 1.

The Parcel of land to which this description applies contains 110 square feet more or less.

See attached Exhibit "B" hereby incorporated by reference.



12-31-13



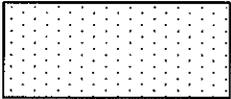
EXHIBIT "B"

PAGE 1 OF 1
 DECEMBER 7, 2011
 PROPERTY NO. 9

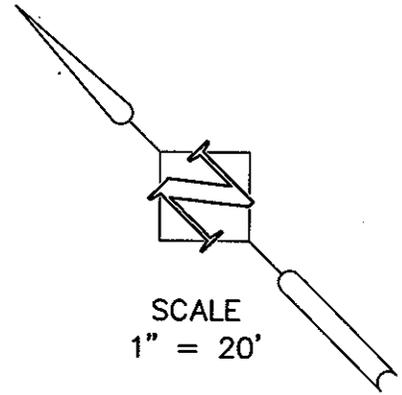
LEGEND



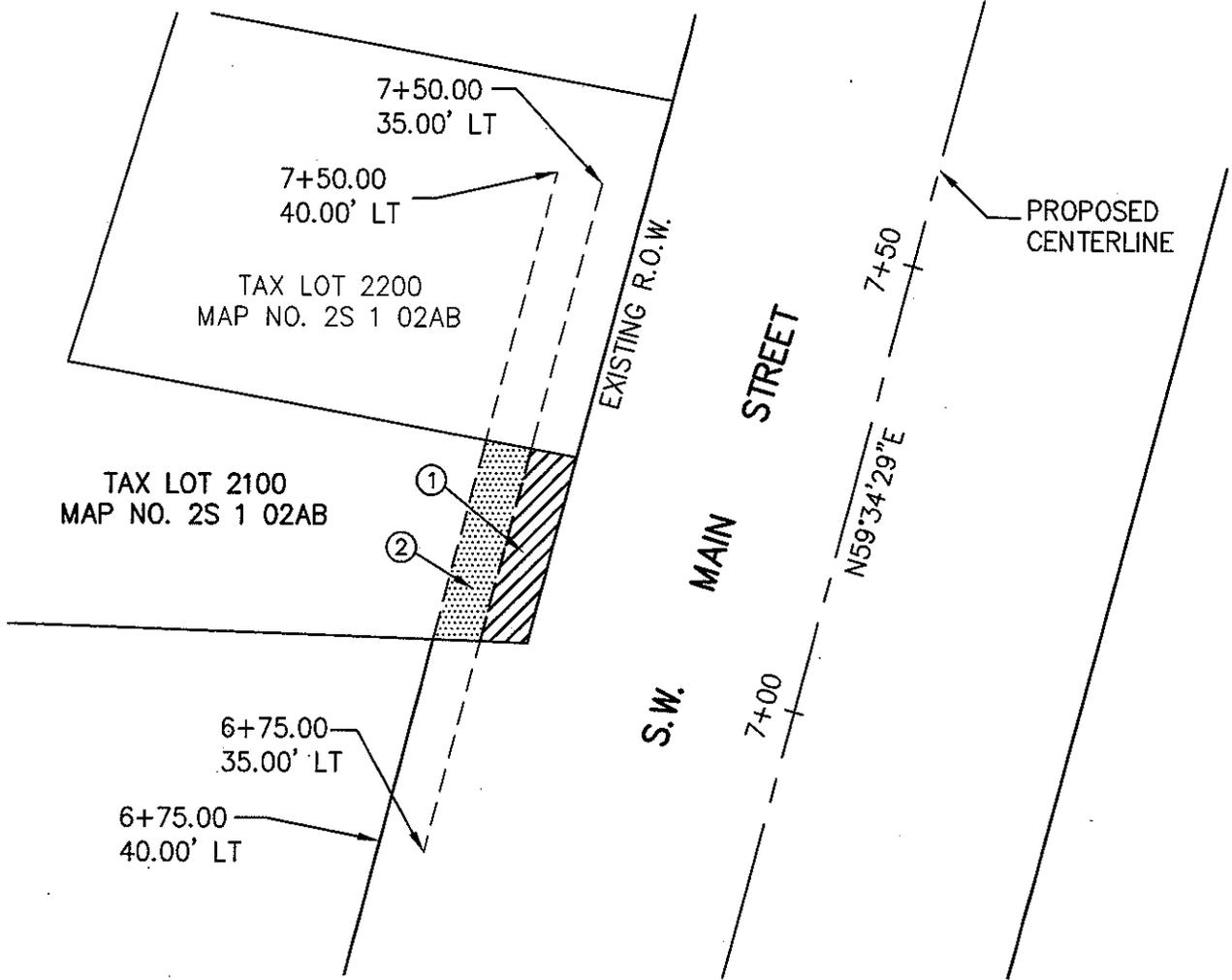
① PERMANENT R.O.W. EASEMENT
 FOR ROAD PURPOSES
 ± 106 SQ.FT.



② TEMPORARY CONSTRUCTION EASEMENT
 FOR ROAD PURPOSES
 ± 110 SQ.FT.



SCALE
 1" = 20'



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

John T. Campbell
 OREGON
 JULY 15, 2005
 JOHN T. CAMPBELL
 60070 LS

EXP. 12-31-13



**Harper
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 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171



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LANDSCAPE ARCHITECTS ♦ SURVEYORS

EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard)
December 7, 2011
OWNER: James W. Toma and Geoffrey Toma
Page 1 of 3

State No. FAP 7365(009), Key No. 15600
Map & Tax Lot No. 2S 1 02AB-2200
Property No. 10

PARCEL 1 – DEDICATION OF RIGHT-OF-WAY

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Statutory Warranty Deed to James W. Toma and Geoffrey Toma, recorded March 14, 2007 as Document 2007-027966, Washington County Records, said parcel being that portion of said property included in a strip of land lying northwesterly of the following described proposed centerline of S.W. Main Street.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13" East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North 36°35'10" East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of 22°59'19";

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North 48°04'50" East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 59°34'29" East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North 59°34'29" East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North 59°34'29" East, 42.66 feet to an angle point at station 10+45.62;

Thence North 55°18'33" East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of 02°22'38";

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North 54°07'14" East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of 02°22'47" (the long chord of which bears North 51°44'32" East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 50°33'09" East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North 50°33'09" East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South 61°56'29" West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

The width of said strip with reference to the above described centerline is as follows:

Station	to	Station	Width on Northwesternly side of Centerline
7+10		7+75	35.00 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street.



The parcel of land to which this description applies contains 200 square feet more or less.

PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Statutory Warranty Deed to James W. Toma and Geoffrey Toma, recorded March 14, 2007 as Document 2007-027966, Washington County Records, said parcel being that portion of said property included in a strip of land lying northwesterly of the aforementioned described proposed centerline of S.W. Main Street.

Station	to	Station	Width on Northwesterly side of Centerline
7+10		7+75	40.00 feet

EXCEPTING therefrom that portion of said property lying within the existing right of way of S.W. Main Street and the aforementioned Parcel 1.

The Parcel of land to which this description applies contains 200 square feet more or less.

See attached Exhibit "B" hereby incorporated by reference.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
John T. Campbell
OREGON
JULY 15, 2003
JOHN T. CAMPBELL
60070 LS
12-31-13



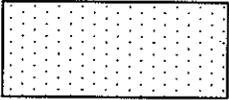
EXHIBIT "B"

PAGE 1 OF 1
 DECEMBER 7, 2011
 PROPERTY NO. 10

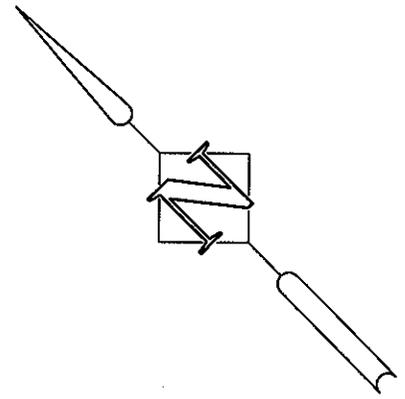
LEGEND



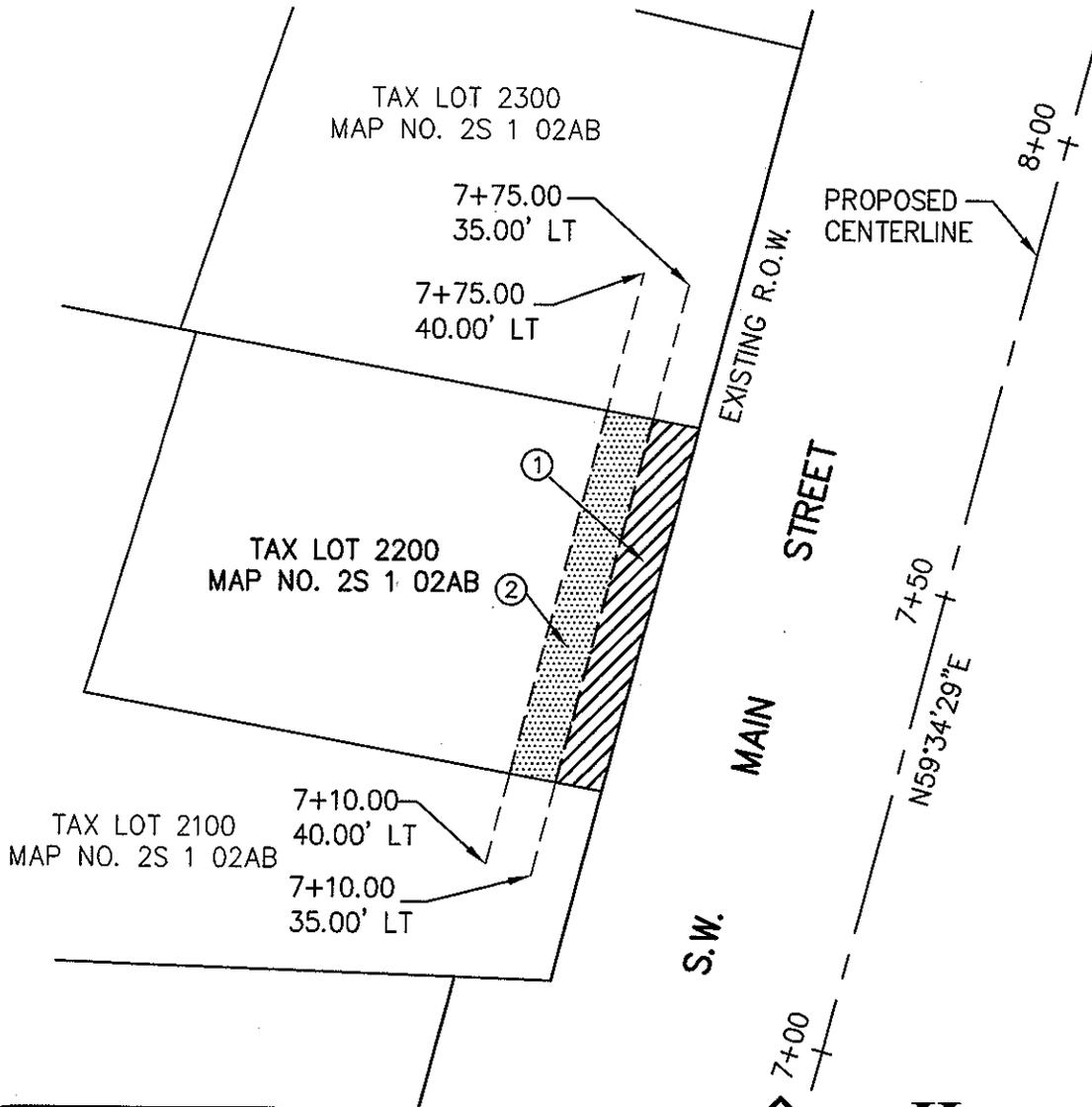
① PERMANENT R.O.W. EASEMENT
 FOR ROAD PURPOSES
 ± 200 SQ.FT.



② TEMPORARY CONSTRUCTION EASEMENT
 FOR ROAD PURPOSES
 ± 200 SQ.FT.



SCALE
 1" = 20'



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

John T. Campbell

OREGON
 JULY 15, 2003
 JOHN T. CAMPBELL
 60070 LS

EXP. 12-31-13



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EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard)
December 7, 2011
OWNER: Donald E, Hanson Trust
Page 1 of 3

State No. FAP 7365(009), Key No. 15600
Map & Tax Lot No. 2S 1 02AB-2300
Property No. 11

PARCEL 1 – DEDICATION OF RIGHT-OF-WAY

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Deed to Donald E. Hanson, as Trustee of under the Donald E. Hanson Trust dated November 7, 2000, recorded December 7, 2000 as Document 2000098039, Washington County Records, said parcel being that portion of said property included in a strip of land lying northwesterly of the following described proposed centerline of S.W. Main Street.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13" East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North 36°35'10" East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of 22°59'19";

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North 48°04'50" East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 59°34'29" East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North 59°34'29" East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North 59°34'29" East, 42.66 feet to an angle point at station 10+45.62;

Thence North 55°18'33" East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of 02°22'38";

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North 54°07'14" East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of 02°22'47" (the long chord of which bears North 51°44'32" East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 50°33'09" East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North 50°33'09" East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South 61°56'29" West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

The width of said strip with reference to the above described centerline is as follows:

Station	to	Station	Width on Northwesternly side of Centerline
7+50		8+25	35.00 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street.



The parcel of land to which this description applies contains 209 square feet more or less.

PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Deed to Donald E. Hanson, as Trustee of under the Donald E. Hanson Trust dated November 7, 2000, recorded December 7, 2000 as Document 2000098039, Washington County Records, said parcel being that portion of said property included in a strip of land lying northwesterly of the aforementioned described proposed centerline of S.W. Main Street.

Station	to	Station	Width on Northwesterly side of Centerline
7+50		8+25	40.00 feet

EXCEPTING therefrom that portion of said property lying within the existing right of way of S.W. Main Street and the aforementioned Parcel 1 and any portion thereof lying within existing building structures.

The Parcel of land to which this description applies contains 47 square feet more or less.

See attached Exhibit "B" hereby incorporated by reference.

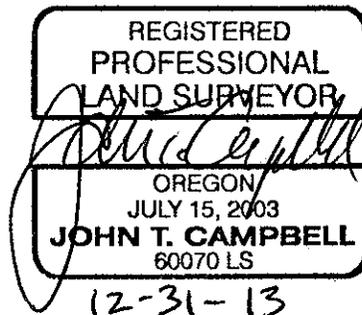


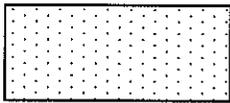
EXHIBIT "B"

PAGE 1 OF 1
DECEMBER 7, 2011
PROPERTY NO. 11

LEGEND

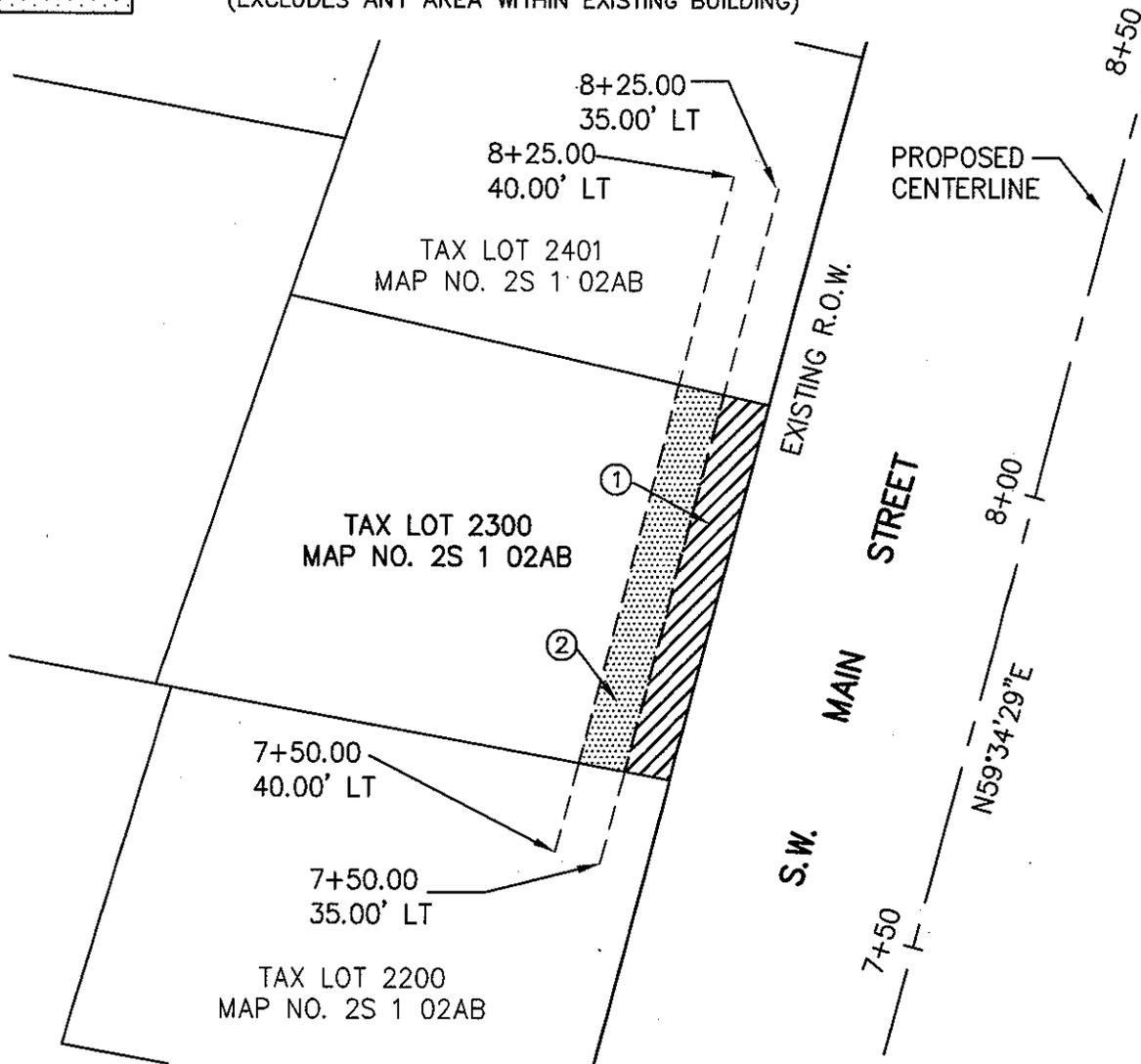


① PERMANENT R.O.W. EASEMENT
FOR ROAD PURPOSES
± 209 SQ.FT.



② TEMPORARY CONSTRUCTION EASEMENT
FOR ROAD PURPOSES
± 47 SQ.FT. NET AREA
(EXCLUDES ANY AREA WITHIN EXISTING BUILDING)

SCALE
1" = 20'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

John T. Campbell
OREGON
JULY 15, 2003
JOHN T. CAMPBELL
60070 LS

EXP. 12-31-13



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EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard)
December 7, 2011
OWNER: Brian Ankele
Page 1 of 3

State No. FAP 7365(009), Key No. 15600
Map & Tax Lot No. 2S 1 02AB-2401
Property No. 12

PARCEL 1 – DEDICATION OF RIGHT-OF-WAY

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Statutory Warranty Deed to Brian Ankele, recorded December 23, 2002 as Document 2002-157189, Washington County Records, said parcel being that portion of said property included in a strip of land lying northwesterly of the following described proposed centerline of S.W. Main Street.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13" East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North 36°35'10" East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of 22°59'19";

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North 48°04'50" East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 59°34'29" East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North 59°34'29" East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North 59°34'29" East, 42.66 feet to an angle point at station 10+45.62;

Thence North 55°18'33" East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of 02°22'38";

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North 54°07'14" East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of 02°22'47" (the long chord of which bears North 51°44'32" East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 50°33'09" East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North 50°33'09" East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South 61°56'29" West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

The width of said strip with reference to the above described centerline is as follows:

Station	to	Station	Width on Northwesternly side of Centerline
7+85		8+55	35.00 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street.



The parcel of land to which this description applies contains 193 square feet more or less.

PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Statutory Warranty Deed to Brian Ankele, recorded December 23, 2002 as Document 2002-157189, Washington County Records, said parcel being that portion of said property included in a strip of land lying northwesterly of the aforementioned described proposed centerline of S.W. Main Street.

Station	to	Station	Width on Northwesterly side of Centerline
7+85		8+55	40.00 feet

EXCEPTING therefrom that portion of said property lying within the existing right of way of S.W. Main Street and the aforementioned Parcel 1 and any portion thereof lying within existing building structures.

The Parcel of land to which this description applies contains 69 square feet more or less.

See attached Exhibit "B" hereby incorporated by reference.

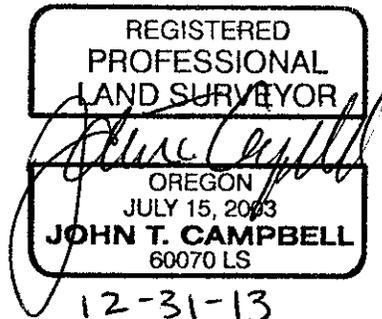


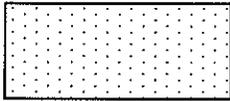
EXHIBIT "B"

PAGE 1 OF 1
 DECEMBER 7, 2011
 PROPERTY NO. 12

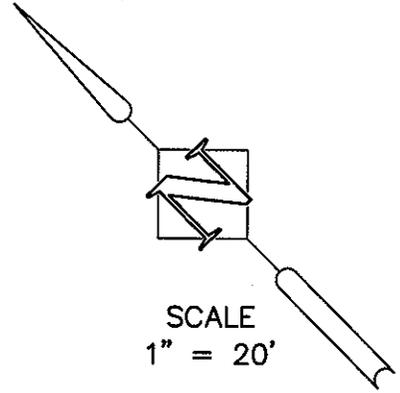
LEGEND



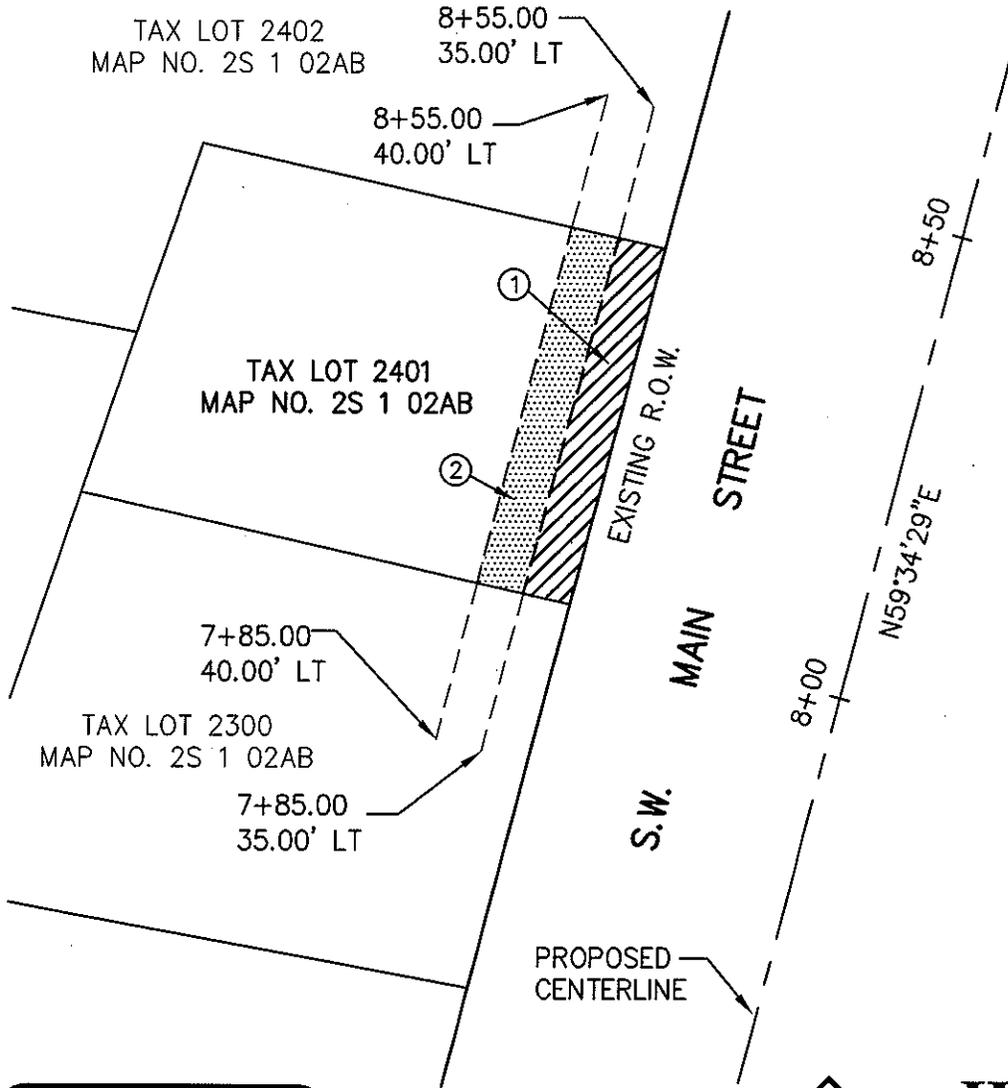
① PERMANENT R.O.W. EASEMENT
 FOR ROAD PURPOSES
 ± 193 SQ.FT.



② TEMPORARY CONSTRUCTION EASEMENT
 FOR ROAD PURPOSES
 ± 69 SQ.FT. NET AREA
 (EXCLUDES ANY AREA WITHIN EXISTING BUILDING)



SCALE
 1" = 20'



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

John T. Campbell

OREGON
 JULY 15, 2003
 JOHN T. CAMPBELL
 60070 LS

EXP. 12-31-13



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Righellis Inc.

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EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard)
December 7, 2011
OWNER: Marvin R. Ankele and Kathryn J. Ankele
Page 1 of 3

State No. FAP 7365(009), Key No. 15600
Map & Tax Lot No. 2S 1 02AB-2402
Property No. 13

PARCEL 1 – DEDICATION OF RIGHT-OF-WAY

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Bargain and Sale Deed to Marvin R. Ankele and Kathryn J. Ankele, recorded February 6, 1996 as Document 96010799, Washington County Records, said parcel being that portion of said property included in a strip of land lying northwesterly of the following described proposed centerline of S.W. Main Street.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13" East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North 36°35'10" East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of 22°59'19";

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North 48°04'50" East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 59°34'29" East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North 59°34'29" East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North 59°34'29" East, 42.66 feet to an angle point at station 10+45.62;

Thence North 55°18'33" East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of 02°22'38";

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North 54°07'14" East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of 02°22'47" (the long chord of which bears North 51°44'32" East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 50°33'09" East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North 50°33'09" East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South 61°56'29" West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

The width of said strip with reference to the above described centerline is as follows:

Station	to	Station	Width on Northwesternly side of Centerline
8+25		9+00	35.00 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street.



The parcel of land to which this description applies contains 246 square feet more or less.

PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Bargain and Sale Deed to Marvin R. Ankele and Kathryn J. Ankele, recorded February 6, 1996 as Document 96010799, Washington County Records, said parcel being that portion of said property included in a strip of land lying northwesterly of the aforementioned described proposed centerline of S.W. Main Street.

Station	to	Station	Width on Northwesterly side of Centerline
8+25		9+00	40.00 feet

EXCEPTING therefrom that portion of said property lying within the existing right of way of S.W. Main Street and the aforementioned Parcel 1 and any portion thereof lying within existing building structures.

The Parcel of land to which this description applies contains 155 square feet more or less.

See attached Exhibit "B" hereby incorporated by reference.

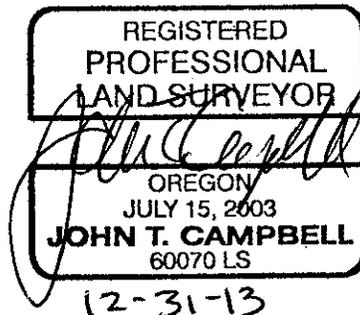


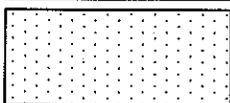
EXHIBIT "B"

PAGE 1 OF 1
 DECEMBER 7, 2011
 PROPERTY NO. 13

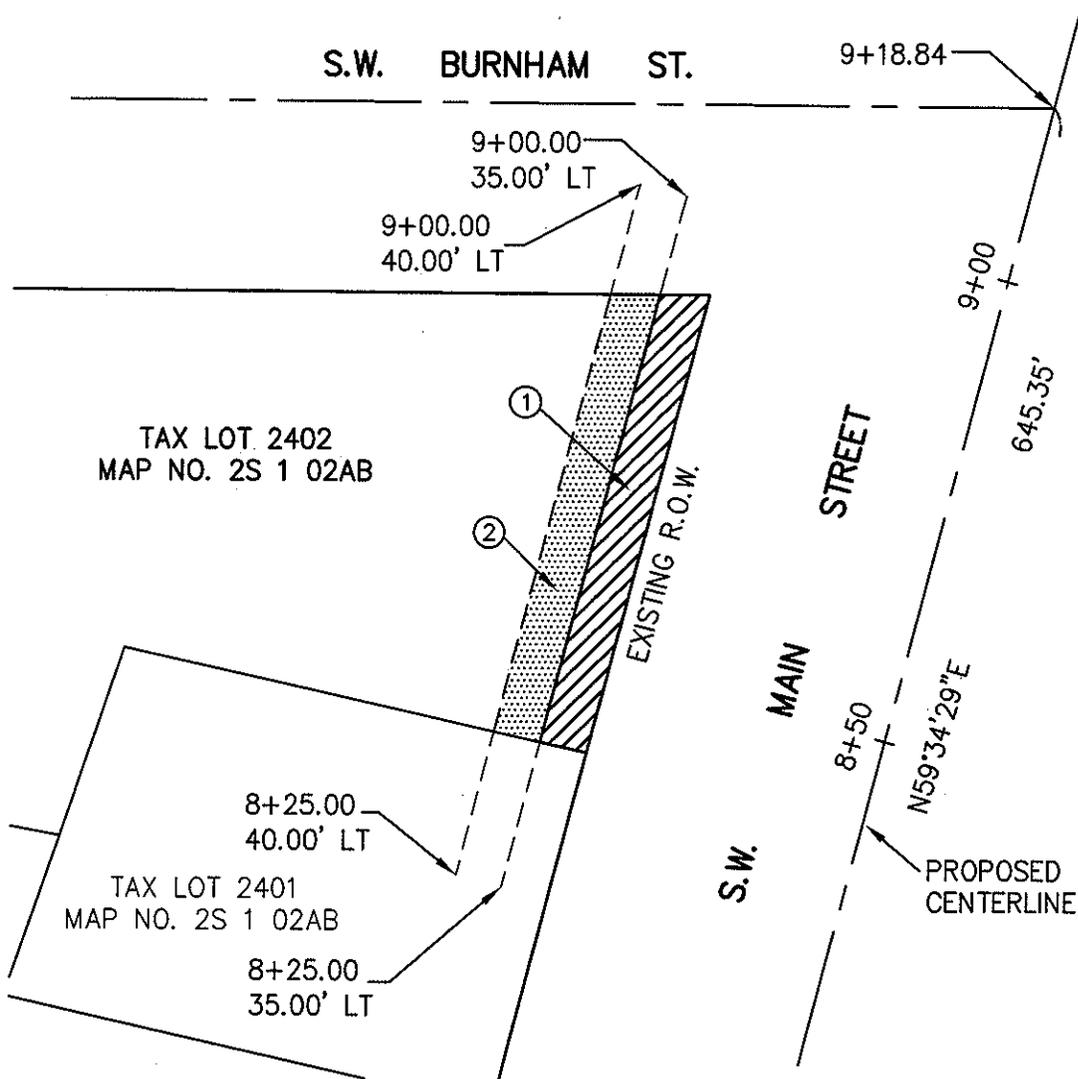
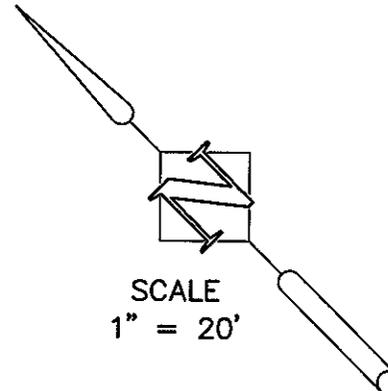
LEGEND



① PERMANENT R.O.W. EASEMENT
 FOR ROAD PURPOSES
 ± 246 SQ.FT.



② TEMPORARY CONSTRUCTION EASEMENT
 FOR ROAD PURPOSES
 ± 155 SQ.FT. NET AREA
 (EXCLUDES ANY AREA WITHIN EXISTING BUILDING)



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

John T. Campbell
 OREGON
 JULY 15, 2003
 JOHN T. CAMPBELL
 60070 LS

EXP. 12-31-13



**Harper
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205 SE Spokane Street, Suite 200, Portland, OR 97202
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard)
December 7, 2011
OWNER: Dolan and Co., LLC
Page 1 of 3

State No. FAP 7365(009), Key No. 15600
Map & Tax Lot No. 2S 1 02AC-600
Property No. 14

PARCEL 1 – DEDICATION OF RIGHT-OF-WAY

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Statutory Warranty Deed to Dolan and Co., LLC, recorded August 6, 2001 as Document 2001078559, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the following described proposed centerline of S.W. Main Street.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13" East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North 36°35'10" East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of 22°59'19";

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North 48°04'50" East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 59°34'29" East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North 59°34'29" East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North 59°34'29" East, 42.66 feet to an angle point at station 10+45.62;

Thence North 55°18'33" East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of 02°22'38";

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North 54°07'14" East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of 02°22'47" (the long chord of which bears North 51°44'32" East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 50°33'09" East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North 50°33'09" East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South 61°56'29" West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

The width of said strip with reference to the above described centerline is as follows:

Station	to	Station	Width on Southeasterly side of Centerline
8+50		9+50	35.00 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street.



The parcel of land to which this description applies contains 250 square feet more or less.

PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Statutory Warranty Deed to Dolan and Co., LLC, recorded August 6, 2001 as Document 2001078559, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the aforementioned described proposed centerline of S.W. Main Street.

Station	to	Station	Width on Southeasterly side of Centerline
8+50		9+50	45.00 feet

EXCEPTING therefrom that portion of said property lying within the existing right of way of S.W. Main Street and the aforementioned Parcel 1.

The Parcel of land to which this description applies contains 500 square feet more or less.

See attached Exhibit "B" hereby incorporated by reference.

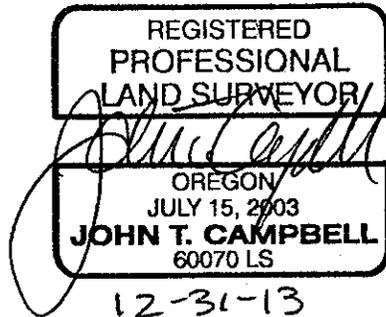


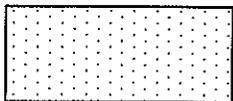
EXHIBIT "B"

PAGE 1 OF 1
 DECEMBER 7, 2011
 PROPERTY NO. 14

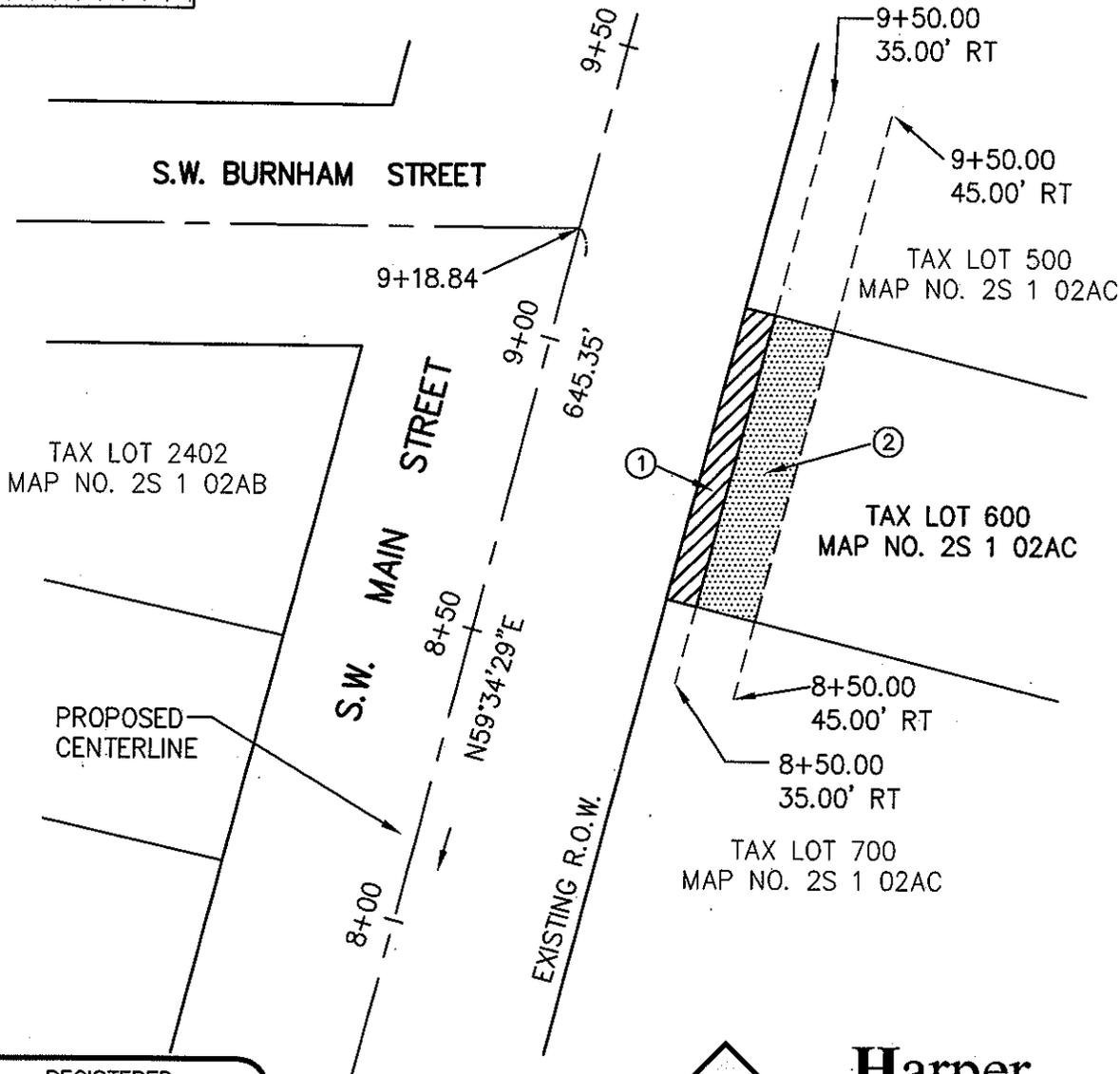
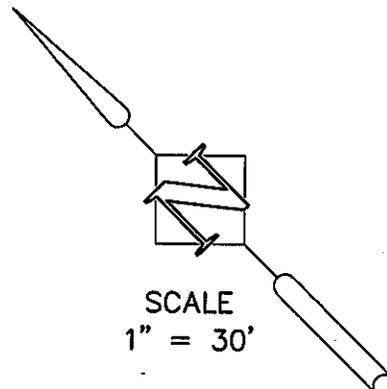
LEGEND



① PERMANENT R.O.W. EASEMENT
 FOR ROAD PURPOSES
 ± 250 SQ.FT.



② TEMPORARY CONSTRUCTION EASEMENT
 FOR ROAD PURPOSES
 ± 500 SQ.FT.



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

John T. Campbell

OREGON
 JULY 15, 2003
 JOHN T. CAMPBELL
 60070 LS

EXP. 12-31-13



**Harper
 Houf Peterson
 Righellis Inc.**

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EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard)
December 7, 2011
OWNER: Woodard Living Trust
Page 1 of 3

State No. FAP 7365(009), Key No. 15600
Map & Tax Lot No. 2S 1 02AC-500
Property No. 15

PARCEL 1 – DEDICATION OF RIGHT-OF-WAY

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Bargain and Sale Deed to Charles Leo Woodard and Arlie Charlene Woodard, Trustees of the Woodard Living Trust U/I/D, recorded July 2, 2009 as Document 2009-060307, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the following described proposed centerline of S.W. Main Street.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13" East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North 36°35'10" East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of 22°59'19";

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North 48°04'50" East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North $59^{\circ}34'29''$ East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North $59^{\circ}34'29''$ East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North $59^{\circ}34'29''$ East, 42.66 feet to an angle point at station 10+45.62;

Thence North $55^{\circ}18'33''$ East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of $02^{\circ}22'38''$;

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North $54^{\circ}07'14''$ East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of $02^{\circ}22'47''$ (the long chord of which bears North $51^{\circ}44'32''$ East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North $50^{\circ}33'09''$ East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North $50^{\circ}33'09''$ East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South $61^{\circ}56'29''$ West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North $42^{\circ}03'27''$ East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

The width of said strip with reference to the above described centerline is as follows:

Station	to	Station	Width on Southeasterly side of Centerline
9+00		10+00	35.00 feet



EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street.

The parcel of land to which this description applies contains 268 square feet more or less.

PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Bargain and Sale Deed to Charles Leo Woodard and Arlie Charlene Woodard, Trustees of the Woodard Living Trust U/I/D, recorded July 2, 2009 as Document 2009-060307, Washington County Records, said parcel being that portion of said property lying northwesterly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

Station	to	Station	Offset on Southeasterly side of Centerline
9+00		9+56.77	45.00 feet
9+56.77		9+56.64	45.00 feet in a straight line to 61.47 feet
9+56.64		10+00	61.47 feet in a straight line to 61.81 feet

EXCEPTING therefrom that portion of said property lying within the existing right of way of S.W. Main Street and the aforementioned Parcel 1 and any portion thereof lying within existing building structures.

The Parcel of land to which this description applies contains 638 square feet more or less.

The stationing used to describe this parcel is based on the Proposed Centerline of S.W. Main Street described herein, being more particularly described in Parcel 1.

See attached Exhibit "B" hereby incorporated by reference.



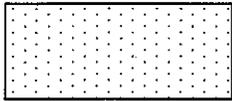
EXHIBIT "B"

PAGE 1 OF 1
 DECEMBER 7, 2011
 PROPERTY NO. 15

LEGEND

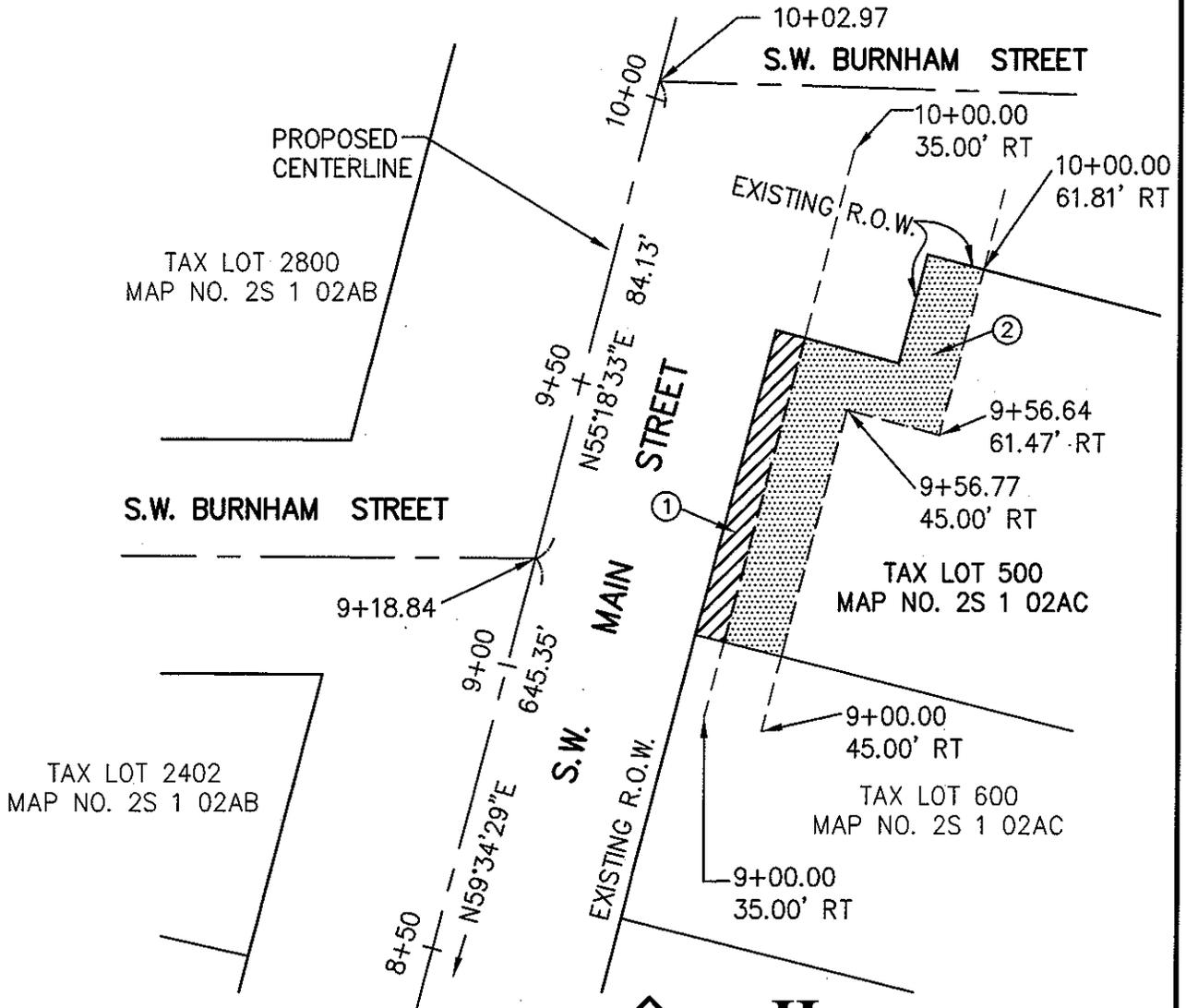
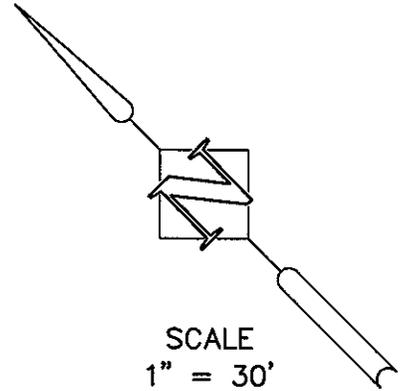


① PERMANENT R.O.W. EASEMENT
 FOR ROAD PURPOSES
 ± 268 SQ.FT.



② TEMPORARY CONSTRUCTION EASEMENT
 FOR ROAD PURPOSES
 ± 638 SQ.FT. NET AREA
 (EXCLUDES ANY AREA WITHIN EXISTING BUILDING)

SCALE
 1" = 30'



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

John T. Campbell

OREGON
 JULY 15, 2003
 JOHN T. CAMPBELL
 60070 LS

EXP. 12-31-13

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EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard) State No. FAP 7365(009), Key No. 15600
 December 7, 2011 Map & Tax Lot No. 2S 1 02AB-2800
 OWNER: Dennis C. Thompson, Charles M. Kaady Property No. 16
 Page 1 of 3

PARCEL 1 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Memorandum of Contract to Dennis C. Thompson and Charles M. Kaady, recorded June 8, 1978 as Document 78 25712, Washington County Records, said parcel being that portion of said property lying southeasterly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

Station	to	Station	Offset on Northwestern side of Centerline
9+20		10+20.14	40.47 feet in a straight line to 40.67 feet
10+20.14		11+40	40.67 feet in a straight line to 41.89 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street.

The parcel of land to which this description applies contains 992 square feet more or less.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13"East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North $78^{\circ}15'28''$ East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North $36^{\circ}35'10''$ East, along the proposed centerline of S.W Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of $22^{\circ}59'19''$;

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North $48^{\circ}04'50''$ East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North $59^{\circ}34'29''$ East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North $59^{\circ}34'29''$ East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North $59^{\circ}34'29''$ East, 42.66 feet to an angle point at station 10+45.62;

Thence North $55^{\circ}18'33''$ East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of $02^{\circ}22'38''$;

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North $54^{\circ}07'14''$ East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of $02^{\circ}22'47''$ (the long chord of which bears North $51^{\circ}44'32''$ East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North $50^{\circ}33'09''$ East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North $50^{\circ}33'09''$ East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South $61^{\circ}56'29''$ West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065,



Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

See attached Exhibit "B" hereby incorporated by reference.

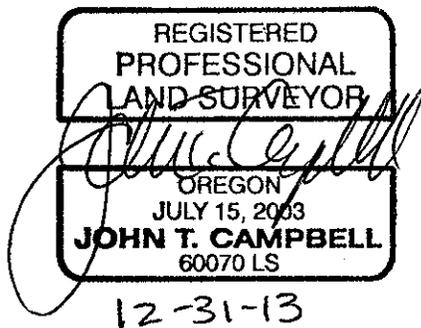
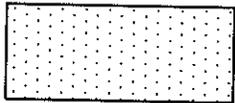


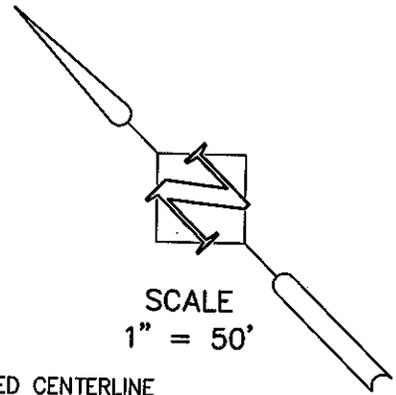
EXHIBIT "B"

PAGE 1 OF 1
 DECEMBER 7, 2011
 PROPERTY NO. 16

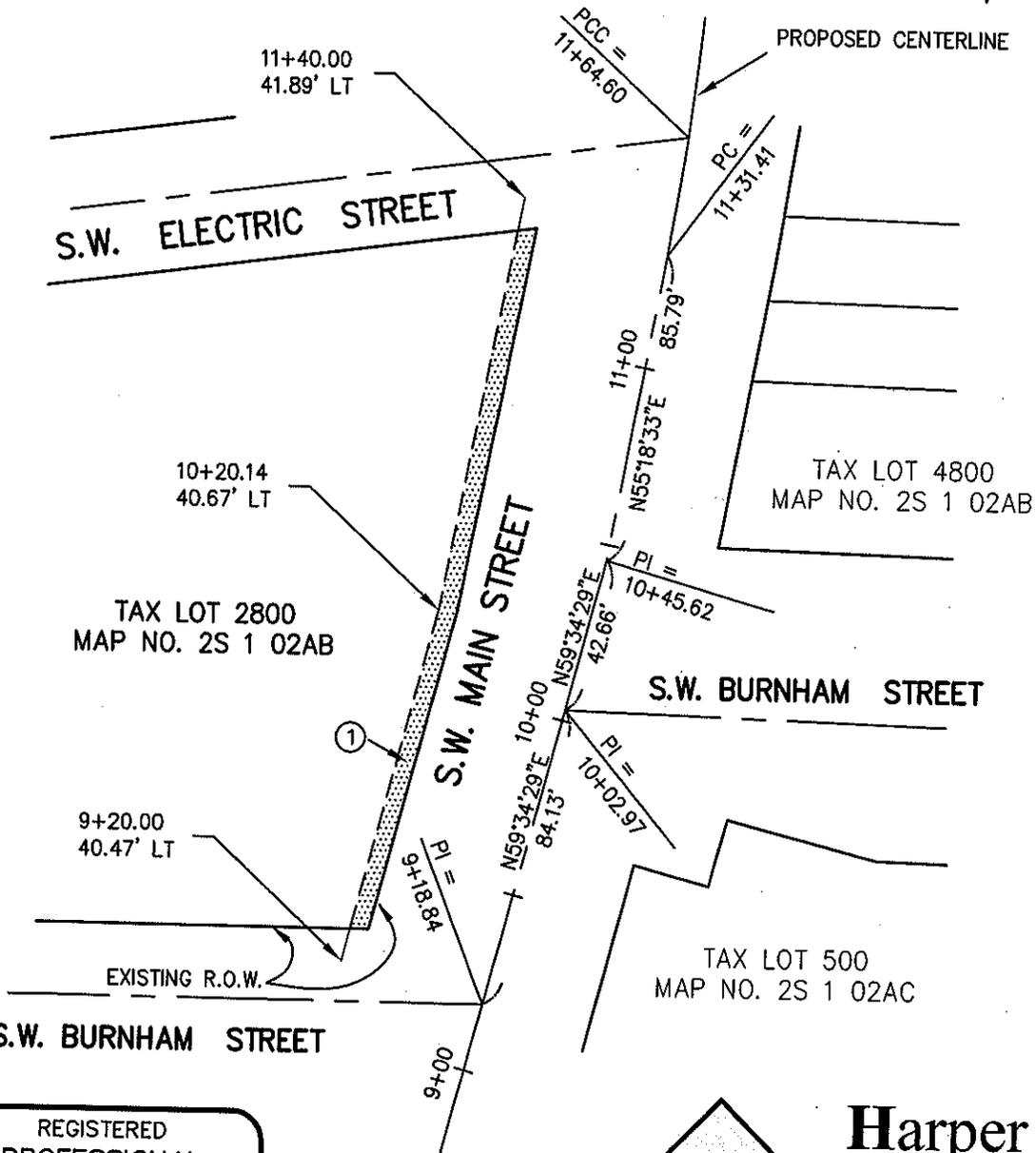
LEGEND



① TEMPORARY CONSTRUCTION EASEMENT
 FOR ROAD PURPOSES
 ± 992 SQ.FT.



SCALE
 1" = 50'



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

John T. Campbell

OREGON
 JULY 15, 2003
 JOHN T. CAMPBELL
 60070 LS

EXP. 12-31-13



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EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard)
December 7, 2011
OWNER: Nicolas Capistrano III
Page 1 of 3

State No. FAP 7365(009), Key No. 15600
Map & Tax Lot No. 2S 1 02AB-4800
Property No. 17

PARCEL 1 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Parcel 1 of Warranty Deed to Nicolas Capistrano III, as Trustee of the Nicholas Capistrano III Revocable Living Trust U/T/A, recorded January 24, 2003 as Document 2003-010928, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the following described proposed centerline of S.W. Main Street.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13" East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North 36°35'10" East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of 22°59'19";

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North 48°04'50" East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 59°34'29" East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North 59°34'29" East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North 59°34'29" East, 42.66 feet to an angle point at station 10+45.62;

Thence North 55°18'33" East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of 02°22'38";

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North 54°07'14" East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of 02°22'47" (the long chord of which bears North 51°44'32" East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 50°33'09" East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North 50°33'09" East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South 61°56'29" West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

The width of said strip with reference to the above described centerline is as follows:

Station	to	Station	Width on Southeasterly side of Centerline
10+50		11+10	35.00 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street and any portion thereof lying within existing building structures.



The parcel of land to which this description applies contains 11 square feet more or less.

See attached Exhibit "B" hereby incorporated by reference.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John T. Campbell

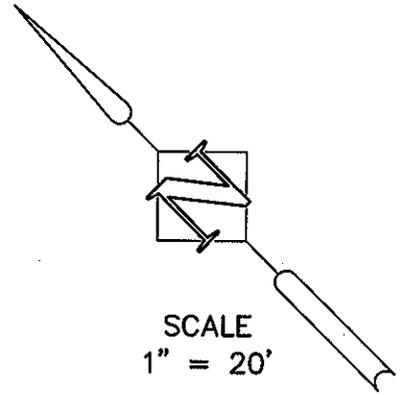
OREGON
JULY 15, 2003
JOHN T. CAMPBELL
60070 LS

12-31-13

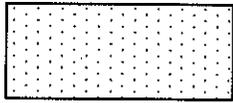


EXHIBIT "B"

PAGE 1 OF 1
DECEMBER 7, 2011
PROPERTY NO. 17

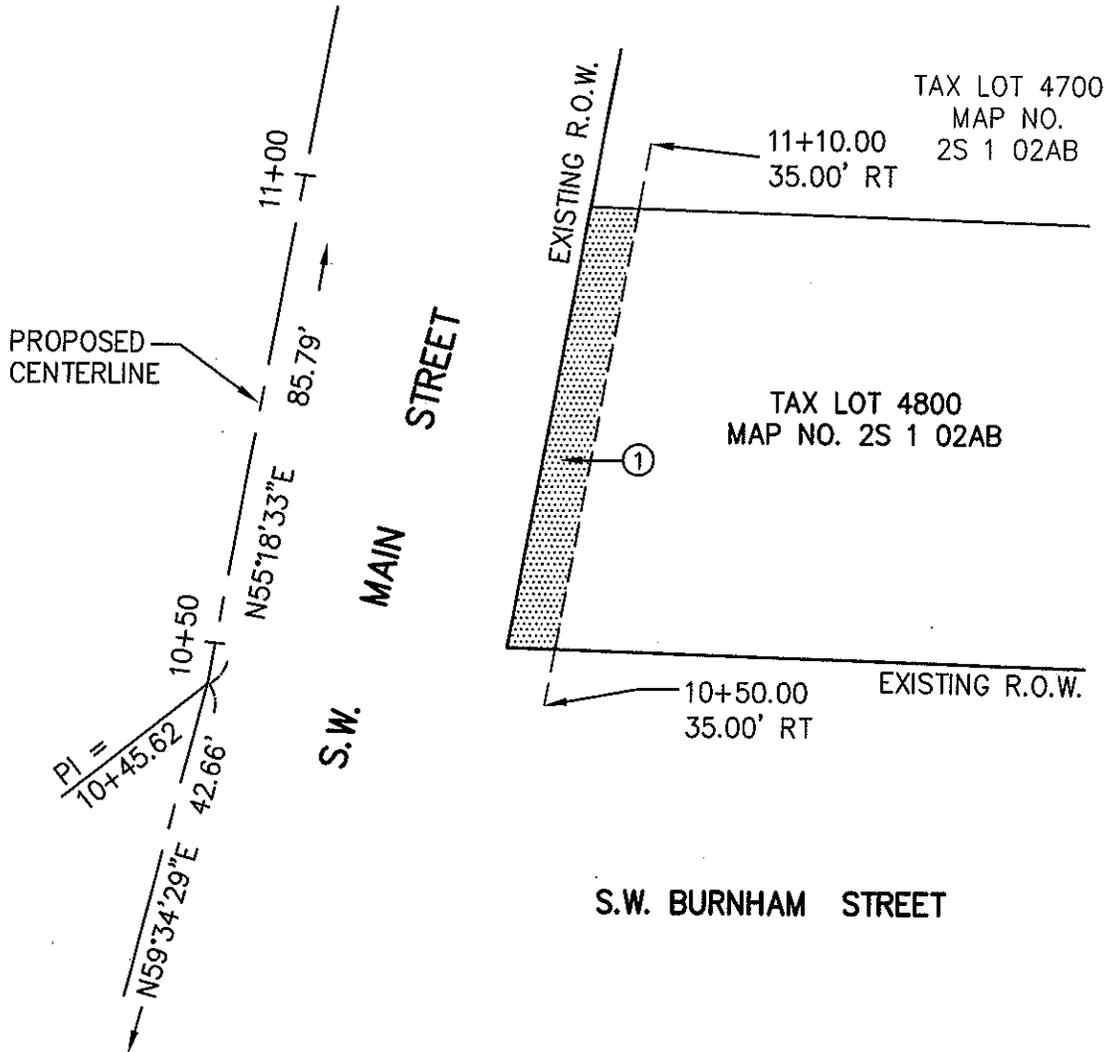


LEGEND



① TEMPORARY CONSTRUCTION EASEMENT
FOR ROAD PURPOSES
± 11 SQ.FT. NET AREA
(EXCLUDES ANY AREA WITHIN EXISTING BUILDING)

SCALE
1" = 20'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

John T. Campbell

OREGON
JULY 15, 2003
JOHN T. CAMPBELL
60070 LS

EXP. 12-31-13



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EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard)
December 7, 2011
OWNER: Multiple Owners
Page 1 of 3

State No. FAP 7365(009), Key No. 15600
Map & Tax Lot No. 2S 1 02AB-4700
Property No. 18

PARCEL 1 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Correction Special Warranty Deed to Lisa A. Cach and Joan Cach, Co-Trustees of the Cach Family Revocable Family Trust dated July 1, 2002, recorded December 28, 2006 as Document 2006-152418, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the following described proposed centerline of S.W. Main Street.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13" East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North 36°35'10" East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of 22°59'19";

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North 48°04'50" East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 59°34'29" East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North 59°34'29" East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North 59°34'29" East, 42.66 feet to an angle point at station 10+45.62;

Thence North 55°18'33" East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of 02°22'38";

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North 54°07'14" East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of 02°22'47" (the long chord of which bears North 51°44'32" East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 50°33'09" East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North 50°33'09" East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South 61°56'29" West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

The width of said strip with reference to the above described centerline is as follows:

Station	to	Station	Width on Southeasterly side of Centerline
11+00		11+31.41	40.00 feet



EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street and any portion thereof lying within existing building structures.

The parcel of land to which this description applies contains 34 square feet more or less.

See attached Exhibit "B" hereby incorporated by reference.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

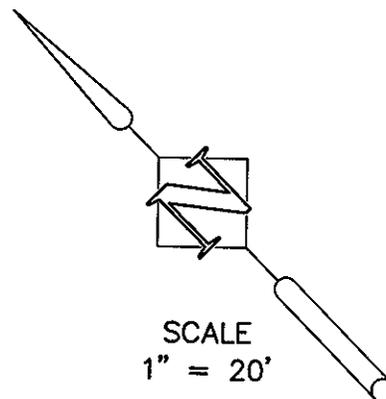
John T. Campbell
OREGON
JULY 15, 2003
JOHN T. CAMPBELL
60070 LS

12-31-13



EXHIBIT "B"

PAGE 1 OF 1
 DECEMBER 7, 2011
 PROPERTY NO. 18

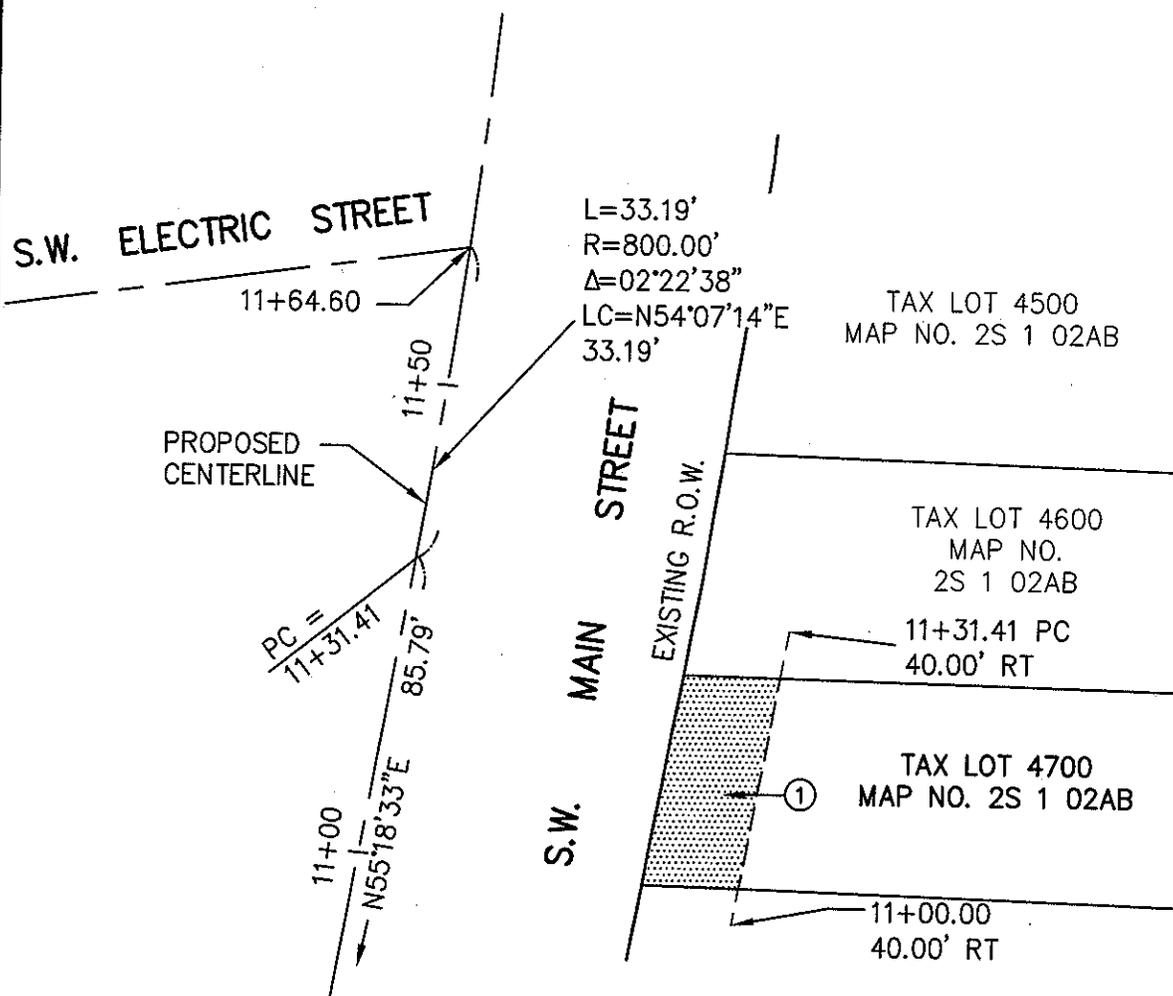


LEGEND



① TEMPORARY CONSTRUCTION EASEMENT
 FOR ROAD PURPOSES
 ± 34 SQ.FT. NET AREA
 (EXCLUDES ANY AREA WITHIN EXISTING BUILDING)

SCALE
 1" = 20'



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

John T. Campbell

OREGON
 JULY 15, 2003
 JOHN T. CAMPBELL
 60070 LS

EXP. 12-31-13



**Harper
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 Righellis Inc.**

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Righellis Inc.

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EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard)

State No. FAP 7365(009), Key No. 15600

December 7, 2011

Map & Tax Lot No. 2S 1 02AB-4600

OWNER: Jose Evodio Pozos Perez and Felipa R. Perez

Property No. 19

Page 1 of 3

PARCEL 1 – DEDICATION OF RIGHT-OF-WAY

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Deed Creating Estate By The Entirety to Jose Evodio Pozos Perez and Felipa R. Perez, recorded August 24, 1999 as Document 99099009, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the following described proposed centerline of S.W. Main Street.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13" East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North 36°35'10" East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of 22°59'19";

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North 48°04'50" East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 59°34'29" East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North 59°34'29" East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North 59°34'29" East, 42.66 feet to an angle point at station 10+45.62;

Thence North 55°18'33" East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of 02°22'38";

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North 54°07'14" East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of 02°22'47" (the long chord of which bears North 51°44'32" East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 50°33'09" East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North 50°33'09" East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South 61°56'29" West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

The width of said strip with reference to the above described centerline is as follows:

Station	to	Station	Width on Southeasterly side of Centerline
11+15		11+60	33.00 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street.

The parcel of land to which this description applies contains 72 square feet more or less.



PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Deed Creating Estate By The Entirety to Jose Evodio Pozos Perez and Felipa R. Perez, recorded August 24, 1999 as Document 99099009, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the aforementioned described proposed centerline of S.W. Main Street.

Station	to	Station	Width on Southeasterly side of Centerline
11+15		11+60	40.00 feet

EXCEPTING therefrom that portion of said property lying within the existing right of way of S.W. Main Street and the aforementioned Parcel 1.

The Parcel of land to which this description applies contains 166 square feet more or less.

PARCEL 3 – PERMANENT SIDEWALK EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Deed Creating Estate By The Entirety to Jose Evodio Pozos Perez and Felipa R. Perez, recorded August 24, 1999 as Document 99099009, Washington County Records, said parcel being that portion of said property lying northwesterly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

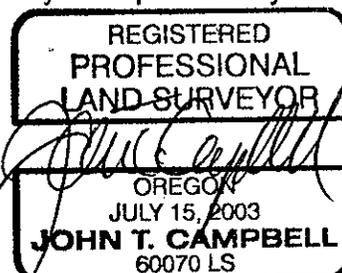
Station	to	Station	Offset on Southeasterly side of Centerline
11+15		11+29.42	47.70 feet in a straight line to 33.00 feet
11+29.42		11+60	33.00 feet (parallel with the proposed centerline of S.W. Main Street)

EXCEPTING therefrom that portion of said property lying within the existing right of way of S.W. Main Street and the aforementioned Parcel 1.

The Parcel of land to which this description applies contains 7 square feet more or less.

The stationing used to describe this parcel is based on the Proposed Centerline of S.W. Main Street described herein, being more particularly described in Parcel 1.

See attached Exhibit "B" hereby incorporated by reference.



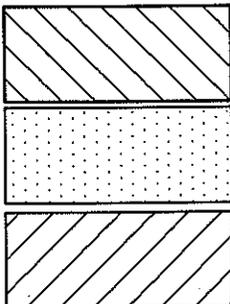
12-31-13



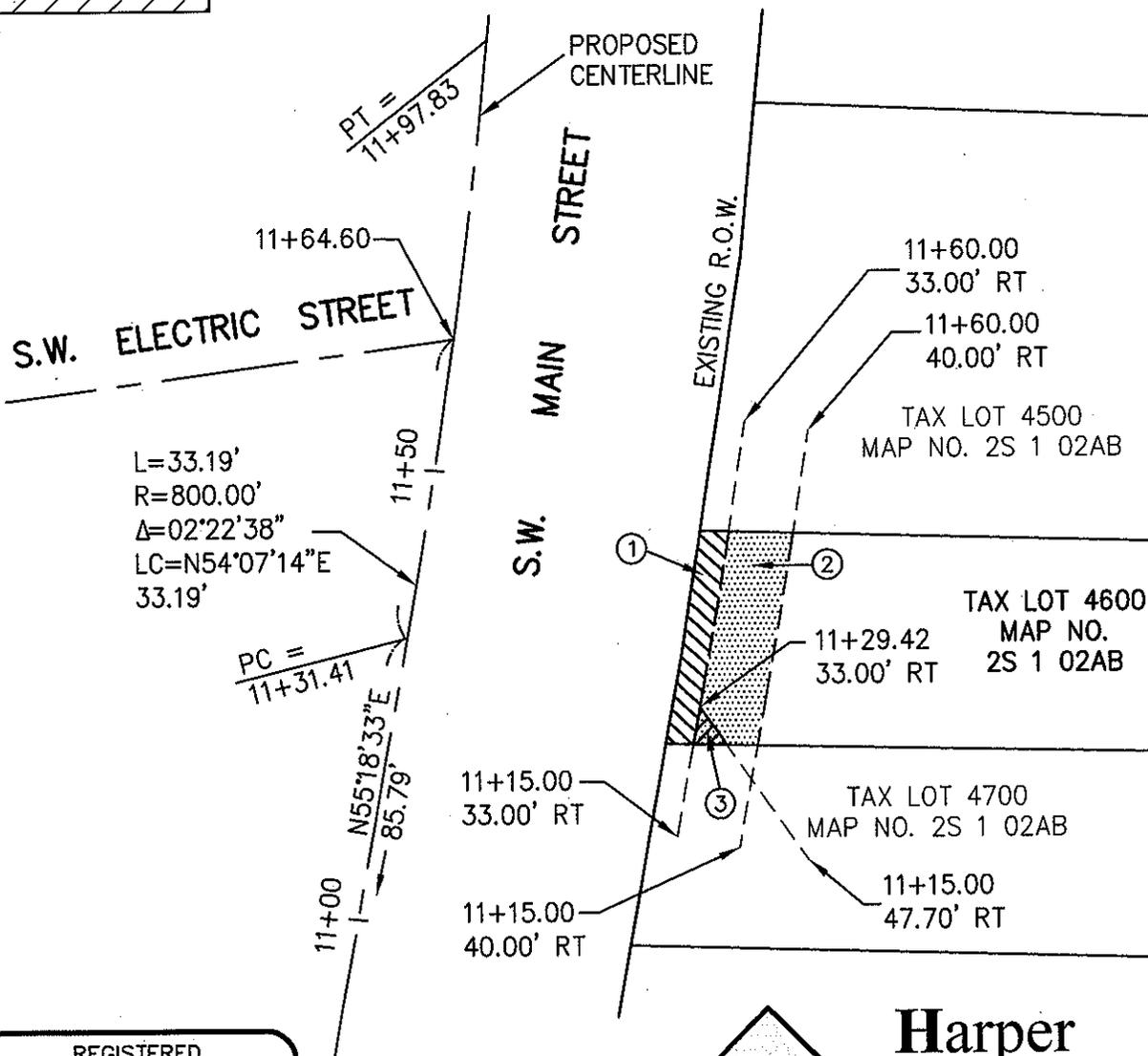
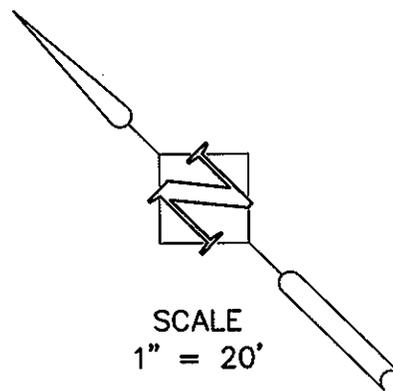
EXHIBIT "B"

PAGE 1 OF 1
 DECEMBER 7, 2011
 PROPERTY NO. 19

LEGEND



- ① PERMANENT R.O.W. EASEMENT FOR ROAD PURPOSES ± 72 SQ.FT.
- ② TEMPORARY CONSTRUCTION EASEMENT FOR ROAD PURPOSES ± 166 SQ.FT. (INCLUDES SQUARE FOOTAGE IN PARCEL 3—BELOW)
- ③ PERMANENT SIDEWALK EASEMENT FOR PEDESTRIAN ACCESS PURPOSES. ± 7 SQ.FT.



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

John T. Campbell
 OREGON
 JULY 15, 2003
 JOHN T. CAMPBELL
 60070 LS

EXP. 12-31-13



**Harper
 Houf Peterson
 Righellis Inc.**

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 205 SE Spokane Street, Suite 200, Portland, OR 97202
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171



**Harper
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ENGINEERS ♦ PLANNERS
LANDSCAPE ARCHITECTS ♦ SURVEYORS

EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard) State No. FAP 7365(009), Key No. 15600
December 7, 2011 Map & Tax Lot No. 2S 1 02AB-4500
OWNER: Tigard Main St. Commercial Properties, LLC Property No. 20
Page 1 of 3

PARCEL 1 – DEDICATION OF RIGHT-OF-WAY

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Parcel II of Statutory Warranty Deed to Tigard Main St. Commercial Properties, LLC, recorded May 25, 2007 as Document 2007-057930, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the following described proposed centerline of S.W. Main Street.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13" East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North 36°35'10" East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of 22°59'19";

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North 48°04'50" East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 59°34'29" East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North 59°34'29" East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North 59°34'29" East, 42.66 feet to an angle point at station 10+45.62;

Thence North 55°18'33" East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of 02°22'38";

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North 54°07'14" East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of 02°22'47" (the long chord of which bears North 51°44'32" East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 50°33'09" East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North 50°33'09" East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South 61°56'29" West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

The width of said strip with reference to the above described centerline is as follows:

Station	to	Station	Width on Southeasterly side of Centerline
11+31.41		11+97.83	33.00 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street.



The parcel of land to which this description applies contains 142 square feet more or less.

PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Parcel II of Statutory Warranty Deed to Tigard Main St. Commercial Properties, LLC, recorded May 25, 2007 as Document 2007-057930, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the aforementioned described proposed centerline of S.W. Main Street.

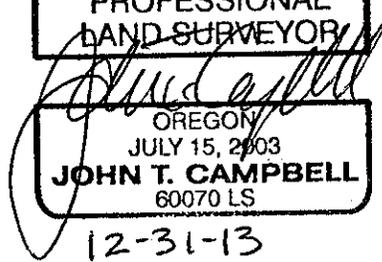
Station	to	Station	Width on Southeasterly side of Centerline
11+31.41		11+97.83	38.00 feet

EXCEPTING therefrom that portion of said property lying within the existing right of way of S.W. Main Street and the aforementioned Parcel 1.

The Parcel of land to which this description applies contains 237 square feet more or less.

See attached Exhibit "B" hereby incorporated by reference.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 15, 2003
JOHN T. CAMPBELL
60070 LS

12-31-13



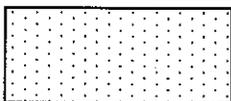
EXHIBIT "B"

PAGE 1 OF 1
 DECEMBER 7, 2011
 PROPERTY NO. 20

LEGEND

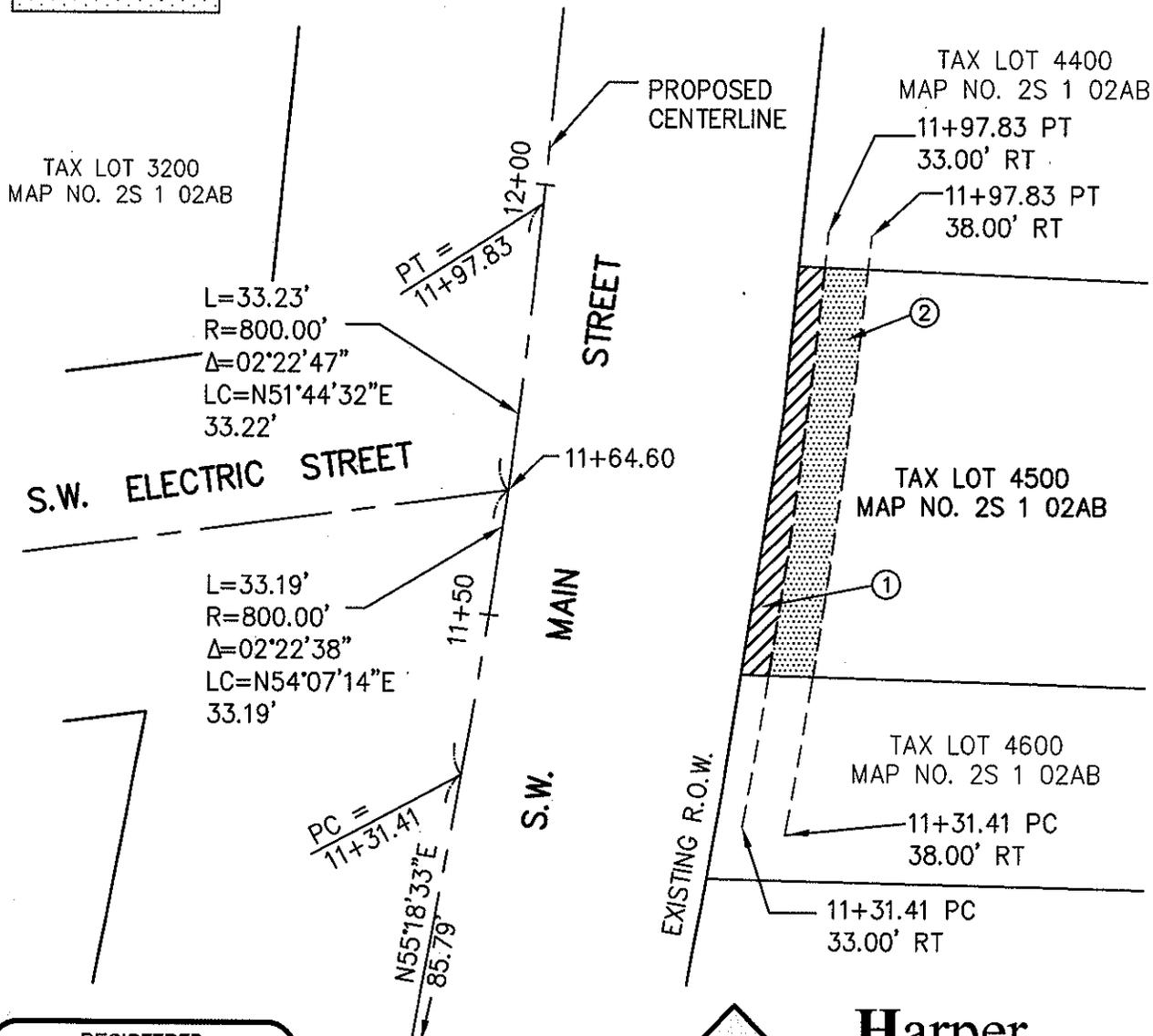
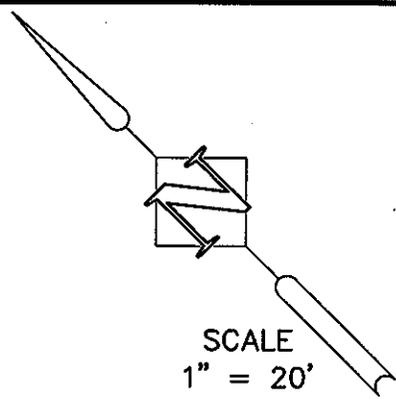


① PERMANENT R.O.W. EASEMENT
 FOR ROAD PURPOSES
 ± 142 SQ.FT.



② TEMPORARY CONSTRUCTION EASEMENT
 FOR ROAD PURPOSES
 ± 237 SQ.FT.

SCALE
 1" = 20'



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

John T. Campbell
 OREGON
 JULY 15, 2005
 JOHN T. CAMPBELL
 60070 LS

EXP. 12-31-13



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LANDSCAPE ARCHITECTS ♦ SURVEYORS

EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard)
December 7, 2011
OWNER: Chrisman Family Trust
Page 1 of 3

State No. FAP 7365(009), Key No. 15600
Map & Tax Lot No. 2S 1 02AB-3100
Property No. 21

PARCEL 1 – DEDICATION OF RIGHT-OF-WAY

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Parcel 1 of Warranty Deed to Richard Chrisman and Heather Chrisman, Trustees of the Chrisman Family Trust U/T/A, recorded August 1, 1997 as Document 97071465, Washington County Records, said parcel being that portion of said property included in a strip of land lying northwesterly of the following described proposed centerline of S.W. Main Street.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13" East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North 36°35'10" East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of 22°59'19";

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North 48°04'50" East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North $59^{\circ}34'29''$ East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North $59^{\circ}34'29''$ East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North $59^{\circ}34'29''$ East, 42.66 feet to an angle point at station 10+45.62;

Thence North $55^{\circ}18'33''$ East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of $02^{\circ}22'38''$;

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North $54^{\circ}07'14''$ East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of $02^{\circ}22'47''$ (the long chord of which bears North $51^{\circ}44'32''$ East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North $50^{\circ}33'09''$ East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North $50^{\circ}33'09''$ East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South $61^{\circ}56'29''$ West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North $42^{\circ}03'27''$ East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

The width of said strip with reference to the above described centerline is as follows:

Station	to	Station	Width on Northwesterly side of Centerline
11+50		12+50	37.00 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street.



The parcel of land to which this description applies contains 353 square feet more or less.

PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Parcel 1 of Warranty Deed to Richard Chrisman and Heather Chrisman, Trustees of the Chrisman Family Trust U/T/A, recorded August 1, 1997 as Document 97071465, Washington County Records, said parcel being that portion of said property included in a strip of land lying northwesterly of the aforementioned described proposed centerline of S.W. Main Street.

Station	to	Station	Width on Northwesterly side of Centerline
11+50		12+50	47.00 feet

EXCEPTING therefrom that portion of said property lying within the existing right of way of S.W. Main Street and the aforementioned Parcel 1 and any portion thereof lying within existing building structures.

The Parcel of land to which this description applies contains 444 square feet more or less.

See attached Exhibit "B" hereby incorporated by reference.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John T. Campbell

OREGON
JULY 15, 2003
JOHN T. CAMPBELL
60070 LS

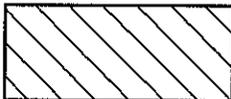
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EXHIBIT "B"

PAGE 1 OF 1
 DECEMBER 7, 2011
 PROPERTY NO. 21

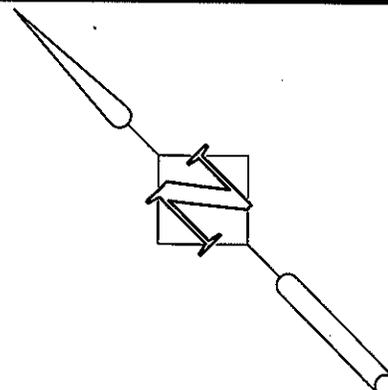
LEGEND



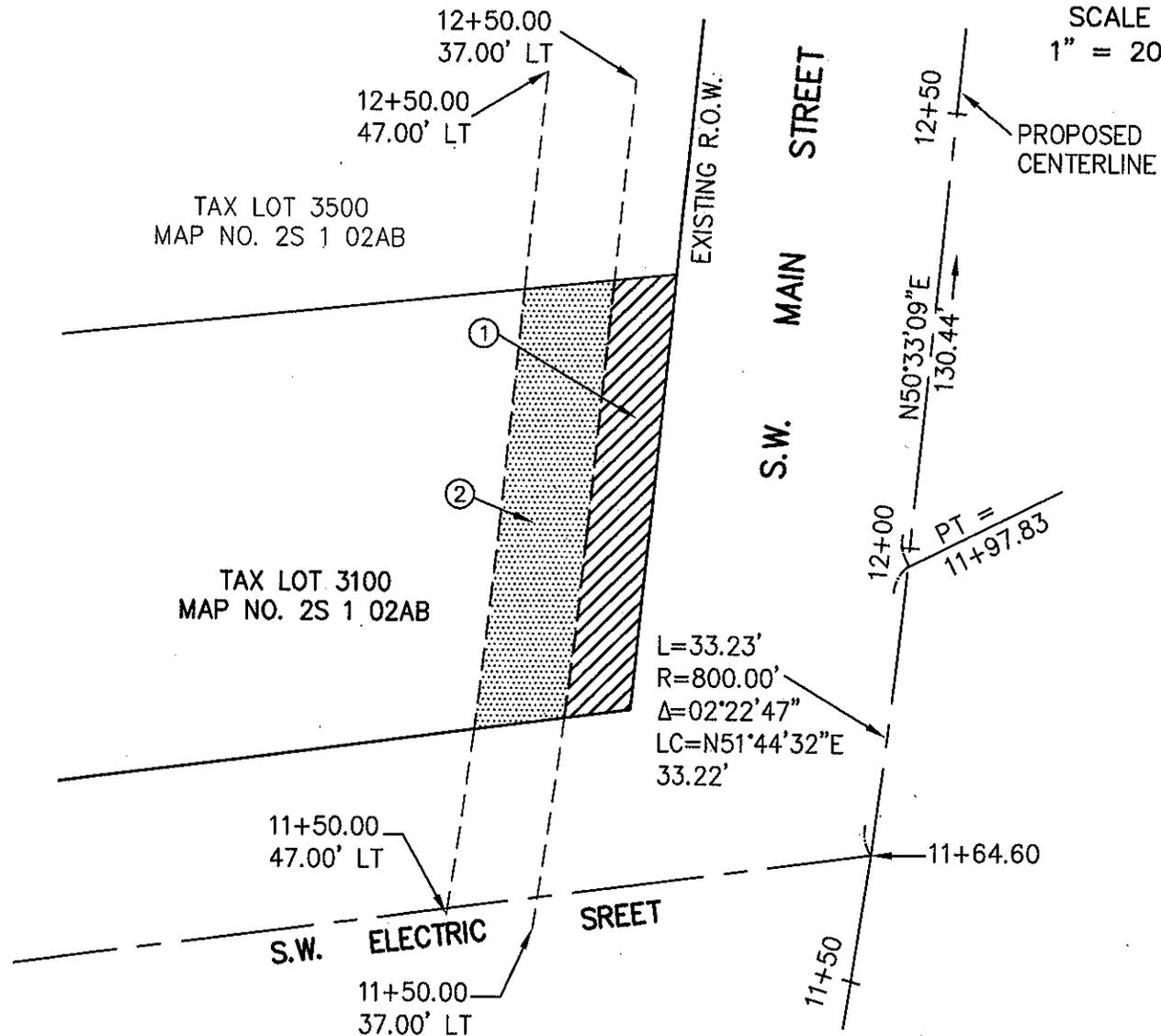
① PERMANENT R.O.W. EASEMENT
 FOR ROAD PURPOSES
 ± 353 SQ.FT.



② TEMPORARY CONSTRUCTION EASEMENT
 FOR ROAD PURPOSES
 ± 444 SQ.FT. NET AREA
 (EXCLUDES ANY AREA WITHIN EXISTING BUILDING)



SCALE
 1" = 20'



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

John T. Campbell
 OREGON
 JULY 15, 2006
 JOHN T. CAMPBELL
 60070 LS

EXP. 12-31-13



**Harper
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205 SE Spokane Street, Suite 200, Portland, OR 97202
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard)
December 7, 2011
OWNER: Erdman Company, LLC
Page 1 of 4

State No. FAP 7365(009), Key No. 15600
Map & Tax Lot No. 2S 1 02AB-3500
Property No. 22

PARCEL 1 – DEDICATION OF RIGHT-OF-WAY

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Quitclaim Deed to Erdman Company, LLC, recorded January 23, 2008 as Document 2008-006006, Washington County Records, said parcel being that portion of said property lying Southeasterly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

Station	to	Station	Offset on Northwesterly side of Centerline
12+00		12+76.81	37.00 feet (parallel with the proposed centerline of S.W. Main Street)
2+76.81		12+91.58	37.00 feet (along arc with a 15.00 foot radius curve left, having a central angle of 100°08'42", long chord bears North 00°28'47" East, 23.01 feet and arc length of 26.22 feet) to 54.64 feet
12+91.58		12+79.01	54.64 feet in a straight line to the northwesterly boundary of Document 2008-006006, at 124.84 feet
12+79.01		13+15	124.84 feet line along the northwesterly boundary of Document 2008-006006 and the northeasterly extension thereof, to 124.02 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street and S.W. Tigard Street.

The parcel of land to which this description applies contains 1,512 square feet more or less.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045

SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South $60^{\circ}04'13''$ East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of $83^{\circ}20'36''$;

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North $78^{\circ}15'28''$ East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North $36^{\circ}35'10''$ East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of $22^{\circ}59'19''$;

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North $48^{\circ}04'50''$ East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North $59^{\circ}34'29''$ East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North $59^{\circ}34'29''$ East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North $59^{\circ}34'29''$ East, 42.66 feet to an angle point at station 10+45.62;

Thence North $55^{\circ}18'33''$ East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of $02^{\circ}22'38''$;

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North $54^{\circ}07'14''$ East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of $02^{\circ}22'47''$ (the long chord of which bears North $51^{\circ}44'32''$ East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North $50^{\circ}33'09''$ East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;



Thence continuing along said line North 50°33'09" East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South 61°56'29" West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Quitclaim Deed to Erdman Company, LLC, recorded January 23, 2008 as Document 2008-006006, Washington County Records, said parcel being that portion of said property lying Southeasterly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

Station	to	Station	Width on Northwesternly side of Centerline
12+00		12+76.81	47.00 feet (parallel with the proposed centerline of S.W. Main Street)
12+76.81		12+81.73	47.00 feet (along arc with a 5.00 foot radius curve left, having a central angle of 100°08'42", long chord bears North 00°28'47" East, 7.67 feet and arc length of 8.74 feet) to 52.88 feet
12+81.73		12+80.43	52.88 feet in a straight line to 60.18 feet
12+80.43		13+10	60.18 feet in a straight line to 67.92 feet

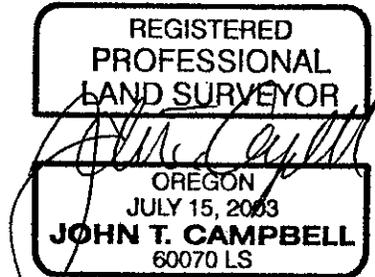
EXCEPTING therefrom that portion of said property lying within the existing right of way of S.W. Main Street and S.W. Tigard Street and the aforementioned Parcel 1 and any portion thereof lying within existing building structures.

The parcel of land to which this description applies contains 720 square feet more or less.



The stationing used to describe this parcel is based on the Proposed Centerline of S.W. Main Street described herein, being more particularly described in Parcel 1.

See attached Exhibit "B" hereby incorporated by reference.



12-31-13



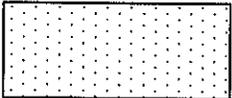
EXHIBIT "B"

PAGE 1 OF 1
 DECEMBER 7, 2011
 PROPERTY NO. 22

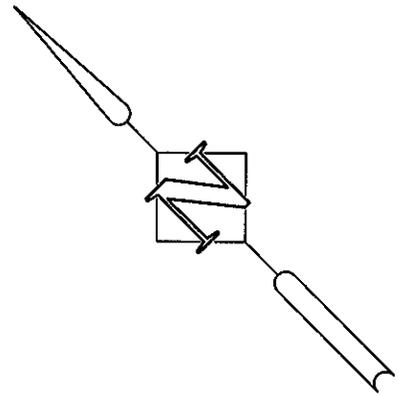
LEGEND



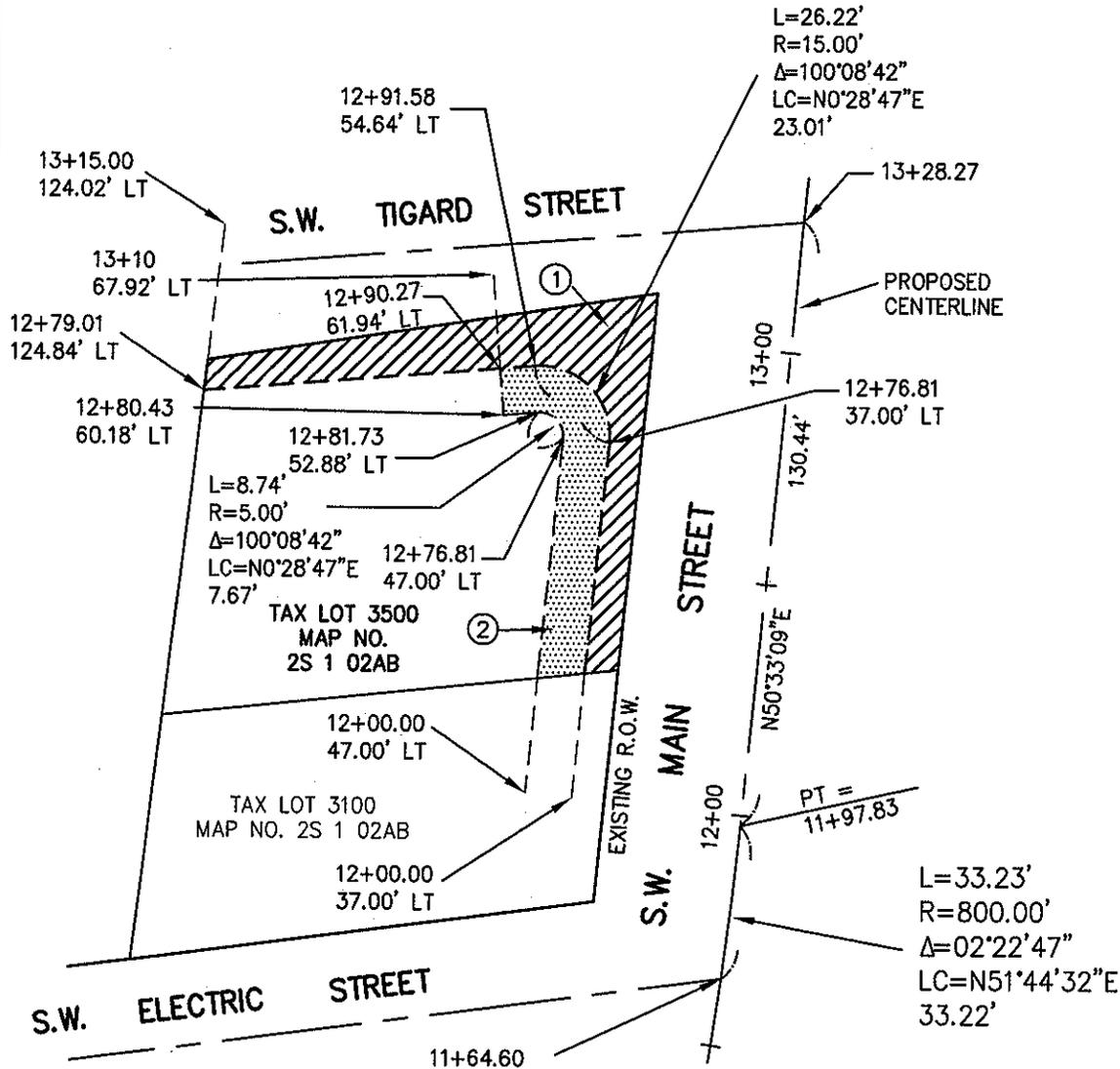
① PERMANENT R.O.W. EASEMENT
 FOR ROAD PURPOSES
 ± 1512 SQ.FT.



② TEMPORARY CONSTRUCTION EASEMENT
 FOR ROAD PURPOSES
 ± 720 SQ.FT. NET AREA
 (EXCLUDES ANY AREA WITHIN EXISTING BUILDING)



SCALE
 1" = 40'



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 15, 2003
 JOHN T. CAMPBELL
 60070 LS

EXP. 12-31-13



**Harper
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EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard)
December 7, 2011
OWNER: Robert M. Marr and Marie L. Wolf-Marr
Page 1 of 3

State No. FAP 7365(009), Key No. 15600
Map & Tax Lot No. 2S 1 02AB-4400
Property No. 23

PARCEL 1 – DEDICATION OF RIGHT-OF-WAY

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Bargain and Sale Deed to Robert M. Marr and Marie L. Wolf-Marr, recorded November 7, 2003 as Document 2003-189381, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the following described proposed centerline of S.W. Main Street.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13" East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North 36°35'10" East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of 22°59'19";

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North 48°04'50" East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 59°34'29" East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North 59°34'29" East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North 59°34'29" East, 42.66 feet to an angle point at station 10+45.62;

Thence North 55°18'33" East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of 02°22'38";

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North 54°07'14" East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of 02°22'47" (the long chord of which bears North 51°44'32" East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 50°33'09" East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North 50°33'09" East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South 61°56'29" West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

The width of said strip with reference to the above described centerline is as follows:

Station	to	Station	Width on Southeasterly side of Centerline
11+75		12+50	33.00 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street.



The parcel of land to which this description applies contains 142 square feet more or less.

PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Bargain and Sale Deed to Robert M. Marr and Marie L. Wolf-Marr, recorded November 7, 2003 as Document 2003-189381, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the aforementioned described proposed centerline of S.W. Main Street.

Station	to	Station	Width on Southeasterly side of Centerline
11+75		12+50	38.00 feet

EXCEPTING therefrom that portion of said property lying within the existing right of way of S.W. Main Street and the aforementioned Parcel 1.

The Parcel of land to which this description applies contains 236 square feet more or less.

See attached Exhibit "B" hereby incorporated by reference.

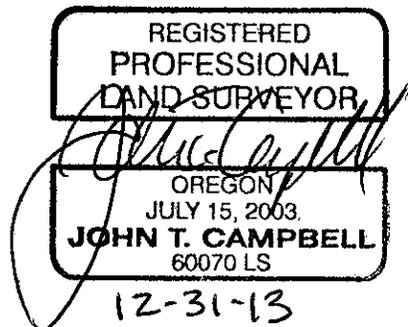


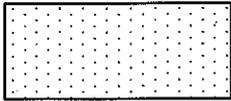
EXHIBIT "B"

PAGE 1 OF 1
 DECEMBER 7, 2011
 PROPERTY NO. 23

LEGEND

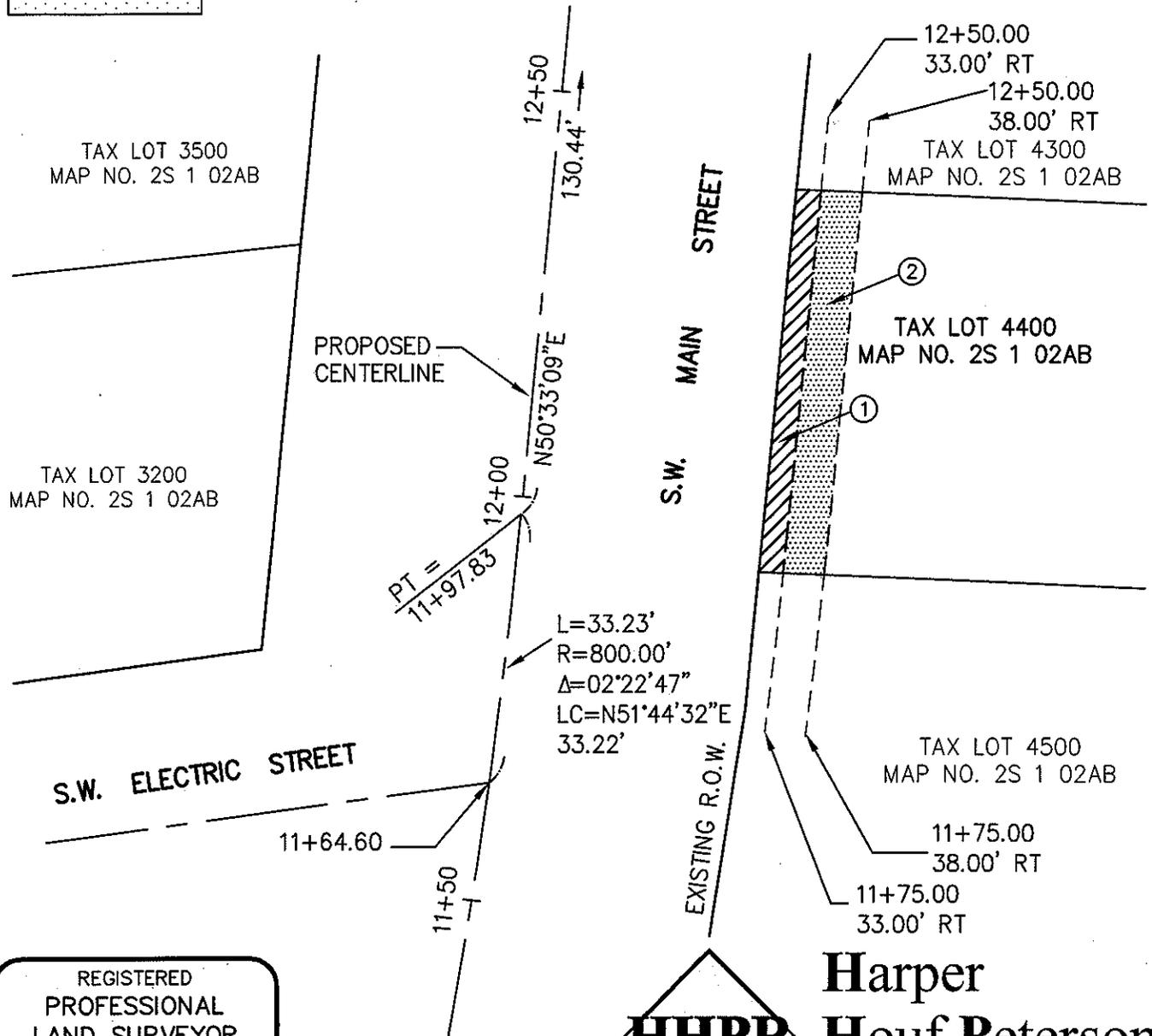
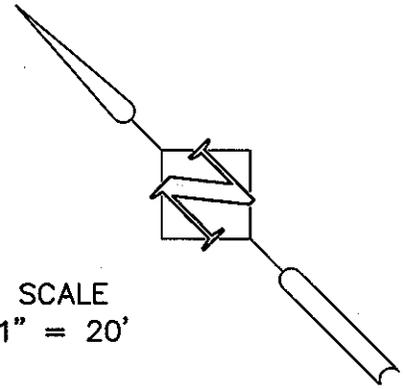


① PERMANENT R.O.W. EASEMENT
 FOR ROAD PURPOSES
 ± 142 SQ.FT.



② TEMPORARY CONSTRUCTION EASEMENT
 FOR ROAD PURPOSES
 ± 236 SQ.FT.

SCALE
 1" = 20'



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

John T. Campbell

OREGON
 JULY 15, 2005
 JOHN T. CAMPBELL
 60070 LS

EXP. 12-31-13



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EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard) State No. FAP 7365(009), Key No. 15600
December 7, 2011 Map & Tax Lot No. 2S 1 02AB-4300
OWNER: Tigard Main St. Commercial Properties, LLC Property No. 24
Page 1 of 3

PARCEL 1 – DEDICATION OF RIGHT-OF-WAY

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Parcel 1 of Statutory Warranty Deed to Tigard Main St. Commercial Properties, LLC, recorded May 25, 2007 as Document 2007-057930, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the following described proposed centerline of S.W. Main Street.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13" East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North 36°35'10" East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of 22°59'19";

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North 48°04'50" East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North $59^{\circ}34'29''$ East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North $59^{\circ}34'29''$ East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North $59^{\circ}34'29''$ East, 42.66 feet to an angle point at station 10+45.62;

Thence North $55^{\circ}18'33''$ East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of $02^{\circ}22'38''$;

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North $54^{\circ}07'14''$ East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of $02^{\circ}22'47''$ (the long chord of which bears North $51^{\circ}44'32''$ East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North $50^{\circ}33'09''$ East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North $50^{\circ}33'09''$ East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South $61^{\circ}56'29''$ West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North $42^{\circ}03'27''$ East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

The width of said strip with reference to the above described centerline is as follows:

Station	to	Station	Width on Southeasterly side of Centerline
12+20		13+00	33.00 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street.



The parcel of land to which this description applies contains 140 square feet more or less.

PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Parcel 1 of Statutory Warranty Deed to Tigard Main St. Commercial Properties, LLC, recorded May 25, 2007 as Document 2007-057930, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the aforementioned described proposed centerline of S.W. Main Street.

Station	to	Station	Width on Southeasterly side of Centerline
12+20		13+00	38.00 feet

EXCEPTING therefrom that portion of said property lying within the existing right of way of S.W. Main Street and the aforementioned Parcel 1 and any portion thereof lying within existing building structures.

The Parcel of land to which this description applies contains 231 square feet more or less.

See attached Exhibit "B" hereby incorporated by reference.

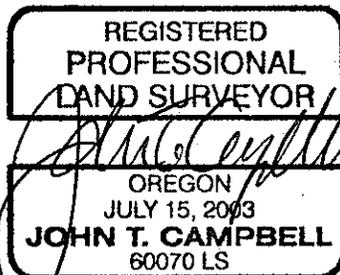
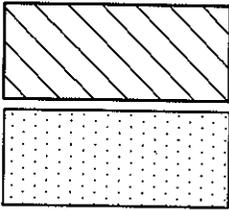


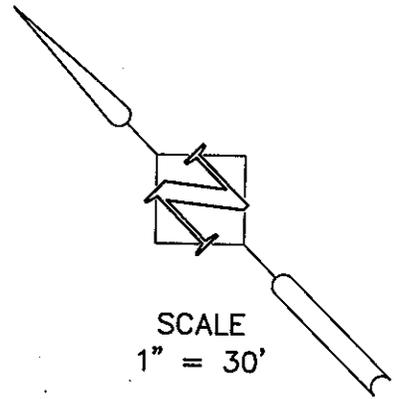
EXHIBIT "B"

PAGE 1 OF 1
 DECEMBER 7, 2011
 PROPERTY NO. 24

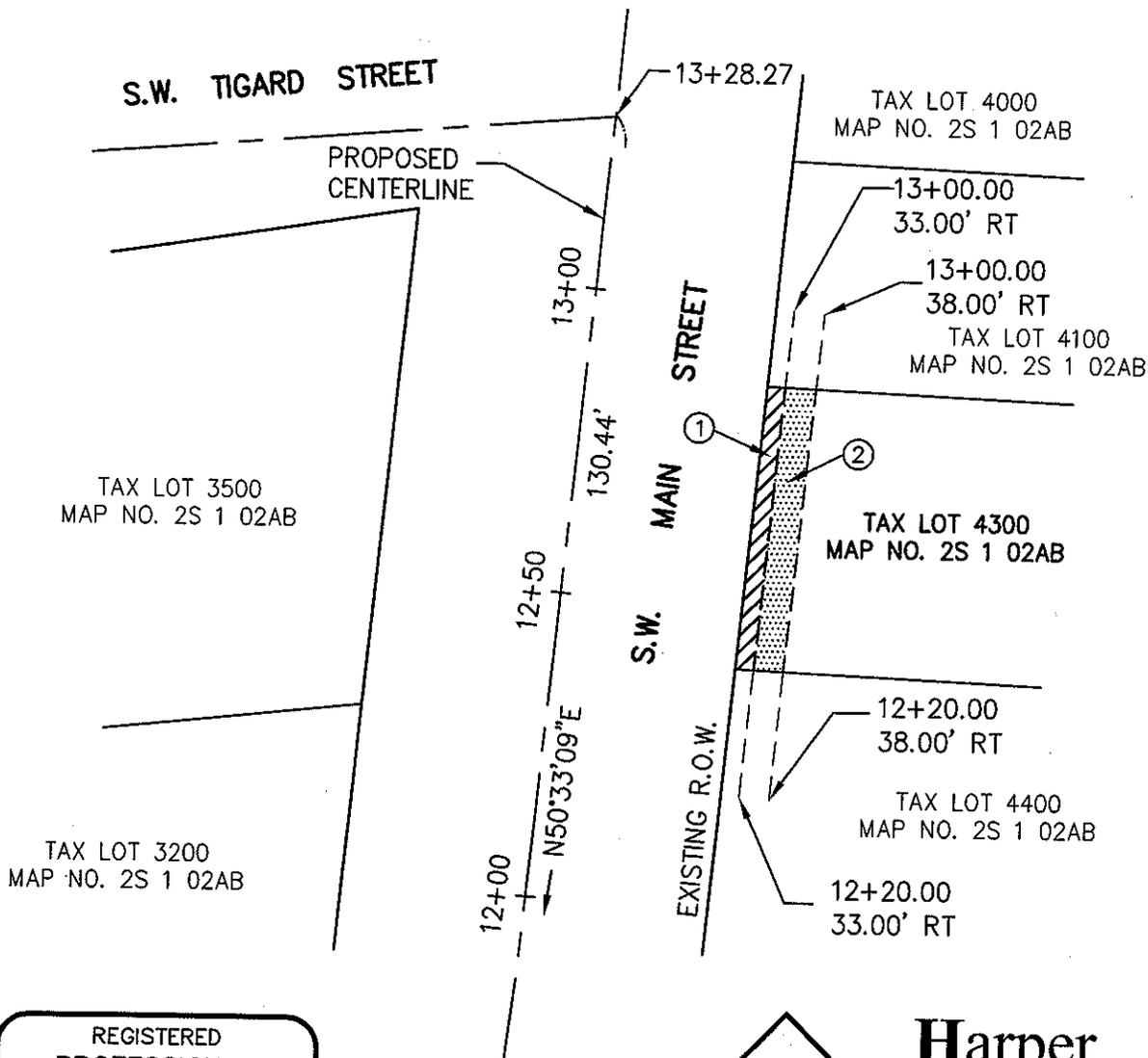
LEGEND



- ① PERMANENT R.O.W. EASEMENT FOR ROAD PURPOSES ± 140 SQ.FT.
- ② TEMPORARY CONSTRUCTION EASEMENT FOR ROAD PURPOSES ± 231 SQ.FT. NET AREA (EXCLUDES ANY AREA WITHIN EXISTING BUILDING)



SCALE
 1" = 30'



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

John T. Campbell

OREGON
 JULY 15, 2003
 JOHN T. CAMPBELL
 60070 LS

EXP. 12-31-13



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EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard)
December 7, 2011
OWNER: Speedy Linguine, Inc.
Page 1 of 3

State No. FAP 7365(009), Key No. 15600
Map & Tax Lot No. 2S 1 02AB-4100
Property No. 25

PARCEL 1 – DEDICATION OF RIGHT-OF-WAY

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Special Warranty Deed-Statutory Form to Speedy Linguine, Inc., recorded May 28, 1993 as Document No. 93042381, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the following described proposed centerline of S.W. Main Street.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13" East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North 36°35'10" East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of 22°59'19";

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North 48°04'50" East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 59°34'29" East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North 59°34'29" East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North 59°34'29" East, 42.66 feet to an angle point at station 10+45.62;

Thence North 55°18'33" East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of 02°22'38";

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North 54°07'14" East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of 02°22'47" (the long chord of which bears North 51°44'32" East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 50°33'09" East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North 50°33'09" East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South 61°56'29" West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

The width of said strip with reference to the above described centerline is as follows:

Station	to	Station	Width on Southeasterly side of Centerline
12+70		13+40	33.00 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street.



The parcel of land to which this description applies contains 111 square feet more or less.

PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Special Warranty Deed-Statutory Form to Speedy Linguine, Inc., recorded May 28, 1993 as Document No. 93042381, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the aforementioned described proposed centerline of S.W. Main Street.

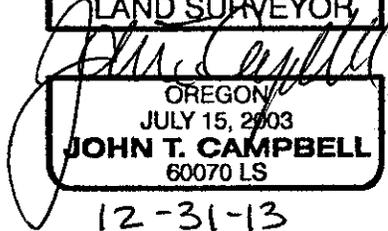
Station	to	Station	Width on Southeasterly side of Centerline
12+70		13+40	38.00 feet

EXCEPTING therefrom that portion of said property lying within the existing right of way of S.W. Main Street and the aforementioned Parcel 1 and any portion thereof lying within existing building structures.

The Parcel of land to which this description applies contains 163 square feet more or less.

See attached Exhibit "B" hereby incorporated by reference.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 15, 2003
JOHN T. CAMPBELL
60070 LS

12-31-13



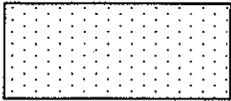
EXHIBIT "B"

PAGE 1 OF 1
 DECEMBER 7, 2011
 PROPERTY NO. 25

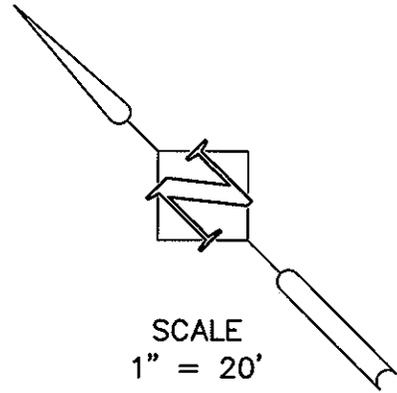
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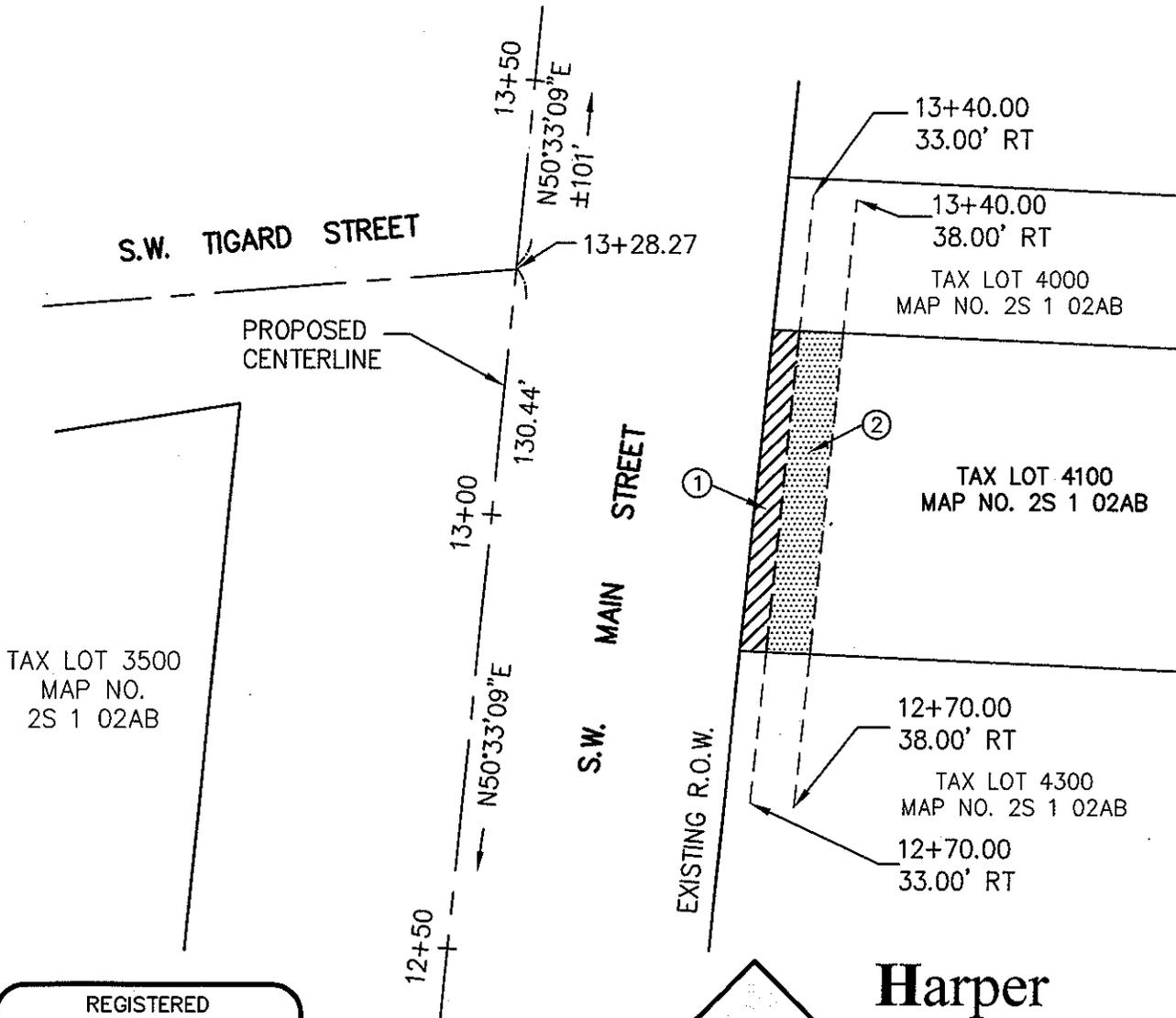
① PERMANENT R.O.W. EASEMENT
 FOR ROAD PURPOSES
 ± 111 SQ.FT.



② TEMPORARY CONSTRUCTION EASEMENT
 FOR ROAD PURPOSES
 ± 163 SQ.FT. NET AREA
 (EXCLUDES ANY AREA WITHIN EXISTING BUILDING)



SCALE
 1" = 20'



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 15, 2008
 JOHN T. CAMPBELL
 60070 LS

EXP. 12-31-13



**Harper
 Houf Peterson
 Righellis Inc.**

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**Harper
Houf Peterson
Righellis Inc.**

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EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard) State No. FAP 7365(009), Key No. 15600
December 7, 2011 Map & Tax Lot No. 2S 1 02AB-4000
OWNER: Bruce R. Cauthorn and Gregory J. Sommers Property No. 26
Page 1 of 3

PARCEL 1 – DEDICATION OF RIGHT-OF-WAY

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Statutory Warranty Deed to Bruce R. Cauthorn and Gregory J. Sommers, recorded June 15, 2000 as Document 2000047266, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the following described proposed centerline of S.W. Main Street.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13" East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North 36°35'10" East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of 22°59'19";

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North 48°04'50" East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 59°34'29" East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North 59°34'29" East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North 59°34'29" East, 42.66 feet to an angle point at station 10+45.62;

Thence North 55°18'33" East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of 02°22'38";

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North 54°07'14" East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of 02°22'47" (the long chord of which bears North 51°44'32" East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 50°33'09" East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North 50°33'09" East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South 61°56'29" West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

The width of said strip with reference to the above described centerline is as follows:

Station	to	Station	Width on Southeasterly side of Centerline
13+10		13+50	33.00 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street.



The parcel of land to which this description applies contains 53 square feet more or less.

PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Statutory Warranty Deed to Bruce R. Cauthorn and Gregory J. Sommers, recorded June 15, 2000 as Document 2000047266, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the aforementioned described proposed centerline of S.W. Main Street.

Station	to	Station	Width on Southeasterly side of Centerline
13+10		13+50	38.00 feet

EXCEPTING therefrom that portion of said property lying within the existing right of way of S.W. Main Street and the aforementioned Parcel 1 and any portion thereof lying within existing building structures.

The Parcel of land to which this description applies contains 32 square feet more or less.

See attached Exhibit "B" hereby incorporated by reference.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John T. Campbell

OREGON
JULY 15, 2003
JOHN T. CAMPBELL
60070 LS

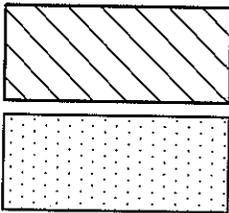
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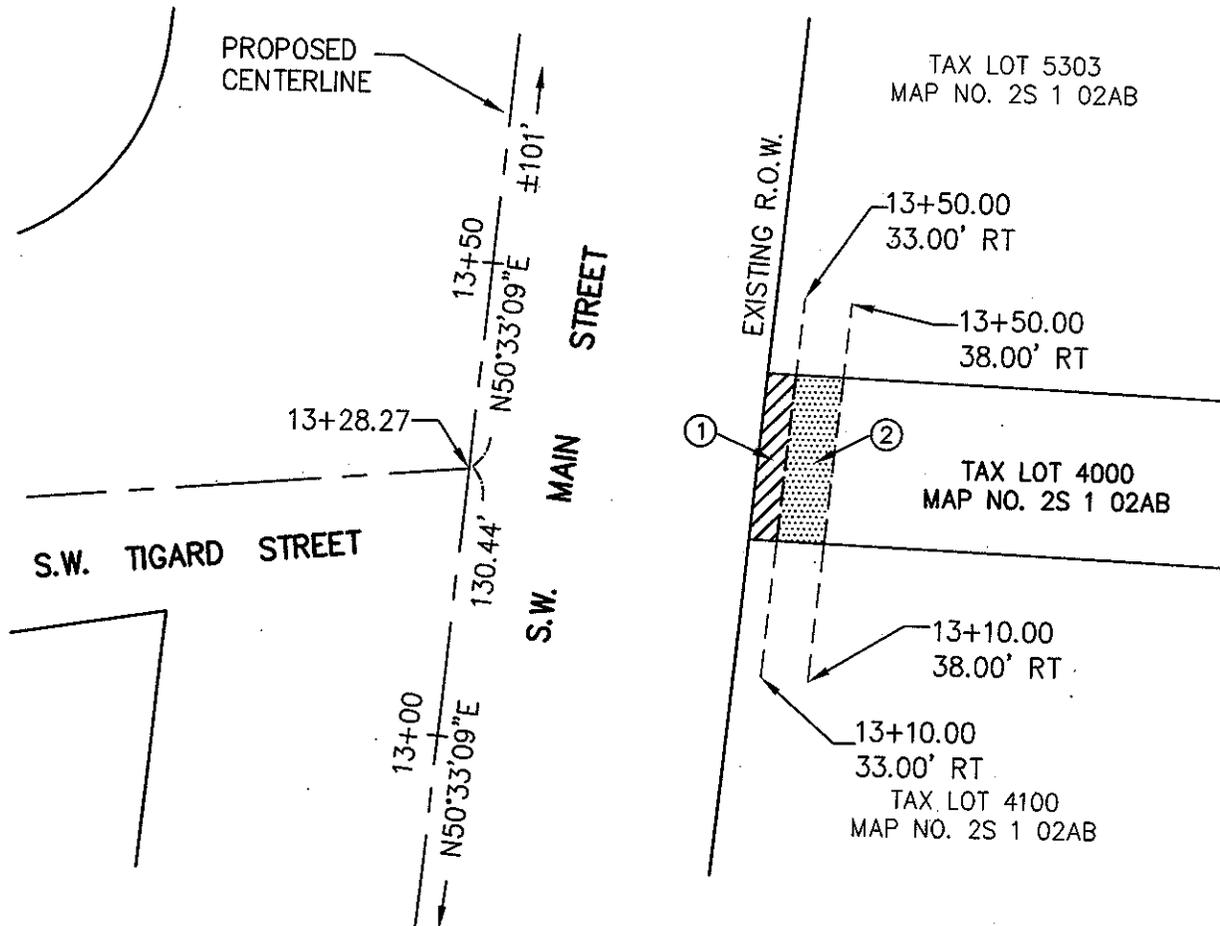
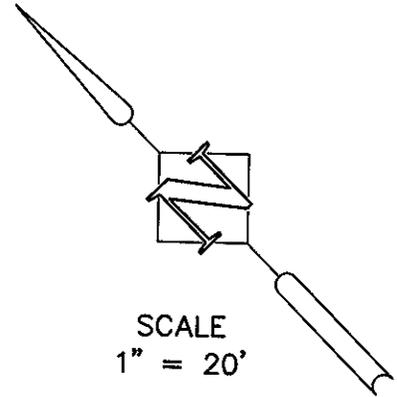
EXHIBIT "B"

PAGE 1 OF 1
 DECEMBER 7, 2011
 PROPERTY NO. 26

LEGEND



- ① PERMANENT R.O.W. EASEMENT FOR ROAD PURPOSES ± 53 SQ.FT.
- ② TEMPORARY CONSTRUCTION EASEMENT FOR ROAD PURPOSES ± 32 SQ.FT. NET AREA (EXCLUDES ANY AREA WITHIN EXISTING BUILDING)



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 PROFESSIONAL
 LAND SURVEYOR

John T. Campbell

OREGON
 JULY 15, 2003
 JOHN T. CAMPBELL
 60070 LS

EXP. 12-31-13



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EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard) State No. FAP 7365(009), Key No. 15600
December 7, 2011 Map & Tax Lot No. 2S 1 02AB-3900
OWNER: Nicolas Capistrano III Revocable Living Trust Property No. 27
Page 1 of 3

PARCEL 1 – DEDICATION OF RIGHT-OF-WAY

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Warranty Deed to Nicolas Capistrano III, as Trustee of the Nicolas Capistrano Revocable Living Trust U/T/A, recorded January 24, 2003 as Document 2003-010927, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the following described proposed centerline of S.W. Main Street.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13" East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North 36°35'10" East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of 22°59'19";

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North 48°04'50" East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 59°34'29" East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North 59°34'29" East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North 59°34'29" East, 42.66 feet to an angle point at station 10+45.62;

Thence North 55°18'33" East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of 02°22'38";

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North 54°07'14" East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of 02°22'47" (the long chord of which bears North 51°44'32" East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 50°33'09" East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North 50°33'09" East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South 61°56'29" West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

The width of said strip with reference to the above described centerline is as follows:

Station	to	Station	Width on Southeasterly side of Centerline
13+30		14+05	33.00 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street.



The parcel of land to which this description applies contains 161 square feet more or less.

PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Warranty Deed to Nicolas Capistrano III, as Trustee of the Nicolas Capistrano Revocable Living Trust U/T/A, recorded January 24, 2003 as Document 2003-010927, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the aforementioned described proposed centerline of S.W. Main Street.

Station	to	Station	Width on Southeasterly side of Centerline
13+30		14+05	38.00 feet

EXCEPTING therefrom that portion of said property lying within the existing right of way of S.W. Main Street and the aforementioned Parcel 1 and any portion thereof lying within existing building structures.

The Parcel of land to which this description applies contains 268 square feet more or less.

See attached Exhibit "B" hereby incorporated by reference.

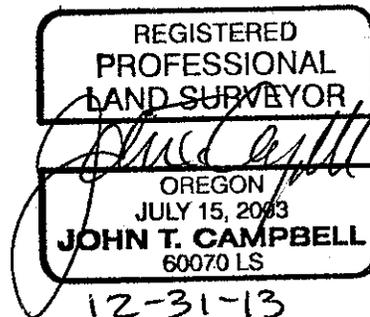


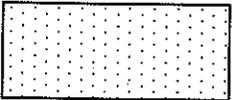
EXHIBIT "B"

PAGE 1 OF 1
 DECEMBER 7, 2011
 PROPERTY NO. 27

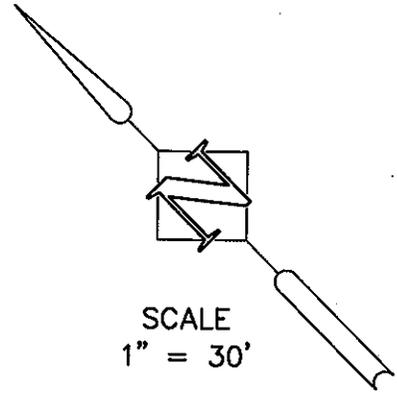
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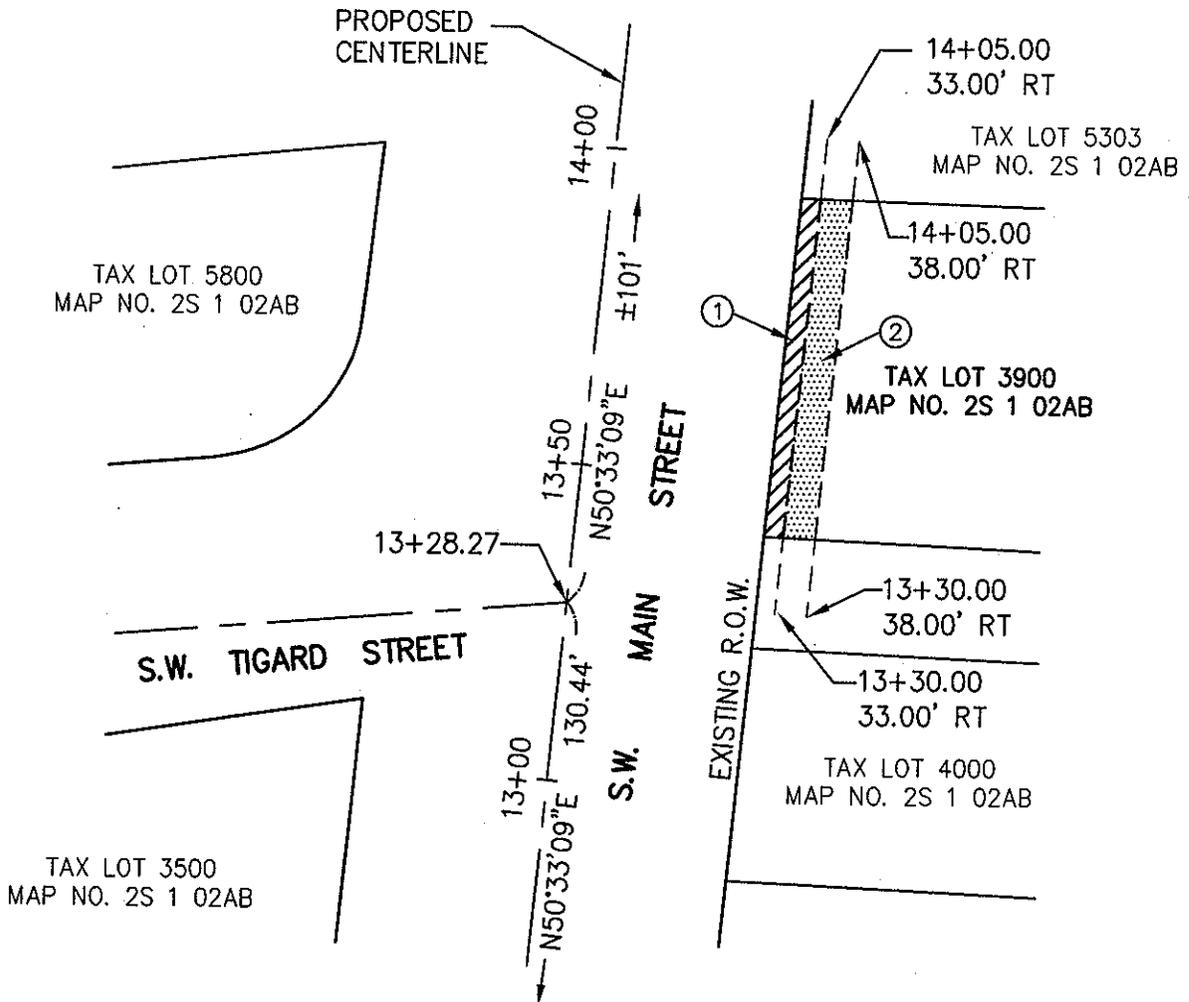
① PERMANENT R.O.W. EASEMENT
 FOR ROAD PURPOSES
 ± 161 SQ.FT.



② TEMPORARY CONSTRUCTION EASEMENT
 FOR ROAD PURPOSES
 ± 268 SQ.FT. NET AREA
 (EXCLUDES ANY AREA WITHIN EXISTING BUILDING)



SCALE
 1" = 30'



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John T. Campbell
 OREGON
 JULY 15, 2003
 JOHN T. CAMPBELL
 60070 LS

EXP. 12-31-13



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EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard)
December 7, 2011
OWNER: The Tigard Area Chamber of Commerce
Page 1 of 3

State No. FAP 7365(009), Key No. 15600
Map & Tax Lot No. 2S 1 02AB-5800
Property No. 28

PARCEL 1 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Bargain and Sale Deed to The Tigard Area Chamber of Commerce, recorded May 28, 1996 as Document 96047222, Washington County Records, said parcel being that portion of said property lying Southerly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property:

Station	to	Station	Offset on Northwesterly side of Centerline
13+35		13+48.99	60.59 feet in a straight line to 63.09 feet
13+48.99		13+49.78	63.09 feet in a straight line to 58.64 feet
13+49.78		13+50.29	58.64 feet in a straight line to 56.67 feet
13+50.29		13+69.32	56.67 feet (along arc with a 20.00 foot radius curve left, having a central angle of 74°41'00", long chord bears North 88°52'21" East, 24.26 feet and arc length of 26.07 feet) to 41.62 feet
13+69.32		13+74.02	41.62 feet in a straight line to 41.54 feet
13+74.02		13+73.48	41.54 feet in a straight line to 25.00 feet

EXCEPTING therefrom that portion lying within the existing right-of-ways of S.W. Main Street and S.W Tigard Street and any portion thereof lying within existing building structures.

The parcel of land to which this description applies contains 191 square feet more or less.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071; bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045

SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South $60^{\circ}04'13''$ East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of $83^{\circ}20'36''$;

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North $78^{\circ}15'28''$ East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North $36^{\circ}35'10''$ East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of $22^{\circ}59'19''$;

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North $48^{\circ}04'50''$ East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North $59^{\circ}34'29''$ East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North $59^{\circ}34'29''$ East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North $59^{\circ}34'29''$ East, 42.66 feet to an angle point at station 10+45.62;

Thence North $55^{\circ}18'33''$ East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of $02^{\circ}22'38''$;

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North $54^{\circ}07'14''$ East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of $02^{\circ}22'47''$ (the long chord of which bears North $51^{\circ}44'32''$ East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North $50^{\circ}33'09''$ East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;



Thence continuing along said line North 50°33'09" East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South 61°56'29" West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

See attached Exhibit "B" hereby incorporated by reference.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John T. Campbell

OREGON
JULY 15, 2003
JOHN T. CAMPBELL
60070 LS

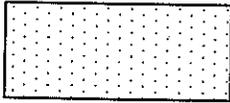
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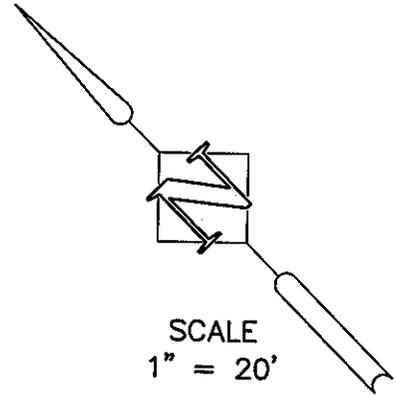
EXHIBIT "B"

PAGE 1 OF 1
 DECEMBER 7, 2011
 PROPERTY NO. 28

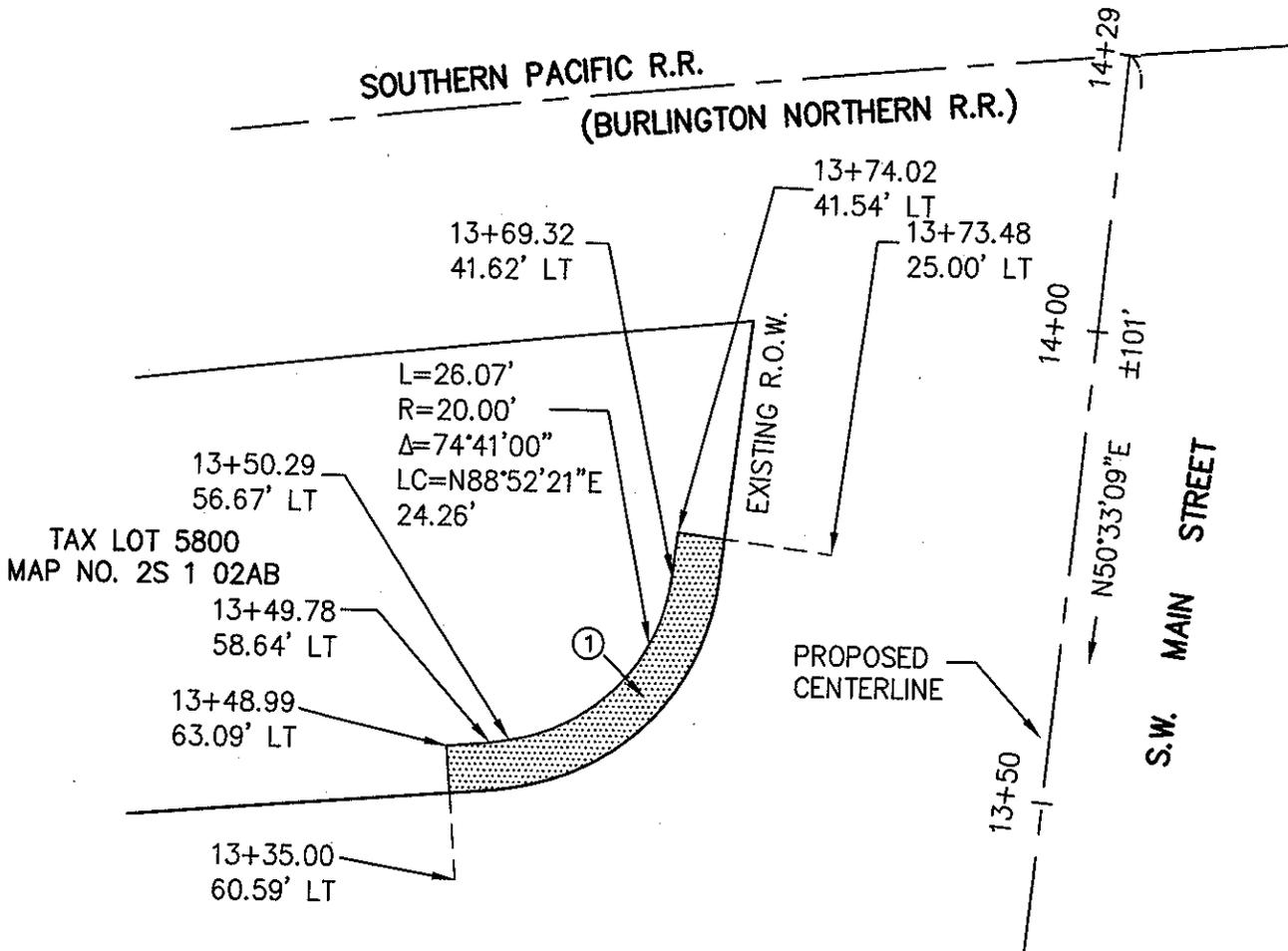
LEGEND



① TEMPORARY CONSTRUCTION EASEMENT
 FOR ROAD PURPOSES
 ± 191 SQ.FT. NET AREA
 (EXCLUDES ANY AREA WITHIN EXISTING BUILDING)



SCALE
 1" = 20'



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

John T. Campbell

OREGON
 JULY 15, 2003
 JOHN T. CAMPBELL
 60070 LS

EXP. 12-31-13



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EXHIBIT "A"

Main St.: OR99W – Rail Corridor (Tigard) State No. FAP 7365(009), Key No. 15600
December 7, 2011 Map & Tax Lot No. 2S 1 02AB-5303
OWNER: Tri-County Metropolitan Transportation District of Oregon, Property No. 29
Page 1 of 3

PARCEL 1 – DEDICATION OF RIGHT-OF-WAY

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Warranty Deed to Tri-County Metropolitan Transportation District of Oregon, recorded October 23, 2007 as Document 2007-112442, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the following described proposed centerline of S.W. Main Street.

The location and stationing of the Proposed Centerline of S.W. Main Street is more particularly described as follows:

Beginning at the centerline intersection of S.W. Pacific Highway, State Highway 99 West, and S.W. Main Street, being station 0+00, from which a 2-1/2" Brass Disk set in concrete, designated as Geodetic Control Station CG 022-071, bears South 62°36'24" West, 2440.19 feet. Said point is located north of the intersection of SW Grant Street and SW Grant Court and lies in the northeast curb of SW Grant Court, between 13045 SW Grant Street and 10395 SW Grant Court, in Section 2, Township 2 South, Range 1 West, W.M., City of Tigard, Washington County, Oregon.

Thence South 60°04'13" East, along the proposed centerline of S.W. Main Street, 40.14 feet to station 0+40.14, and the beginning of 127.50 radius curve to the left, having a central angle of 83°20'36";

Thence continuing along said proposed centerline and along the arc of said curve to the left (the long chord of which bears North 78°15'28" East, 169.54 feet) 185.46 feet to station 2+25.61;

Thence North 36°35'10" East, along the proposed centerline of S.W. Main Street, 3.75 feet to station 2+29.35 and the beginning of a 110.00 foot radius curve to the right, having a central angle of 22°59'19";

Thence continuing along said proposed centerline and the arc of said curve to the right (the long chord of which bears North 48°04'50" East, 43.84 feet) 44.14 feet to station 2+73.49;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 59°34'29" East, 645.35 feet to the intersection with the centerline of S.W. Burnham Street at station 9+18.84;

Thence continuing along said line North 59°34'29" East, 84.13 feet to the intersection with the centerline of S.W. Burnham Street at station 10+02.97;

Thence continuing along said line, North 59°34'29" East, 42.66 feet to an angle point at station 10+45.62;

Thence North 55°18'33" East, along said proposed centerline of S.W. Main Street, 85.79 feet to station 11+31.41 and the beginning of a 800.00 foot radius curve to the left, having a central angle of 02°22'38";

Thence continuing along said proposed centerline and the arc of said curve to the left (the long chord of which bears North 54°07'14" East, 33.19 feet) 33.19 feet to the intersection with the centerline of S.W. Electric Street at station 11+64.60;

Thence continuing along said 800.00 foot radius curve to the left, having a central angle of 02°22'47" (the long chord of which bears North 51°44'32" East, 33.22 feet) 33.23 feet to station 11+97.83;

Thence leaving said curve and continuing along the proposed centerline of S.W. Main Street North 50°33'09" East, 130.44 feet to the intersection with the centerline S.W. Tigard Street at Station 13+28.27;

Thence continuing along said line North 50°33'09" East, 101 feet, more or less to the centerline of Burlington Northern Railroad, per Partition Plat No. 1996-026 at approximate station 14+29, and the terminus of said herein described proposed centerline, from which, said Geodetic Control Station GC 022-071 bears South 61°56'29" West, 3819.13 feet.

The **Basis of Bearings** for this description is the state plane bearing between the published coordinates of Geodetic Control Stations GC 022-071 and GC 022-065, Washington County Survey Records, as North 42°03'27" East. Published coordinates of said GC 022-071 were held with an overall project combined scale factor of 1.000099592 to match ground measurements.

The width of said strip with reference to the above described centerline is as follows:

Station	to	Station	Width on Southeasterly side of Centerline
13+80		14+25	33.00 feet

EXCEPTING therefrom that portion lying within the existing right-of-way of S.W. Main Street.



The parcel of land to which this description applies contains 48 square feet more or less.

PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 2, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being a portion of that tract of land as described by Warranty Deed to Tri-County Metropolitan Transportation District of Oregon, recorded October 23, 2007 as Document 2007-112442, Washington County Records, said parcel being that portion of said property included in a strip of land lying southeasterly of the aforementioned described proposed centerline of S.W. Main Street.

Station	to	Station	Width on Southeasterly side of Centerline
13+80		14+25	38.00 feet

EXCEPTING therefrom that portion of said property lying within the existing right of way of S.W. Main Street and the aforementioned Parcel 1.

The Parcel of land to which this description applies contains 83 square feet more or less.

See attached Exhibit "B" hereby incorporated by reference.

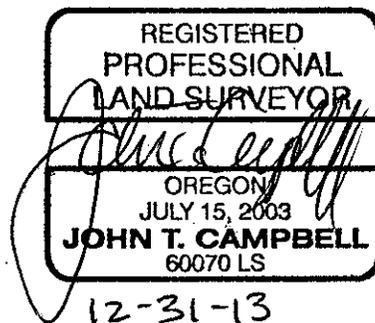
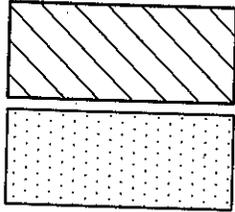


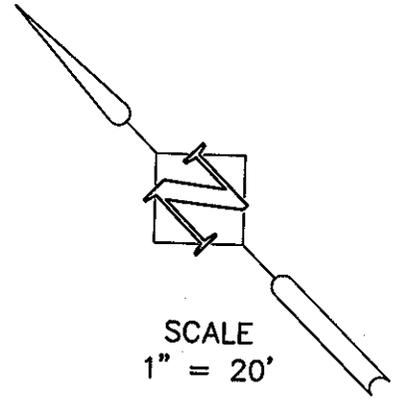
EXHIBIT "B"

PAGE 1 OF 1
 DECEMBER 7, 2011
 PROPERTY NO. 29

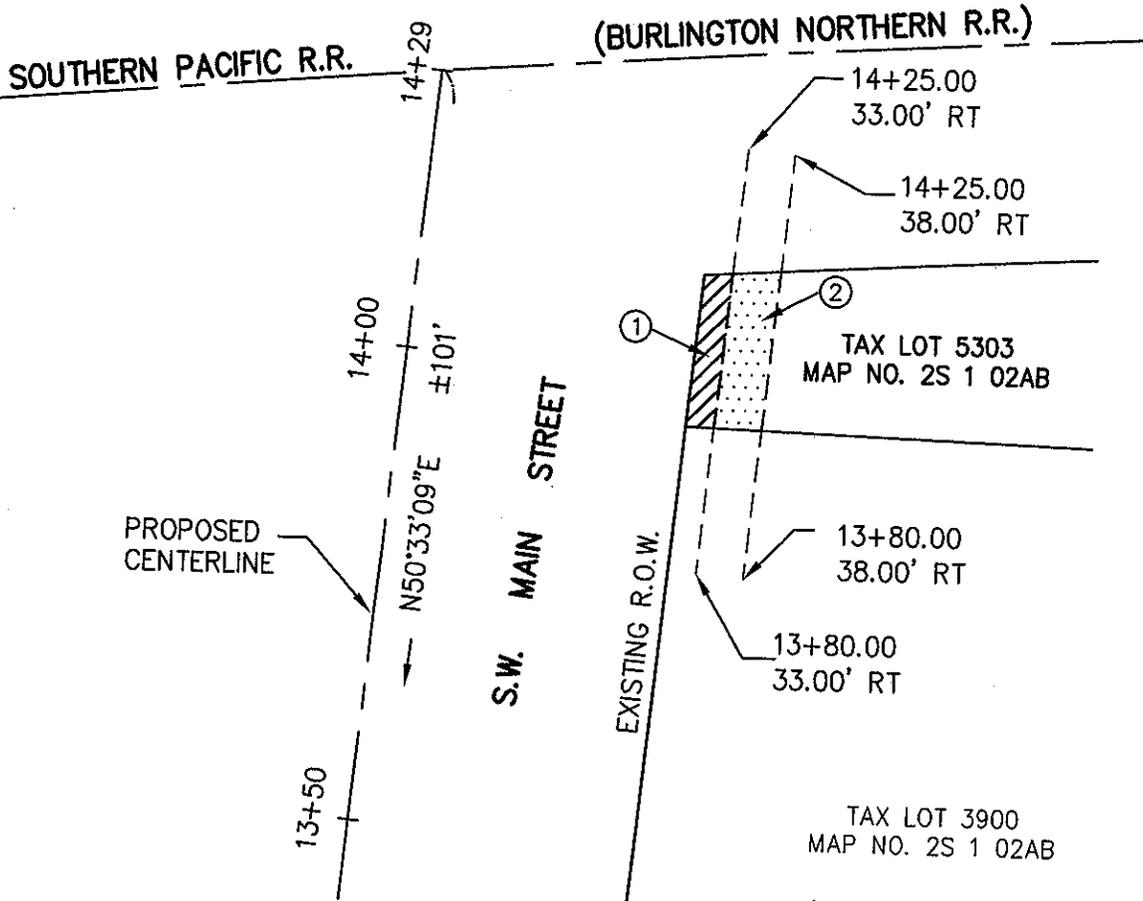
LEGEND



- ① PERMANENT R.O.W. EASEMENT FOR ROAD PURPOSES ± 48 SQ.FT.
- ② TEMPORARY CONSTRUCTION EASEMENT FOR ROAD PURPOSES ± 83 SQ.FT.



SCALE
 1" = 20'



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 15, 2003
 JOHN T. CAMPBELL
 60070 LS

EXP. 12-31-13



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AIS-746

Item #: 6.

Business Meeting

Date: 01/24/2012

Length (in minutes): 15 Minutes

Agenda Title: Consider Approval of the City of West Linn's Membership in the Metropolitan Area Communications Commission (MACC) - Resolution

Prepared For: Councilor Woodard

Submitted By:

Louis Sears
Financial and
Information
Services

Item Type: Resolution

Meeting Type:

Council Business
Meeting - Main

ISSUE

Should the City Council approve the resolution approving the addition of the City of West Linn, Oregon as a new member of the Metropolitan Area Communications Commission (MACC)?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends that the City Council approves the resolution allowing the addition of the City of West Linn as a new member of the MACC.

KEY FACTS AND INFORMATION SUMMARY

MACC is composed of 14 local jurisdictions, Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard, Tualatin, and Washington County. All 14 jurisdictions must approve the resolution authorizing the addition of the City of West Linn to join MACC for the City of West Linn to join MACC. The MACC Board of Commissioners unanimously recommended on November 16th, 2011 that current MACC jurisdictions approve the addition of the City of West Linn to MACC.

If all 14 MACC jurisdictions approve the City of West Linn as the 15th member of MACC, future items that require unanimous MACC member approval will require all 15 members to approve.

MACC's bargaining power may increase as West Linn will add approximately 6,000 additional subscribers.

OTHER ALTERNATIVES

City Council could choose not to adopt the the resolution approving the addition of the City of West Linn as a new member of MACC. If the City Council, or any MACC member, chooses not to approve the resolution, the City of West Linn would not become a member of MACC.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Fiscal Impact

Cost: 0
Budgeted (yes or no): Yes

Where Budgeted (department/program): Administration

Additional Fiscal Notes:

There should be no fiscal impact to the City or other MACC jurisdictions. MACC does not anticipate any additional staff needed with the addition to MACC of the City of West Linn. If there is a fiscal impact the fiscal impact should be slightly positive to current MACC jurisdictions as MACC administrative costs will be distributed across one more MACC member.

Attachments

MACC Staff Report, IGA and Q&A

Proposed Resolution



METROPOLITAN AREA COMMUNICATIONS COMMISSION

REPRESENTING: BANKS, BEAVERTON, CORNELIUS, DURHAM, FOREST GROVE, GASTON, HILLSBORO, KING CITY, LAKE OSWEGO, MILWAUKIE, NORTH PLAINS, RIVERGROVE, TIGARD, TUALATIN, AND WASHINGTON COUNTY
Cable TV Franchise Regulation • Telecommunications Advice and Support • Public Communications Network (PCN) • Tualatin Valley Community TV

MACC STAFF REPORT

Add the City of West Linn as a New Member to MACC

Prepared by the staff of the Metropolitan Area Communications Commission
December 2011

MACC RECOMMENDS ADDING THE CITY of WEST LINN AS A NEW MEMBER of MACC

At their November 16th meeting, the Board of Commissioners (Commission) of the Metropolitan Area Communications Commission (MACC) unanimously recommended that your jurisdiction, along with the other 13 MACC members, approve the addition of the City of West Linn to the MACC membership.

MACC Intergovernmental Agreement and the Role of Your Jurisdiction – Your City is a member of the MACC Intergovernmental Agreement (IGA). The IGA requires that every member jurisdiction approve the addition of any new member. While the MACC Commission has the responsibility for reviewing new member jurisdictions and *recommending action* by the existing membership, each current MACC member jurisdictions must accept West Linn in order for it to become a member – if any one of the affected jurisdictions votes no, it vetoes the approval.

Jurisdiction action is typically accomplished through a resolution. A draft resolution is attached (see Attachment A – Draft Approval Resolution). MACC staff will be present at the Council meeting to answer any questions you have, and we welcome questions in advance.

Background – With the upcoming renewal of the MACC/Comcast cable franchise (by February 1, 2014), this is the appropriate time to determine whether new members are appropriate. The MACC Commission extended an invitation to nearby communities in the Spring of 2011 and the City of West Linn expressed interest in MACC membership.

On November 16, the MACC Commission considered the criteria set out in the IGA and determined that West Linn would be a positive addition to MACC. A Resolution (see Attachment B - MACC Recommending Resolution) recommending that current member jurisdictions approve of West Linn's membership was unanimously passed by the Commission.

Benefits to Existing Members of Adding West Linn

- A small drop in MACC operating costs. Each member pays for MACC services based on its percentage of franchise fees generated by member jurisdictions' cable television subscribers. Therefore, since MACC's costs are relatively fixed, additional members will result in lower cost for all members.
- Greater clout resulting from an additional 6,000 cable subscribers when negotiating a new franchise with Comcast.
- Additional contributions to MACC's PEG/PCN Grant Fund. At the time a new franchise is negotiated with Comcast, West Linn would contribute its proportionate share to the Grant Fund.

Interim IGAs until Comcast Renewal. In order to be part of the Comcast renewal process, the addition of West Linn must be approved no later than March 2012. This will allow their full participation in the franchise renewal process, including the significant franchise needs assessment work.

However, West Linn will remain under its current, separate Comcast franchise until MACC's renewal is completed (through 2013). A transition period is needed to accommodate this gap. The individual IGA West Linn has already adopted (see attached Resolution - Attachment C) provides for this interim period.

Significant provisions of the IGA include:

Franchise Fee Support – West Linn will pay the same proportionate share of franchise fees as current MACC members. West Linn will support MACC operations (18%) and PEG Access – TVCTV (10%) for a total of 28%.

Franchise Administration – Upon approval, MACC will immediately assume the administrative duties of West Linn's Comcast franchise. MACC staff can absorb the issues and demands of the city within its current staffing and budget.

PEG Access Support - The City of West Linn currently contracts with Willamette Falls TV (WFTV) for Public Access services and for their council meeting coverage. The city is expected to end its contractual relationship with WFTV on June 30, 2012 and coverage of West Linn meetings would become TVCTV's responsibility on July 1st. West Linn citizens will be able to use TVCTV Public Access services at our new Beaverton facility. Switching West Linn public meetings from WFTV to TVCTV will require some new equipment, but those costs will not affect current members' fees or grant fund opportunities.

Future Services to the New Members: Following the adoption of a new franchise with Comcast (in 2014), West Linn will enjoy the same benefits as other MACC members, including use of the PCN, access to the MACC PEG/PCN Grant Fund, and all TVCTV services. West Linn will gain a seat at the MACC Commission table and will adopt, with the current MACC members, a new, updated MACC IGA during the renewal process.

Commission Action – the MACC Board of Commissioners unanimously recommends that the MACC jurisdictions approve West Linn’s membership.

If you have questions about this process, the City of West Linn or MACC’s recommendation, please contact your City’s MACC representative. MACC staff: Fred Christ, MACC Policy and Regulatory Affairs Manager is available at 503-645-7365 x206, or via email: fchrist@maccor.org.

Enclosed Attachments: A – Draft Approval Resolution
B – MACC Recommending Resolution (11/16/11)
C – Pending MACC/West Linn IGA
D – Questions and Answers Regarding MACC
Membership

Attachment A

[City/County of _____, Oregon]

RESOLUTION No. _____

**A RESOLUTION APPROVING THE ADDITION OF THE CITY OF WEST LINN,
OREGON AS A NEW MEMBER OF THE METROPOLITAN AREA
COMMUNICATIONS COMMISSION**

WHEREAS, the Metropolitan Area Communications Commission, (hereinafter "MACC"), is an intergovernmental commission formed under ORS Chapter 190, with the membership of Washington County and the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard and Tualatin ("Current Members"); and

WHEREAS, the Current Members are bound by an Intergovernmental Agreement ("IGA"), adopted by each jurisdiction and effective February 13, 2003; and

WHEREAS, the IGA contains provisions permitting the addition of MACC members; and

WHEREAS, those provisions require the unanimous approval of all Current Members of a new MACC member, following a recommendation by the MACC Board of Commissioners; and

WHEREAS, the City of West Linn has expressed interest, by letter and resolution, in joining MACC; and

WHEREAS, MACC has determined that the addition of the City of West Linn will not impair MACC's services to the Current Members, nor will it result in any loss of franchise fee revenue to the Current Members; and

WHEREAS, on November 16, 2011, the MACC Board of Commissioners considered the criteria set forth in Section 6.B of the IGA and unanimously recommended that the Current Members approve the addition of the City of West Linn to MACC.

Now, therefore,

BE IT RESOLVED BY THE [CITY COUNCIL/BOARD OF COMMISSIONERS]:

Section 1. The [City Council/Board of Commissioners] hereby approves the addition of the City of West Linn as a new member of the Metropolitan Area Communications Commission.

Section 2. Effective Date.

This Resolution shall be effective upon its adoption by the [City Council/Board of Commissioners] and signature by the [Mayor/Chair].

Attachment B

Amended November 17, 2011

METROPOLITAN AREA COMMUNICATIONS COMMISSION

RESOLUTION 2011- 06

A RESOLUTION RECOMMENDING APPROVAL BY THE MACC MEMBER JURISDICTIONS OF THE ADDITION OF THE CITIES OF HAPPY VALLEY and WEST LINN AS MEMBERS OF MACC and AUTHORIZING THE ADMINISTRATOR TO EXECUTE INTERGOVERNMENTAL AGREEMENTS WITH THE CITIES OF HAPPY VALLEY and WEST LINN

WHEREAS, MACC is organized by intergovernmental agreement originally entered into in April 1980, most recently amended as of February 13, 2003 (the "MACC IGA") with Washington County and the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard and Tualatin as participating signatories (together, the "MACC Jurisdictions"); and

WHEREAS, the MACC IGA permits the addition of new members by unanimous consent of the MACC Jurisdictions; and

WHEREAS, the cities of Happy Valley and West Linn ("Prospective Members") have requested membership in MACC; and

WHEREAS, the Commission has considered the criteria set forth in Section 6.B of the MACC IGA and recommends that the Prospective Members become members of MACC; and

WHEREAS, the Prospective Members' current cable franchise agreements are materially different from the MACC Jurisdictions' current cable franchises, which differences require a separate intergovernmental agreement between the parties until the Prospective Members' franchises are renewed on the same terms as the MACC Jurisdictions' franchises, at which time the parties intend to amend the MACC IGA to include the Prospective Members' and

WHEREAS, the Commission approves the terms of the separate intergovernmental agreements between MACC and the cities of Happy Valley and West Linn, subject to unanimous approval of the MACC Jurisdictions.

THEREFORE BE IT RESOLVED by the METROPOLITAN AREA COMMUNICATIONS COMMISSION:

Section 1. Recommendation to Member Jurisdictions.

The Commission hereby recommends that each of the MACC Jurisdictions consent to the addition of the cities of Happy Valley and West Linn as members of the Metropolitan Area Communications Commission, with all benefits and responsibilities set forth in the MACC IGA and the applicable Intergovernmental Agreement attached hereto as Exhibits A and B.

Section 2. Authorization to Sign IGA with the City of Happy Valley.

The MACC Administrator is authorized to sign an Intergovernmental Agreement with the City of Happy Valley substantially in the form attached hereto as Exhibit A, provided that the City

adopts the IGA no later than December 16, 2011, and after the MACC Administrator has received unanimous consent from the governing body of each MACC Jurisdiction for the addition of the City of Happy Valley as a MACC member.

Section 3. Authorization to Sign IGA with the City of West Linn.

The MACC Administrator is authorized to sign an Intergovernmental Agreement with the City of West Linn as adopted by the City on November 14, 2011 and attached hereto as Exhibit B, after the MACC Administrator has received unanimous consent from the governing body of each MACC Jurisdiction for the addition of the City of West Linn as a MACC member.

Section 4. Effective Date.

This Resolution shall be effective upon its adoption by the Commission and signature by the MACC Chair.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE METROPOLITAN AREA COMMUNICATIONS COMMISSION THIS 16TH DAY OF NOVEMBER, 2011.



Chris Barhyte, MACC Chair

INTERGOVERNMENTAL AGREEMENT

Between

CITY OF WEST LINN, OREGON

and the

METROPOLITAN AREA COMMUNICATIONS COMMISSION

This Agreement is made and entered into by the City of West Linn, a municipal corporation of the State of Oregon (hereafter the "City") and the Metropolitan Area Communications Commission (hereafter "MACC") an intergovernmental commission established in accord with ORS Chapter 190.

RECITALS

WHEREAS, MACC is organized by intergovernmental agreement originally entered into in April 1980, most recently amended as of February 13, 2003 (the "MACC IGA") with Washington County and the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard and Tualatin as participating signatories (together, the "MACC Jurisdictions"); and

WHEREAS, the MACC IGA permits the addition of new members by unanimous consent of the Member Jurisdictions; and

WHEREAS, the City desires to become a member of MACC; and

WHEREAS, the City's current cable franchise agreement is materially different from the MACC Jurisdictions' current cable franchises, which differences require a separate agreement between the parties until the City's franchise is renewed on the same terms as the MACC Jurisdictions' franchises, at which time the parties intend to amend the MACC IGA to include the City.

NOW, THEREFORE, in consideration of the mutual promises, agreements, and covenants contained herein, the City and MACC agree as follows:

ARTICLE 1 - PURPOSE OF AGREEMENT

The purpose of this Agreement is to add the City as a new member of MACC, with all benefits and obligations of membership as set forth in the MACC IGA, including but not limited to negotiation, administration and regulation of the City's cable franchise agreement(s).

ARTICLE 2 – TERMS AND CONDITIONS

2.1 General Terms. Except as expressly set forth herein, the City and MACC agree to be bound by the terms and conditions of the MACC IGA, which by this reference is incorporated herein in its entirety with the exception of Exhibit A thereto as amended by Resolution 2005-04, which sets forth the allocation of franchise fee revenues for MACC administration and support for Public, Educational and

Government (“PEG”) Access. In lieu of the obligations of the Member Jurisdictions set forth in Exhibit A of the MACC IGA, the City agrees to allocate twenty eight percent (28%) of its franchise fees for both MACC administration and support for PEG Access (the “Franchise Fee Allocation”). The City and MACC agree that this amount approximates the contribution made by Member Jurisdictions as set forth in Exhibit A of the MACC IGA. The City will direct the cable operator(s) to remit all franchise fees to MACC, which may retain twenty eight percent (28%) of the franchise fees and shall, within 30 days from the due date of the cable operator(s)’ payment, forward the remainder to the City.

2.2 Additional City Obligations. The parties acknowledge that the basic costs associated with the connection between City facilities, the cable system and MACC shall be included as part of the Franchise Fee Allocation. To the extent such costs exceed \$35,000, the City agrees to pay any and all additional costs associated with restructuring physical telecommunications equipment (e.g., Comcast and MACC equipment costs), and any necessary fiber connections between City facilities and the cable system, to enable the cablecast of PEG programming to and from MACC’s facility and/or the cable operator. Any costs paid by the City pursuant to this Section shall be in addition to the City’s Franchise Fee Allocation.

2.3 MACC Obligations. In addition to the obligations set forth in Section 2.1, MACC agrees to provide the following services as part of the Franchise Fee Allocation (unless otherwise noted):

- a. Staff necessary to produce live coverage of up to a combined total of four City Council meetings and work sessions per month at no cost to the City, provided that the meetings are held at facilities with cameras and other necessary equipment. MACC agrees to produce additional meetings beyond that required in the previous sentence at a cost of \$35.00 per hour, provided that MACC receives sufficient advance notice and a trained staff person is available. If two staff persons are required, the hourly rate will be \$55.00.
- b. Video productions highlighting events or aspects of the jurisdiction, referred to as “deliverables,” on the same proportionate basis (according to franchise fees derived from customers within the jurisdiction) as other MACC Jurisdictions. For FY 2012, MACC will provide up to one (1) deliverable to the City.
- c. As part of the transition, MACC will work with the City to assist in identifying a possible local studio alternative to TVCTV in Beaverton, and/or a local distribution option for equipment borrowing by City residents.

ARTICLE 3 - TERM OF AGREEMENT

3.1 Effective Date. This Agreement shall take effect only after an affirmative recommendation from the MACC Commission and the unanimous consent of all Member Jurisdictions as required by Sections 4.D(2) and 6.B of the MACC IGA. This Agreement shall take effect on the date of last signature below, provided that the requirements in the preceding sentence have been met.

3.2 Term and Termination. Consistent with Section 6 of the MACC IGA, this agreement is perpetual and shall remain in effect until (i) the MACC IGA is terminated as provided therein; (ii) the City withdraws from MACC as provided in Sections 4.D and 6.D of the MACC IGA; or (iii) the MACC IGA is amended to include the City as a party thereto and such amendment is duly executed by the City.

ARTICLE 4 - AMENDMENTS

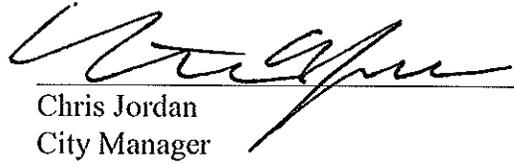
This Agreement may be amended only as permitted in Section 7.D of the MACC IGA.

The City and MACC hereby agree to all provisions of this Agreement and the MACC IGA as incorporated by reference into this Agreement. Each person signing below represents that he/she is duly authorized to execute this Agreement on behalf of the affected party.

FOR the Metropolitan Area Communications
Commission

FOR the City of West Linn, Oregon

Bruce Crest, Administrator
MACC


Chris Jordan
City Manager

Date

Nov. 15, 2011
Date

MACC MEMBERSHIP for WEST LINN

Questions and Answers

Q: Will the addition of West Linn increase my jurisdiction's costs?

A: No. There will be no greater (and probably marginally less) cost to current MACC members if West Linn joins.

Q: Will the addition of West Linn decrease services to my jurisdiction?

A: No. Services to West Linn will be funded by West Linn at the same rate that MACC members pay.

Q: What are the benefits to my jurisdiction if West Linn is added to MACC?

A:

- 1) The cost to any individual member will probably go down by a small margin.
- 2) The bargaining power of MACC will increase a bit due to the addition of approximately 6,000 additional subscribers to the MACC base.
- 3) Some economies of scale are added at MACC by adding a jurisdiction that borders existing jurisdictions.

Q: What is the downside of adding West Linn?

A: There is no downside that we can think of.

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 12-**

A RESOLUTION APPROVING THE ADDITION OF THE CITY OF WEST LINN, OREGON AS A NEW MEMBER OF THE METROPOLITAN AREA COMMUNICATIONS COMMISSION

WHEREAS, the Metropolitan Area Communications Commission, (hereinafter “MACC”), is an intergovernmental commission formed under ORS Chapter 190, with the membership of Washington County and the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard and Tualatin (“Current Members”); and

WHEREAS, the Current Members are bound by an Intergovernmental Agreement (“IGA”), adopted by each jurisdiction and effective February 13, 2003; and

WHEREAS, the IGA contains provisions permitting the addition of MACC members; and

WHEREAS, those provisions require the unanimous approval of all Current Members of a new MACC member, following a recommendation by the MACC Board of Commissioners; and

WHEREAS, the City of West Linn has expressed interest, by letter and resolution, in joining MACC; and

WHEREAS, MACC has determined that the addition of the City of West Linn will not impair MACC’s services to the Current Members, nor will it result in any loss of franchise fee revenue to the Current Members; and

WHEREAS, on November 16, 2011, the MACC Board of Commissioners considered the criteria set forth in Section 6.B of the IGA and unanimously recommended that the Current Members approve the addition of the City of West Linn to MACC.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Council hereby approves the addition of the City of West Linn as a new member of the Metropolitan Area Communications Commission.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2012.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

AIS-663

Item #: 7.

Business Meeting

Date: 01/24/2012

Length (in minutes): 30 Minutes

Agenda Title: Continue to Discuss Amendments to Tigard Municipal Code Chapter 1.16 and Consolidation of Nuisance Violations into a New Title 6

Submitted By: Susan Hartnett
Community Development

Item Type: Update, Discussion, Direct Staff

Meeting Type:

Council Business Meeting - Main

ISSUE

Continue discussion of amendments to Tigard Municipal Code (TMC) creating administrative code enforcement options in Chapter 1.16 and consolidation of nuisance violations into a new Title 6. This is the council's third discussion of these amendments. A public hearing to adopt these amendments is scheduled on February 28, 2012.

STAFF RECOMMENDATION / ACTION REQUEST

Receive information, discuss options and direct staff regarding the proposed amendments to Chapter 1.16 and creation of a new Title 6.

KEY FACTS AND INFORMATION SUMMARY

Introduction: In November 2011, Council began review of two packages of amendments to the Tigard Municipal Code (TMC) intended to enhance code enforcement tools and improve usability of the code. These include changes to Chapter 1.16 creating new administrative enforcement options and improving existing judicial remedies, and creation of a new Title 6 incorporating existing nuisance violations into one central location.

During the previous discussions on November 22 and December 13, council raised questions about provisions in the proposed text for Chapter 1.16 and Title 6 and offered a number of suggestions for improving readability of the text. Staff has incorporated many of these suggestions in revised drafts; Attachment 1 contains Chapter 1.16 and Attachment 2 contains Title 6. Changes since the previous drafts have been highlighted in yellow for easy visibility.

Staff plans to address other issues raised by Council in informational memos that will be provided in council newsletter packets on Friday, January 20; Friday, January 27; and Friday, February 10. This will include responses to the council comments or suggested changes regarding:

- Cross-jurisdictional violations
- Updates to other titles beyond cross-reference updates
- Definition of "greenway"
- Protection of water meters
- Noxious vegetation
- Changes to noise provisions
- Sidewalk maintenance
- Out-of-state owners
- Appropriateness of applying certain provisions city-wide
- Scenarios exemplifying enforcement procedures and process
- Example SOPs (Standard Operating Procedures)
- Statistical data on most common violations and their resolution.

A public hearing to consider adoption of this amendments is scheduled for February 28, 2012

Background: Budget reductions in fiscal year 2010-2011 resulted in elimination of the city's only code enforcement officer. It was decided that maintaining a credible code enforcement function required new administrative enforcement tools to provide more cost efficient and effective services. In response, City Council, at its February 15, 2011 meeting, directed staff to prepare the necessary amendments to the TMC. Over the next several months, council and staff developed the following general strategy regarding TMC amendments.

1. Provide for administrative remedies in Chapter 1.16 to augment existing judicial and emergency remedies.
2. Provide for administrative fees, also in Chapter 1.16, and add these to the Master Fees and Charges Schedule.
3. Consolidate nuisance regulations from multiple TMC locations into a new Title 6.
4. Establish the authority to create administrative rules as needed.

Council subsequently directed staff to refine the above into specific TMC amendments for its consideration. The first package of proposed amendments, to Chapter 1.16, was provided for the November 22, 2011 council meeting. The second package, consolidating nuisance violations into a new Title 6, was provided for the December 13, 2011 council meeting.

OTHER ALTERNATIVES

As options to directing staff to prepare for a public hearing in March 2012 council could choose:

- To spend more time reviewing the proposed changes and delay the public hearing.
- Not to proceed with amendments to Chapter 1.16 or creation of new Title 6.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

2011 Council Goal #1. Implement Comprehensive Plan: The Code Compliance Program contributes to many of the Comprehensive Plan's goals and policies related to the community's livability and vitality.

2011 Council Goal #4. Advance Methods of Communication: Consolidating nuisance citations in a single title will improve and simplify communication with the public on code violations. The addition of an administrative enforcement process will provide an alternative, less formal method to seek compliance.

DATES OF PREVIOUS COUNCIL CONSIDERATION

The council has discussed this topic on the following dates:

- July 27, 2010
- February 15, 2011
- August 23, 2011
- September 13, 2011
- November 22, 2011
- December 13, 2011

Attachments

[Attachment 1 - Chapter 1.16](#)

[Attachment 2 - Title 6](#)

Chapter 1.16 CIVIL INFRACTIONS.

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ARTICLE I. GENERAL PROVISIONS

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1.16.020	Establishment and Purpose
1.16.030	Definitions
1.16.040	Use of Language
1.16.050	Reference to State Law
1.16.060	Culpability, Not Exclusive, Remedies Cumulative
1.16.065	Liability
1.16.070	Effect of This Chapter
1.16.080	Severability
1.16.090	Reports of Infractions
1.16.100	Assessment by Code Enforcement Officer
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ARTICLE I. GENERAL PROVISIONS

1.16.010 Title for Provisions

The ordinance codified in this chapter shall be known as the “civil infractions ordinance,” and may also be referred to herein as “this chapter.” (Ord. 86-20 §1(Exhibit A(1)), 1986).

1.16.020 Establishment and Purpose

A. The purpose of this chapter is to establish civil procedures for the enforcement of certain provisions of the Tigard Municipal Code (TMC).

B. The procedures for the judicial enforcement process and the administrative enforcement process established herein are for the purpose of:

1. decriminalizing penalties for infractions of certain civil ordinances and

2. for the purpose of providing

a convenient and practical forum for the hearing and determination of cases arising out of such infractions.

The civil infractions procedures are intended to be used for all violations of the TMC other than certain violations of Title 7 and Title 10.

C. The civil infractions abatement procedures established herein are for the purpose of authorizing the city to proceed to abate such infractions:

1. if it is determined that the infraction presents an immediate danger to the public health, safety or welfare; or

2. if it is determined that the property owner or responsible person is incapable of or unwilling to abate the infraction within a timeline satisfactory to the city.

D. This chapter is adopted pursuant to the home rule powers granted the City of Tigard by Article IV, Section 1 and Article XI, Section 2 of the Oregon Constitution; Oregon Revised

Comment [SL1]: 1.16.010. Existing text.

Comment [SL2]: 1.16.020. Existing text, modified to add administrative processes.

Comment [SL3]: 1.16.020.B. Modified to allow for both judicial and administrative abatement

Comment [a4]: 1.16.020.C.2. Added to provide for administrative abatement.

Statutes 30.315 and Sections 4 and 21 of the Charter of the City of Tigard. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(2)), 1986).

1.16.030 Definitions

For the purposes of this chapter, the following definitions shall apply:

A. **“Abate”** means to restore a property to its condition prior to the infraction, or similar condition that is free of the subject infractions. In the case of graffiti, “abate” means to remove graffiti from the public view.

B. **“City manager”** means the city manager or any other city employee designated by the city manager.

C. **“Civil infraction”** or **“infraction”** means:

1. the failure to comply with a provision of this code other than certain provisions of Title 7 and Title 10 and

2. the process of imposing a civil penalty under this chapter.

References to “uniform infraction” throughout the code other than in certain provisions of Title 7 and Title 10 shall be deemed to be references to “civil infraction.” (Ord. 07-03, Ord. 05-08, Ord. 02-27, Ord. 86-20 §1(Exhibit A(4)), 1986).

D. **“Civil infractions hearings officer”** means the municipal judge or the individual appointed by the municipal judge with the delegated authority to preside over the code enforcement hearings and to perform the related functions as specified by this chapter.

E. **“Costs”** means any expenses incurred and charges associated with any action taken by the city under this chapter including but not limited to the cost to the public of the staff time invested and, regarding items confiscated for violation of Sections 6.03.010 and 6.03.020, all expenses incurred and charges associated with the removal, storage, detention, processing,

disposition and maintenance thereof.

F. **“Code enforcement officer”** means the individual or individuals appointed or designated by the director of community development or the city manager to enforce the provisions of this chapter. For enforcement of Chapters 10.16 through 10.32, Section 6.02.060 and Chapter 7.60, “code enforcement officer” also includes community service officers of the police department

G. **“Finance officer”** means the senior financial officer of the city or the designee of the senior financial officer.

H. **“Letter of Complaint”** means a letter of notification to a responsible party that the city has received a complaint indicating that a violation may exist on the party’s property.

I. **“Notice of Assessment”** means a formal letter or form notifying a respondent or recipient that an administrative fee, administrative costs or costs of abatement have been assessed against them or against property in which they hold an interest.

J. **“Notice of Violation”** means a formal letter or form notifying a responsible party that the city has probable cause to believe that a violation has been found to exist on the party’s property.

K. **“Order to Abate”** means an order to a respondent or responsible party to abate an infraction from the municipal court as provided in Article II, or from the code enforcement officer as provided in Article III.

L. **“Person”** means an individual human being and may also refer to a firm, corporation, unincorporated association, partnership, limited liability company, trust, estate or any other legal entity.

M. **“Premises”** means a parcel of land and any improvements on it.

Comment [a12]: 1.16.030.F. From original 1.16.030

Comment [SL5]: 1.16.030. Modified and expanded with substantial additions for clarity and precision

Comment [a6]: 1.16.030.A. From 7.40.125, Modified to add graffiti.

Comment [a13]: 1.16.030G. New.

Comment [a7]: 1.16.030.B. From 7.40.150 and 7.61.010.

Comment [a14]: 1.16.030.H. New

Comment [a8]: 1.16.030.C. From existing 1.16.030

Comment [a15]: 1.16.030.I. New

Comment [a16]: 1.16.030.J. New

Comment [a17]: 1.16.030.K. New

Comment [a9]: 1.16.030.D. From existing 1.16.030

Comment [a18]: 1.16.030.L. New

Comment [a10]: 1.16.030.E. From 7.61.010, Modified for clarity.

Comment [a19]: 1.16.030.M New definition.

Comment [a11]: 1.16.030.E These sections deal with confiscation of signs and other materials illegally placed or abandoned in the right of way. The text is currently found at 7.61.015 and 7.61.020.

N. “Recipient” means a person who has received a Letter of Complaint under the administrative process.

NO. “Respondent” means a person charged with a civil infraction. A respondent will have received a Notice of Violation or a summons and complaint as provided in Article II or an Order to Abate as provided in Article III.

OP. “Responsible party” means any one of the following:

1. an owner,

2. an entity or person acting as an agent for an owner by agreement that has authority over the property, is responsible for the property’s maintenance or management, or is responsible for curing or abating an infraction,

3. any person occupying the property, including bailee, lessee, tenant or other having possession, ~~or~~

4. the person who is alleged to have committed the acts or omissions, created or allowed the condition to exist, or placed the object or allowed the object to exist on the property, or

5. a foreclosure or bankruptcy trustee.

There may be more than one responsible party for a particular property or infraction.

PO. “Violation” means failure to comply with a requirement imposed directly or indirectly by this code. “Violation” may also mean civil infraction, except as used in those portions of Chapter 7 and of Chapter 10 that do not use the civil infraction procedure.

QR. “Voluntary Compliance Agreement” means an agreement, whether written or verbal, between the city and the recipient or respondent, which is intended to resolve the alleged civil infraction.

1.16.040 Use of Language

As used in this chapter, pronouns indicating the masculine gender shall include the feminine and neuter genders; the singular pronouns shall include the plural; and “person” shall, where appropriate, include any partnership, corporation, unincorporated association, the State of Oregon or other entity. (Ord. 86-20 §1(Exhibit A(14)), 1986).

1.16.050 Reference to State Law

Any reference to an Oregon state statute incorporates into this chapter by reference the statute in effect on the effective date of the ordinance codified in this chapter. (Ord. 86-20 §1(Exhibit A(11)), 1986).

1.16.060 Culpability, Not Exclusive, Remedies Cumulative

A. Acts or omissions to act which are designated as an infraction by any city ordinance do not require a culpable mental state as an element of the infraction.

B. The procedures prescribed by this chapter shall be the exclusive procedures for imposing civil penalties; however, this section shall not be read to prohibit in any way alternative remedies set out in the Tigard Municipal Code which are intended to abate or alleviate code infractions, nor shall the city be prevented from recovering, in any manner prescribed by law, any costs incurred by it in abating or removing ordinance infractions pursuant to any code provision. (Ord. 86-20 §1(Exhibit A(3)), 1986).

C. The remedies and procedures for abatement of civil infractions provided in this chapter are in addition to all other remedies and procedures provided by law. Nothing in this chapter shall limit or restrict in any way the city’s right to obtain abatement by means of a civil infraction, judicial action, an administrative enforcement action, a criminal action, a civil lawsuit or any other form of procedure to obtain abatement.

Comment [a20]: 1.16.030.N. New definition.

Comment [SL25]: 1.16.040. Existing text

Comment [a21]: 1.16.030.O. From existing 1.16.030, Modified to add administrative process.

Comment [a22]: 1.16.030.P. From 7.40.020, 7.40.125, and 7.61.010.

Comment [SL26]: 1.16.050. Existing text

Comment [SL27]: 1.16.060. Existing text, expanded for clarity and to encompass administrative process

Comment [a23]: 1.16.030.Q. From existing 1.16.030

Comment [SL28]: 1.16.060.C. Added for clarity

Comment [a24]: 1.16.030.R. From existing 1.16.030

1.16.065 Liability

A. The city shall not be liable to any person for any loss or injury to person or property growing out of any casualty or incident happening to such person or property on account of a property owner, lessee or occupant of a property who fails or neglects to promptly comply with the duties imposed by this section.

B. The city shall be exempt from all liability, including but not limited to common-law liability that it might otherwise incur to an injured party as a result of the city's negligent failure to abate an infraction.

C. If any property owner, lessee or occupant, by his ~~or her~~ failure or neglect to perform any duty required of him ~~or her~~ by the terms of this section, contributes in causing injury or damages, they shall reimburse the city for all damages or injury it has sustained or has been compelled to pay in such case, including but not limited to reasonable attorney fees for the defense of the same, and such payments as may be enforced in any court having jurisdiction.

1.16.070 Effect of This Chapter

A. Citations or complaints issued and filed with the municipal court prior to the effective date of the ordinance codified in this chapter shall be processed in accordance with the provisions in effect at the time the complaint was issued.

B. Nothing in this chapter shall be construed as a waiver of any prior assessment, bail or fine ordered by the municipal court. (Ord. 86-20 §1(Exhibit A (12)), 1986).

1.16.080 Severability

The provisions of this chapter are severable. If any section, sentence, clause or phrase of this chapter is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of the chapter. (Ord. 86-20 §1(Exhibit A(13)), 1986).

1.16.090 Reports of Infractions

All reports or complaints of infractions covered by this chapter shall be made or referred to an authorized code enforcement officer. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(A), 1986).

1.16.100 Assessment by Code Enforcement Officer

A. Upon receiving a report or complaint or otherwise becoming aware of a violation of this code, the code enforcement officer shall review the facts and circumstances surrounding the alleged infraction and if he ~~or she~~ deems it appropriate will proceed with appropriate enforcement actions.

B. The code enforcement officer shall not proceed further with the matter if the officer determines that there is not sufficient evidence to support the allegation, or if the officer determines that it is not in the best interest of the city to proceed. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(B)), 1986).

1.16.105 Administrative Rules

The city manager is authorized to draft and adopt administrative rules to define procedures to work with respondents or recipients toward the abatement of civil infractions. Any such administrative rules and regulations shall be adopted pursuant to the provisions of Chapter 2.04, be consistent with this chapter and shall include the following:

A. specific form documents or templates for all written communications referenced in this chapter to ensure that communications from the city are uniform, including a:

1. Letter of Complaint
2. Notice of Violation
3. Order to Abate
4. Notice of Assessment

Comment [SL29]: 1.16.065. New section added for clarity

Comment [SL32]: 1.16.090. Existing text.

Comment [SL33]: 1.16.100. Title and text modified for clarity.

Comment [SL34]: 1.16.105. Added to authorize administrative rules per 2.04. See draft example administrative rules under 4th tab.

Comment [SL30]: 1.16.070. Existing text.

Comment [SL31]: 1.16.080. Existing text

B. procedures for the preparation, execution, delivery, and posting of notices of a:

1. Letter of Complaint
2. Notice of Violation
3. Order to Abate
4. Notice of Assessment

C. procedures for review by the civil infractions hearing officer to consider protest by a responsible party of an administrative Order to Abate consistent with Section 1.16.420.

D. procedures for determination of the time allowed to abate an infraction or otherwise respond as provided in a:

1. Letter of Complaint
2. Notice of Violation
3. Order to Abate

E. procedures for the calculation of administrative fees.

F. standards for confidential or anonymous reporting and circumstances in which such reporting is allowed.

1.16.110 Warrants - Right of Entry

A. The city manager or designee may enter property, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce any regulations of this code, or whenever the city manager or designee has reasonable cause to believe that there exists in any structure or upon any property any condition which constitutes a violation of provisions of this code.

B. In the case of entry into areas of property that are plainly enclosed to create privacy and prevent access by unauthorized persons, the following steps shall be taken.

1. The code enforcement officer shall first make a reasonable attempt to locate the owner or other persons having charge or control of the property, present proper credentials and request entry.

2. If entry is refused or if the owner or other persons having charge or control of the property cannot be located, the code enforcement officer may attempt to obtain entry by obtaining a warrant.

1.16.111 Warrants - Grounds for Issuance

A. A warrant for inspection, investigation, removal or abatement purposes shall only be issued upon cause, supported by affidavit, particularly describing:

1. the applicant's status in applying for the warrant;
2. the statute, ordinance or regulation requiring or authorizing the inspection or investigation or the removal and abatement of the violation;
3. the building or property to be inspected, investigated or entered;
4. the purpose for which the inspection, investigation, removal or abatement is to be made;
5. the basis upon which cause exists to inspect, investigate, remove or abate the violation; and

6. in the case of removal or abatement, a statement of the general types and estimated quantity of the items to be removed or conditions abated.

B. Cause shall be deemed to exist if:

1. reasonable legislative or administrative standards for conducting a routine, periodic, or area inspection or for removing and abating violations are satisfied

Comment [SL36]: 1.16.111. New section, added to codify warrant procedures. Approved by city attorney.

Comment [SL35]: 1.16.110. New section, added to codify warrant procedures. Approved by city attorney.

with respect to any building or upon any property, or

2. an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with regulations, or

3. there is cause to believe that a violation exists for which removal or abatement is required or authorized by this chapter.

1.16.112 Warrants - Procedure for Issuance

A. Before issuing a warrant, ~~the~~ judge may examine the applicant and any other witness under oath and shall be satisfied of the existence of grounds for granting such application.

B. If the judge is satisfied that cause for the inspection, investigation, removal or abatement of any infraction exists and that ~~the~~ other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing:

1. the person or persons authorized to execute the warrant,

2. the property to be entered, and

3. the purpose of the inspection or investigation or a statement of the general types and estimated quantity of the items to be removed or conditions abated.

C. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specifically determined, upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

D. In issuing a warrant, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described

property to remove any person or obstacle and to assist the representative of the city in any way necessary to enter the property and complete the investigation or remove and abate the infraction.

1.16.113 Warrants - Execution

A. In executing a warrant on occupied property the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.

B. In executing a warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection A above, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted on the property.

C. A warrant must be executed within 10 working days of its issue and returned to the judge by whom it was issued within 10 working days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

1.16.114 Warrants - Disposal of Seized Property

The city manager or designee may cause any items removed pursuant to an abatement warrant to be disposed of in an approved manner whenever the city manager or designee, in his ~~or her~~ sole discretion, finds that the fair and reasonable value of the items at resale would be less than the cost of storing and selling the items. In making the above determination, the city manager or designee may include in the costs of sale the reasonable cost of removing the items to a place of storage, of storing the items

Comment [SL38]: 1.16.113. New section, added to codify warrant procedures. Approved by city attorney.

Comment [SL37]: 1.16.112. New section, added to codify warrant procedures. Approved by city attorney.

Comment [SL39]: 1.16.114. New section, added to codify warrant procedures. Approved by city attorney.

for resale, of holding the resale including reasonable staff allowances and all other reasonable and necessary costs of holding the sale.

1.16.115 Voluntary Compliance Agreement

A. The code enforcement officer may, at any time prior to a first appearance in court, enter into a Voluntary Compliance Agreement with a respondent or recipient. The agreement shall include the time allowed to abate the infraction and shall be binding on the respondent or recipient.

B. The fact that a person alleged to have committed a civil infraction enters into a Voluntary Compliance Agreement shall not be considered an admission of having committed the infraction for any purpose.

C. The city shall suspend further processing of the alleged infraction during the time allowed in the Voluntary Compliance Agreement for ~~the~~ completion of the necessary corrective action. The city shall take no further action concerning the alleged violation if all terms of the Voluntary Compliance Agreement are satisfied, other than steps necessary to terminate the enforcement action.

D. Failure to comply with any term of a signed Voluntary Compliance Agreement constitutes an additional and separate infraction which shall be handled in accordance with ~~the~~ procedures established by this chapter. After the Voluntary Compliance Agreement has been signed no further notice need be given before a civil infraction summons and complaint based on this infraction is issued. The city may also proceed on the alleged infraction that gave rise to the Voluntary Compliance Agreement. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(10)), 1986).

1.16.120 Notice - Notice of Violation and Letter of Complaint

A. Upon receiving a report or complaint or otherwise becoming aware of a

violation of this code, the code enforcement officer may cause a notice of the alleged civil infraction to be given to any responsible party for the property containing the alleged infraction.

B. Under the judicial enforcement process set forth in Article II, a Notice of Violation for the alleged civil infraction may be given to the responsible party before a civil infraction summons and complaint is issued for an infraction. Verification of the violation is a requirement for a Notice of Violation. A Notice of Violation is not required before a summons and complaint is issued. The use of a Notice of Violation is at the sole discretion of the code enforcement officer.

C. Under the administrative enforcement process set forth in Article III, a Letter of Complaint may be mailed to any responsible party for the property containing the alleged civil infraction. Verification of the violation is not a requirement for issuing a Letter of Complaint but the issuance of a Letter of Complaint is a required first step in the administrative process. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(2)), 1986).

1.16.140 Time to Abate Infraction After Notice

A. If a Notice of Violation or a Letter of Complaint is given to a recipient or respondent pursuant to this chapter, the code enforcement officer shall give the recipient or respondent a ~~reasonable specific timeline within which~~ to cure or abate the alleged infraction ~~after the notice is given consistent with subsection 1.16.140.B.~~

B. The time allowed shall not be less than 24 hours for a Notice of Violation or five days for a Letter of Complaint, nor more than 30 days except in cases where compliance is voluntary and the code enforcement officer deems it appropriate to enter into a Voluntary Compliance Agreement with ~~the recipient or respondent~~ the owner or the responsible party.

Comment [SL40]: 1.16.115. Existing text moved to Article I from current 1.16.200 with minor revisions. Applies to both judicial and administrative processes.

Comment [a42]: 1.16.130. Section repealed and deleted. Number not reassigned.

Comment [SL43]: 1.16.140. Retitled and expanded to include Voluntary Compliance Agreement and administrative process

Comment [SL41]: 1.16.120. Retitled and significantly modified to incorporate both the judicial and administrative processes.

C. The code enforcement officer may grant additional time to the respondent if, in the officer's judgment, compliance within the 30-day timeline would constitute a significant hardship to the recipient or respondent or other significant mitigating circumstances exist. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(4)), 1986).

1.16.150 Immediate Abatement Action Required When

A. Notwithstanding the abatement time periods contained in Section 1.16.140, if the code enforcement officer determines that the alleged infraction presents an immediate danger to the public health, safety or welfare, or that any continuance of the violation would allow the recipient or respondent to profit from the violation or would otherwise be offensive to the public at large the officer may require immediate remedial action.

B. If, in such cases, the code

enforcement officer is unable to serve a Notice of Violation or Letter of Complaint on the recipient or respondent or, if after such service the recipient or respondent refuses or is unable to remedy the infraction, the city may proceed to remedy the infraction as provided in subsection C below. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(5)), 1986).

C. In the case of an immediate danger to the public health, safety or welfare determined under subsection A, the city may abate the infraction and charge the abatement cost back to the recipient or respondent, after obtaining a warrant to enter the property and abate the infraction. If the immediate danger constitutes an emergency threatening immediate death or physical injury to persons, the city may abate the infraction without obtaining a warrant if the delay associated with obtaining the warrant would result in increased risk of death or injury, and may charge the abatement costs back to the recipient or respondent.

Comment [SL44]: 1.16.150. Retitled, existing text for Subsections A and B.

Comment [a45]: 1.16.150.C moved from current 1.16.340 to apply in all circumstances.

ARTICLE II. JUDICIAL ENFORCEMENT

- 1.16.160 Notice - Methods of Service
- 1.16.170 Notice - Computation of Time Period
- 1.16.180 Notice - Information
- 1.16.190 Failure to Respond to Notice
- 1.16.200 Voluntary Compliance Agreement
- 1.16.210 Civil Infraction Summons and Complaint - Timing
- 1.16.220 Civil Infraction Summons and Complaint - Process Requirements
- 1.16.230 Civil Infraction Summons and Complaint - Service - Failure to Receive - Default
- 1.16.240 Civil Infraction Summons and Complaint - Respondent's Response Required
- 1.16.250 No Right to Jury
- 1.16.260 Representation by Counsel
- 1.16.270 Opportunity to be Heard - Cross-Examination
- 1.16.280 Witnesses
- 1.16.290 Hearing - Admissible Evidence
- 1.16.295 Burden of Proof
- 1.16.300 Hearing - Decision by Hearings Officer
- 1.16.310 Order to Abate - Judicial
- 1.16.320 Hearing - Records
- 1.16.330 Finality of Decision - Appeals.
- 1.16.340 Remedial Action by City - Summary Abatement
- 1.16.350 Default Judgment

ARTICLE II. JUDICIAL

ENFORCEMENT

1.16.160 Notice - Methods of Service

If a Notice of Violation is given to a respondent pursuant to this chapter, service of such notice may be made as follows:

A. a Notice of Violation may be given to the respondent in person by the code enforcement officer.

B. a Notice of Violation may be given by a telephone call to the respondent. If notice is given in this manner, the respondent may be given, at the code enforcement officer's discretion, a Notice of Violation by first class mail sent to his last known address as soon as possible after the initial notice by telephone.

C. a Notice of Violation may be given by mailing to the respondent at his last known address.

D. a Notice of Violation may be given by affixing to the main door of the property or premises. If notice is given in this manner, the code enforcement officer may, at his ~~or her~~ discretion, also provide the respondent with a Notice of Violation by mail sent to the respondent's last known address as soon as possible after the initial notice by posting. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(6)), 1986).

1.16.170 Notice - Computation of Time Period

A. Where the Notice of Violation is delivered in person or by telephone the time period to abate the infraction shall begin immediately upon such delivery.

B. Where the Notice of Violation is mailed to the respondent, notice to abate the infraction shall be considered complete three days after such mailing, if the address to which it is mailed is within the state, and seven days after mailing if the address to which it is mailed is outside the

state.

C. Where the Notice of Violation is affixed to the main door of the property or premises, for purposes of computing the time period to abate the infraction, notice shall be considered complete three days after such affixation. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(7)), 1986).

1.16.180 Notice - Information

A. The following information shall be included in the Notice of Violation if one is given:

1. a description or identification of the activity or condition constituting the alleged infraction, and the identification of the recipient as the respondent;

2. a statement that the code enforcement officer has determined the activity or condition to be an infraction;

3. a statement of the action required to abate the alleged infraction and the time and date by which abatement must be completed unless a Voluntary Compliance Agreement is executed;

4. a statement advising the respondent that if the required abatement is not completed within the time specified and the respondent has not entered into a Voluntary Compliance Agreement, a civil infraction summons and complaint will be issued and civil penalties for the particular infraction may be imposed.

B. ~~At the discretion of the~~ The code enforcement officer ~~has the discretion to include in~~ the Notice of Violation ~~may include~~ an invitation to contact the code enforcement officer to discuss any questions the respondent may have about the alleged violation, the requirements for compliance and any possibility of entering into a Voluntary Compliance Agreement. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(8)), 1986).

Comment [SL46]: 1.16.160. Retitled and modified to clarify the Notice of Violation process

Comment [SL48]: 1.16.180. Existing text with minor modification for clarity.

Comment [SL47]: 1.16.170. Existing text with minor modification for clarity.

1.16.190 Failure to Respond to Notice

If notice is given, and the respondent either receives or rejects the Notice of Violation and fails to abate the alleged infraction within the time specified in the Notice of Violation, the code enforcement officer may serve the respondent with a civil infraction summons and complaint. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(9)), 1986).

1.16.210 Civil Infraction Summons and Complaint - Timing

A civil infraction summons and complaint may be served on the respondent:

A. immediately upon discovery of the infraction; or

B. where the response period given in a Notice of Violation is given and the response period in the violation notification has expired; or

C. where the period for compliance given in a Voluntary Compliance Agreement has been executed, whether verbal or written, when the period for compliance has expired and the infraction has not been abated. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(D)(1)), 1986).

1.16.220 Civil Infraction Summons and Complaint - Process Requirements

A. The physical form taken by a civil infraction summons and complaint is not material. What is material is the substance, the information contained therein. The city may utilize various physical formats for the summons and complaint. The state uniform citation may be used. Any form prepared by the city should normally contain or solicit the following information, but no complaint or summons shall be considered invalid for failure to comply with these rules, so long as the basic information regarding the infraction

and the court date is included.

B. The civil infractions summons and complaint shall contain the following information:

1. the name and address of the respondent;

2. a description of the infraction that can be understood by a person making a reasonable effort to do so;

3. the date, time and place at which the infraction is alleged to have been committed. If the infraction is alleged to be ongoing, the civil infractions summons and complaint shall so state and shall list a date on which the infraction was observed;

4. a file or reference number;

5. the date the civil infraction summons and complaint was issued;

6. the name of the code enforcement officer issuing the citation;

7. the time, date and location at which the respondent is to appear in court;

8. a notice that a complaint based on the violation will be filed with the court;

9. the amount of the maximum civil penalty for the infraction;

10. an explanation of the respondent's obligation to appear at the hearing and that a monetary judgment may be entered for up to the maximum civil penalties if the respondent fails to make all required court appearances;

11. a space wherein the respondent may admit having committed the alleged infraction;

Comment [SL49]: 1.16.190. Existing text with minor modification for clarity.

Comment [SL50]: 1.16.200. Moved to 1.16.115

Comment [SL51]: 1.16.210. Existing text with minor modification for clarity

Comment [a52]: 1.16.210.B revised for clarity.

Comment [a53]: 1.16.210.C revised for clarity.

Comment [SL54]: 1.16.220. Existing text with minor modification for clarity.

12. the time period for returning the form to the court;

13. a notice that, if the respondent admits having committed the infraction as charged, payment, in the amount shown on the summons and complaint or as agreed with the code enforcement officer pursuant to 1.16.660 of this chapter, as may be appropriate, must accompany the admission; and

14. a form of verification that the person signing the complaint swears that the person has reasonable grounds to believe, and does so believe, that the respondent committed the alleged infraction. (Ord. 02-27, Ord. 86-41 §§1 - 4, 1986; Ord. 86-35 §§1 - 4, 1986; Ord. 86-20 §1(Exhibit A(5)(D)(2)), 1986).

1.16.230 Civil Infraction Summons and Complaint - Service - Failure To Receive - Default

A. Service of the civil infraction summons and complaint shall be made consistent with the requirements of the Oregon Rules of Civil Procedure and may be made by:

1. personal service on the respondent or an agent for the respondent,
2. substitute service at the respondent's dwelling or office,
3. affixing to the main door of the property or premises, or by
4. certified mail, return receipt requested, to the respondent at his last known address.

B. In the event of substitute service at the respondent's dwelling, the person served must be at least 14 years of age and residing in the respondent's place of abode.

C. Service at the respondent's office must be made during regular business hours. Substitute service at the respondent's office must be made to the person who is apparently in charge.

D. If substitute service is used a true copy of the summons and complaint, together with a statement of the date, time and place at which service was made, must be mailed to the respondent at the respondent's last known address. Service will be considered complete upon such a mailing.

E. Service by any other method reasonably calculated, under all the circumstances, to apprise the respondent of the existence and pendency of the infraction and to afford a reasonable opportunity to respond shall be acceptable.

F. Service on particular respondents, such as minors, incapacitated persons, corporations, limited partnerships, the state, other public bodies and general partnerships shall be as prescribed for the service of a civil summons and complaint by the Oregon Rules of Civil Procedure.

G. No default shall be entered against any respondent without proof that the respondent had notice of the civil infraction summons and complaint. A sworn affidavit of the code enforcement officer outlining the method of service, including the date, time and place of service shall create a rebuttable presumption that the respondent had such notice. (Ord. 02-27, Ord. 89-21 §1, 1989; Ord. 86-20 §1(Exhibit A(5)(D)(3)), 1986).

1.16.240 Civil Infractions Summons and Complaint - Respondent's Response Required

A. A respondent served with a civil infraction summons and complaint shall respond to the complaint by personally appearing at the scheduled first appearance in court or by making a written response by mail or personal delivery to the court.

Comment [SL55]: 1.16.230. Existing text with minor modification for clarity.

Comment [SL56]: 1.16.240. Existing text with minor modification for clarity.

B. If the respondent admits the infraction, the respondent may so indicate on the summons and forward the form to the court. Payment in the amount of the civil penalty for the infraction, as shown on the summons or as agreed with the code enforcement officer pursuant to section 1.16.660 of this chapter shall be submitted with the response. An appropriate findings shall be entered in the records of the civil infraction hearings officer indicating the receipt of the civil penalty.

C. If the respondent does not admit the infraction, the respondent must appear at the scheduled first appearance in court.

1. At the first appearance, the respondent may deny the infraction and request a hearing, admit the infraction, or not contest the infraction.

2. If the respondent either admits or does not contest the infraction the respondent shall be given the opportunity to provide a statement. Based on the statement provided by the respondent and any additional information provided by the code enforcement officer, the civil infraction hearings officer shall impose a civil penalty not to exceed the maximum civil penalty allowed for the infraction.

3. If the respondent requests a hearing, a hearing shall be scheduled. (Ord. 02-27, Ord. 86-41 §5, 1986; Ord. 86-35 §5, 1986; Ord. 86-20 §1(Exhibit A(5)(E)), 1986).

1.16.250 No Right to Jury

Any hearing to determine whether an infraction has been committed shall be held before the civil infraction hearings officer without a jury. (Ord. 86-20 §1(Exhibit A(5)(F)(1)), 1986).

1.16.260 Representation by Counsel

The respondent may be represented by legal counsel; however, legal counsel shall not be provided at public expense. Written notice shall be provided to the hearings officer and code enforcement officer no later than five days prior to any appearance by legal counsel at an appearance or hearing. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(F)(2)), 1986).

1.16.270 Opportunity to be Heard - Cross-Examination

At a hearing a respondent shall have the right to present evidence and witnesses in the respondent's favor, to cross-examine any witnesses who testify against the respondent, and to submit rebuttal evidence. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(F)(3)), 1986).

1.16.280 Witnesses

A. The respondent may request that witnesses be ordered by subpoena to appear at the hearing. The respondent shall make such request in writing to the court at least five days prior to the scheduled hearing.

B. Subject to the same five-day limitation, the code enforcement officer, the citizen who signed the complaint or the city attorney, as appropriate, may also request in writing that the court order certain witnesses to appear by subpoena.

C. If a civil penalty is declared in the final order, the order shall also provide that the respondent shall pay any witness fees payable in connection with the hearing. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(F)(4)), 1986).

1.16.290 Hearing - Admissible Evidence

A. The hearing shall be limited to production of evidence only on the infraction alleged in the complaint.

B. Oral evidence shall be taken

Comment [SL59]: 1.16.270. Existing text

Comment [SL60]: 1.16.280. Existing text

Comment [SL57]: 1.16.250. Existing text.

Comment [SL61]: 1.16.290. Existing text with minor modification for clarity.

Comment [SL58]: 1.16.260. Existing text

only upon oath or affirmation administered by the civil infractions hearings officer.

C. Evidence shall be admitted if it is of the type which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might render such evidence inadmissible in civil actions in courts of competent jurisdiction in this state.

D. Irrelevant or unduly repetitious evidence shall be excluded.

1.16.295 Burden of Proof

The complainant or, if the city is the complainant, the code enforcement officer, shall have the burden of proving the alleged civil infraction by a preponderance of the evidence. (Ord. 86-20 §1(Exhibit A(5)(F)(5) and (6)), 1986).

1.16.300 Hearing - Decision by Hearings Officer

A. The hearings officer shall determine if the respondent committed the infraction as alleged in the complaint.

B. When the infraction has not been proven, a written order dismissing the complaint shall be entered in the court records.

C. When the hearings officer finds that the infraction was committed, written findings shall be prepared which set out sufficient information to substantiate the commission of the infraction.

D. Written orders, including findings, shall be prepared within ten working days of the oral decision. The court shall serve true copies of the hearings officer's findings, order and judgment on all parties, either personally or by mail. (Ord. 02-27, Ord. 89-21 §2, 1989; Ord. 86-20 §1(Exhibit A(5)(F)(7)), 1986).

1.16.310 Order to Abate - Judicial

Upon a finding that the infraction was committed by the respondent, the hearings officer may issue an Order to Abate requiring the respondent to abate the ordinance infraction within a specified time period identified in the final order. Orders to Abate issued under this section may only be appealed pursuant to 1.16.330. (Ord. 89-21 §3, 1989).

1.16.320 Hearing - Records

The court shall maintain a record of the hearing proceedings. A mechanical recording of the hearing, accompanied by any written documents, correspondence or physical evidence associated with the matter shall be sufficient to meet the requirements of this section. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(F)(9)), 1986).

1.16.330 Finality of Decision - Appeals

The determination of the hearings officer shall be final. Review of the hearing officer's determination shall be to the circuit court by writ of review, pursuant to Chapter 34 of the Oregon Revised Statutes. (Ord. 86-20 §1(Exhibit A(5)(F)(10)), 1986).

1.16.340 Remedial Action by the City - Summary Abatement

Upon finding that an infraction was committed, as determined by a final decision of the hearings officer, the city may, after obtaining a warrant to enter the property and abate the infraction, proceed to abate the infraction and charge the abatement costs back to the respondent pursuant to 1.16.680.C. For the purposes of this subsection "a final decision of the hearings officer" means a final decision for which judicial review was not sought within the time allowed by law or a decision of the hearings officer that was upheld by a final decision in the judicial review and appeal process.

Comment [a65]: 1.16.310. Current text moved from current 1.16.305. Retitled and modified to address appeals process.

Comment [a66]: 1.16.310. Current text moved to 1.16.680.A

Comment [a67]: 1.16.310. Proposed text was moved from 1.16.305 and modified.

Comment [SL68]: 1.16.320. Existing text

Comment [a62]: Current 1.16.290.2 moved to new Section 1.16.295 for clarity.

Comment [SL63]: 1.16.295. New section, existing text extracted from 1.16.290

Comment [SL69]: 1.16.330, Existing text

Comment [SL64]: 1.16.300. Existing text

Comment [SL70]: 1.16.340. Existing text with minor modification for clarity. Subsections 2 – 6 relocated. See comments at those subsections.

Comment [a71]: 1.16.340.2. Text moved to 1.16.150.C.

Comment [a72]: 1.16.340.3. Text moved to 1.16.110.

Comment [a73]: 1.16.340.4. Text moved to 1.16.680.C.

Comment [a74]: 1.16.350.5. Text moved to 1.16.690.C

Comment [a75]: 1.16.340.6. Text moved to 1.16.710.C.

1.16.350 Default Judgment

Subject to the limitations set forth in Section 1.16.230, a default judgment shall be entered in an amount up to the maximum civil

penalty applicable to the charged infraction if the respondent fails to appear at the scheduled hearing. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(7)), 1986).

Comment [SL76]: 1.16.350. Existing text with minor modification for clarity

ARTICLE III. ADMINISTRATIVE ENFORCEMENT

- 1.16.400 Order to Abate - Administrative**
- 1.16.410 Abatement by the Responsible Party**
- 1.16.420 Order to Abate - Administrative - Appeals Process**
- 1.16.430 Abatement by the City**
- 1.16.440 Judicial Review**

ARTICLE III. ADMINISTRATIVE ENFORCEMENT

1.16.400 Order to Abate – Administrative

A. Upon finding any of the following the code enforcement officer may cause an Order to Abate to be posted on the subject property and mailed to the owner and each other known responsible party:

1. a violation exists, or
2. any responsible party is not responsive or cooperative after receiving a Letter of Complaint, or
3. a recipient failed to comply with the terms of a Voluntary Compliance Agreement,

B. The order shall require the respondent to abate the ordinance infraction within a specified time period.

C. Prior to mailing or posting an Order to Abate, the code enforcement officer must have probable cause to believe that a civil infraction exists, based on personal observation of the violation by the code enforcement officer or other credible authority.

D. The code enforcement officer shall cause a copy of the Order to Abate to be posted on the premises at the site of the violation.

E. An Order to Abate shall be mailed by first class or certified mail to the last known address of the responsible party. An Order to Abate shall contain:

1. a description of the real property, by street address or otherwise, on which the infraction exists.
2. the date of the order.
3. a direction to abate the infraction within no less than 10 days and no more than 30 days from the date of the order.
4. a description of the infraction.
5. a statement that, unless the infraction is removed:
 - a. a warrant may be obtained,
 - b. the city may abate the infraction, and
 - c. the cost of abatement will be charged to the responsible party.

Comment [a77]: 1.16.400. New section establishing administrative Order to Abate.

6. a statement that failure to abate an infraction may result in imposition of an administrative fee or lien on the property.

7. a statement that the responsible party may protest the Order to Abate by giving notice to the code enforcement within 10 days following the date of the order. Contact information for the code enforcement officer shall be included in the Order to Abate.

F. Upon completion of mailing and posting, the persons mailing and posting shall execute and file certificates stating the date and place of the mailing and posting, respectively.

G. An error in the address or name of the responsible party shall not make the Order to Abate void, and in such case the posted notice shall be sufficient.

1.16.410 Abatement by the Responsible Party

A. Within the timeline specified in the Order to Abate, the responsible party shall abate the infraction or appeal the Order to Abate pursuant to 1.16.420.

B. Any responsible party intending to abate the infraction shall provide notice to the code enforcement officer before abating the infraction and shall allow the city to inspect during and on completion of the abatement. The notification shall state how the infraction will be abated, when it will be abated, and who will be abating it.

1.16.420 Order to Abate - Administrative - Appeal Process

A. A responsible party protesting that the alleged infraction does not exist shall file with the code enforcement officer a written statement specifying the basis for the protest before the abatement date specified in

the order or at most within 10 days of the date of the notice. Standing to protest is limited to a responsible party.

B. Upon receipt of a written statement of protest from a responsible party, the code enforcement officer shall, within 10 days of receipt of the protest, schedule a hearing before the civil infractions hearings officer, to be held within 30 days of receipt.

C. At the hearing set for consideration of the infraction, the person protesting may appear and be heard by the civil infractions hearings officer and the civil infractions hearings officer shall determine whether or not an infraction in fact exists. The city manager is authorized to draft and adopt rules and policies to provide for a civil infractions hearings officer review process consistent with this subsection and principles of due process. The civil infractions hearings officer's determination shall be required only in those cases where a written protest has been filed as provided in this section.

D. If the civil infractions hearings officer determines that an infraction does in fact exist, the responsible party shall, within five days after the civil infractions hearings officer's determination, abate the infraction, unless the civil infractions hearings officer determines that the responsible party should not be given the opportunity to abate or unless the civil infractions hearings officer decision allows a period of time greater than five days.

E. The civil infractions hearings officer may determine that the responsible party for the infraction should not be given the opportunity to abate only if the civil infractions hearings officer finds that the responsible party for the infraction is unlikely to properly abate the infraction. The determination that a responsible party is unlikely to properly abate the infraction shall be based on the findings as to one of the following:

Comment [a78]: 1.16.410. New section requiring abatement by responsible party

Comment [a79]: 1.16.410. Existing text moved to 1.16.640.

Comment [SL80]: 1.16.415. Moved to 1.16.650

Comment [a81]: 1.16.420. New section providing appeal process for administrative enforcement option.

Comment [a82]: 1.16.420. Existing text moved to 1.16.670.

1. whether the person acted intentionally or whether the infraction is egregious; or

2. whether the person had knowledge that the action was a violation of state law or city code; or

3. whether the person has the professional expertise to perform the abatement.

1.16.430 Abatement by the City

If, within the time allowed, the infraction has not been abated by the responsible party, the city manager may cause the infraction to be abated by securing an abatement warrant pursuant to sections 1.16.110 through 1.16.114.

1.16.440 Judicial Review

Judicial review of a decision of the civil infractions hearings officer on the appeal of an Order to Abate shall be on the record by writ of review pursuant to ORS Chapter 34 and not otherwise.

Comment [SL85]: 1.16.440. New section regarding judicial review of a decision by the civil infractions hearing officer of an appeal

Comment [a83]: 1.16.425. Existing text moved to 1.16.670.

Comment [SL84]: 1.16.430. New section providing for abatement by the city under warrant

ARTICLE IV. PENALTIES, FEES AND COSTS

- 1.16.600 Continuous Infractions**
- 1.16.610 Failure to Comply With Judgment Order, Order to Abate or Notice of Assessment**
- 1.16.620 Penalties, Fees and Costs - Payment**
- 1.16.630 Penalties and Fees - Classifications**
- 1.16.640 Penalties and Fees - Amounts to be Assessed**
- 1.16.650 Penalties and Fees - Repeat Violations**
- 1.16.660 Penalties and Fees - Prior to First Appearance in Court**
- 1.16.670 Delinquent Civil Penalties, Fees and Costs**
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- 1.16.690 Administrative Fees and Costs - Notice of Assessment**
- 1.16.700 Administrative Fees and Costs - Notice of Objection and Hearing**
- 1.16.710 Penalties, Fees and Costs - Collection, Lien Filing and Docketing**

ARTICLE IV. PENALTIES, FEES AND COSTS

1.16.600 Continuous Infractions

When an infraction is of a continuous nature, unless otherwise specifically provided, a separate infraction shall be deemed to occur on each calendar day the infraction continues to exist. (Ord. 86-20 §1(Exhibit A(8)(A)), 1986).

1.16.610 Failure to Comply With Judgment Order, Order to Abate or Notice of Assessment

A. Failure to comply with a judicial Order to Abate an infraction or pay a

civil penalty or court costs imposed within the time allowed for abatement or payment shall constitute a Class 1 civil infraction.

B. Failure to comply with an administrative Order to Abate an infraction or to pay an administrative fee or statement of administrative or abatement costs within the time allowed for such abatement or payment in a Notice of Assessment shall constitute a Class I Civil Infraction.

C. Failure to comply with a judgment order, an Order to Abate or a Notice of Assessment is a continuous infraction and a separate infraction will be deemed to occur each calendar day the failure to comply infraction continues to exist past the time allowed in the judgment order. (Ord. 89-21

Comment [SL86]: 1.16.600. Existing text, moved from current 1.16.380.

Comment [SL87]: 1.16.610. Existing text, moved from current 1.16.385, expanded to include administrative process.

§4, 1989).

1.16.620 Penalties, Fees and Costs - Payment Due When

Any civil penalty administrative fees, or costs assessed shall be paid no later than 30 days after the final order or the date of notice. Such period may be extended by the code enforcement officer for the administration process or upon order of the hearings officer. (Ord. 86-20 §1(Exhibit A(8)(B)), 1986).

1.16.630 Penalties and Fees - Classifications

For the purpose of determining civil penalties and administrative fees, infractions are classified in the following categories:

- A. Class 1 infractions;
- B. Class 2 infractions;
- C. Class 3 infractions. (Ord. 86-20 §1(Exhibit A(8)(C)), 1986).

1.16.640 Penalties and Fees - Amounts to be Assessed

The civil penalty or administrative fee to be assessed for a specific infraction shall be as follows:

- A. For Class 1 infractions,
 - 1. an amount not to exceed \$250 per day under either the judicial or the administrative enforcement process, or
 - 2. under the administrative enforcement process, an amount:
 - a. computed in a manner established by administrative rule pursuant to 1.16.105
 - b. for the entire period the violation exists and not for each day of the violation.

B. For Class 2 infractions, an amount not to exceed \$150 per day;

C. For Class 3 infractions, an amount not to exceed \$50 per day. (Ord. 86-20 §1(Exhibit A(8)(D)), 1986).

1.16.650 Penalties and Fees - Repeat Violations

The maximum amounts of the civil penalties and administrative fees set forth in 1.16.640.A.1, 1.16.640.B and 1.16.640.C shall be doubled in the event that the respondent is found in violation of a second and similar violation within 24 months of the initial violation and quadrupled in the event of a third or subsequent repetition within 24 months of the initial violation. (Ord. 02-27).

1.16.660 Penalties and Fees - Prior to First Appearance in Court

The code enforcement officer is authorized to reduce the amount of a civil penalty that could be imposed or the amount of an administrative fee if compliance has been achieved and the amount is to be paid in full on or before the time and date of the first appearance in court or before the timeline set out in a Letter of Complaint or an Order to Abate. (Ord. 02-27).

1.16.670 Delinquent Penalties, Fees and Costs

Delinquent civil penalties, administrative fees or costs and penalties imposed by default judgment may be collected or enforced pursuant to Oregon Revised Statutes 30.310 or any other method. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(8)(E)), 1986).

1.16.680 Penalties, Fees and Costs - Assessment

A. Upon a finding by the civil infractions hearings officer that an infraction was committed by the respondent, the civil

Comment [a88]: 1.16.620. Existing text, moved from current 1.16.390.

Comment [SL91]: 1.16.650. Existing text, moved from current 1.16.415 with minor revisions

Comment [SL89]: 1.16.630. Existing text, moved from current 1.16.400

Comment [SL92]: 1.16.660. Existing text, moved from current 1.16.420 and expanded to include administrative process and fees

Comment [SL90]: 1.16.640. Existing text moved from current 1.16.410.

Comment [a93]: 1.16.670. Existing text, moved from 1.16.425 and expanded to include administrative fees.

Comment [SL94]: 1.16.680. New section, subsection A is text from current 1.16.310 with B and C added to encompass administrative fees and abatement costs

infractions hearings officer may assess a civil penalty pursuant to Sections 1.16.600 through 1.16.650, plus costs.

B. Upon a finding by the code enforcement officer that an infraction was committed by the respondent and if, within the time allowed in an Order to Abate, the infraction has not been abated by the responsible party, the code enforcement officer may assess an administrative fee pursuant to Sections 1.16.600 through 1.16.650, plus costs.

C. For abatement of a violation by the city by judicial process pursuant to Section 1.16.340 or administrative process pursuant to Section 1.16.430 the code enforcement officer shall keep an accurate record of the costs incurred by the city in abating the violation. The total amount of these charges will be assessed against the responsible party as the cost of abatement.

1.16.690 Administrative Fees and Costs - Notice of Assessment

Upon the assessment of administrative fees or costs pursuant to Section 1.16.680 the code enforcement officer shall forward to all persons responsible for the violation a Notice of Assessment stating:

A. the total administrative fees and costs, if any, assessed for the violation;

B. that the total amount of the fees and costs as indicated will be assessed to and become a lien against the property of persons responsible for the violation unless paid within 30 days from the date of the notice;

C. that any responsible party for the fees and costs may file a written notice of objection to the amount of the fees and costs with the code enforcement officer not more than 10 days from the date of the notice.

1.16.700 Administrative Fees and Costs - Notice of Objection and Hearing

If an objection to an administrative fee or costs is filed as provided in Section 1.16.690, the code enforcement officer shall, within 10 days, cause a hearing to be scheduled to be held within 30 days before the civil infractions hearings officer. The civil infractions hearing officer shall hear the objection and determine the amount of the fee and costs to be assessed including the costs to the city of responding to the objection if the city's position is sustained.

1.16.710 Penalties, Fees and Costs - Collection, Lien Filing and Docketing

A. When a judgment is rendered by the hearings officer in favor of the city for the sum of \$100 or more, exclusive of costs, the code enforcement officer shall, at any time thereafter while the judgment is enforceable, file with the city finance officer a certified transcript of all those entries made in the docket of the hearings officer with respect to the action in which the judgment was entered.

B. An assessment of the administrative fees and costs as stated in the Notice of Assessment shall be made if:

1. no objection to administrative fees and costs is filed as provided in Section 1.16.700 or;

2. fees or costs remain applicable following a hearing on an objection and the fees and costs are not paid within 30 days from the date of the notice or the date of the hearing order.

C. The code enforcement officer shall file with the city finance officer a certified statement of the total fees and costs due.

Comment [SL96]: 1.16.700. New section to provide for an appeal of an assessment of fees and costs

Comment [SL97]: 1.16.710. New section to provide for documentation of penalties, fees, and costs and the means of collecting them. Subsections A, D, and H are drawn from current 1.16.370.1, 2, & 5. Subsections B, D, E, F, & G added to clarify and modernize the described process.

Comment [a95]: 1.16.690. New section creating Notice of Assessment.

D. Upon receiving the statement of total fees and costs due or the certified transcript, the city finance officer shall enter that total on the city's lien docket.

E. The city may bring legal action to collect any civil penalties, fees, costs or interest provided for in this chapter. The city may also use a professional collection agency, or cause the full amount of civil penalties, fees, costs or interest owed to be entered into the city's lien docket and, from the time of entry on the city's lien docket it shall constitute a lien upon property of all persons responsible for the violation.

F. A lien shall bear interest at the rate of nine percent per year. Such interest shall commence to run from date of the entry of the lien in the lien docket.

G. An error in the name of any person to whom notice is sent shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against property of the responsible party for the violation.

H. The finance officer shall file the statement of total fees and costs due or the transcript of the court judgment with the Washington County Clerk for entry in the judgment docket of the circuit court. All costs associated with the filing of the transcript shall be added to the amount of the statement.

**Title 6:
NUISANCE VIOLATIONS**

Sections:

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- 6.01.020 Definitions**
- 6.01.030 Nuisances Designated - Class I Civil Infraction**
- 6.01.040 Penalty for Violation of This Title**
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**Chapter 6.02
NUISANCES AFFECTING PUBLIC HEALTH, SAFETY AND PEACE**

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Chapter 6.03

PROPERTY IN THE RIGHT OF WAY

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- 6.03.020 Abandoned Personal Property in the Right of Way**
- 6.03.030 City Authority to Remove**
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Chapter 6.01

GENERAL PROVISIONS AND PENALTIES

6.01.010	Short Title
6.01.020	Definitions
6.01.030	Nuisances Designated - Class I Civil Infraction
6.01.040	Penalty for Violation of This Title
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6.01.060	Enforcement - Minimum Requirements

6.01.010 Short Title

The ordinance codified in this title shall be known as the "nuisance ordinance," and may also be referred to herein as "this title."

6.01.020 Definitions

As used in this title:

A. "Abate" means to restore a property to its condition prior to the infraction, or similar condition that is free of the subject infractions. In the case of graffiti, "abate" means to remove graffiti from the public view.

B. "Abandoned personal property" means any personal property, as the term is defined in this title, which has been discarded, deserted or relinquished.

~~The~~ Personal property shall be considered abandoned if any of the following conditions exist:

1. The personal property is left unattended in the right of way for more than five hours;

2. The personal property is placed in the right of way in a location or manner as to constitute a potential, imminent or immediate hazard or obstruction to pedestrian or vehicular traffic or to otherwise pose a threat to public health, safety or welfare.

C. "City manager" means the city manager or his designee of the city manager.

D. "Civil infraction" or "infraction" means the failure to comply with a provision of this title.

E. "Costs" means all expenses incurred and charges associated with any action taken by the city under this title including, but not limited to, the cost to the public of the staff time invested and, regarding items confiscated in violation of Sections 6.03.010 and 6.03.020, all expenses incurred and charges associated with the removal, storage, detention, processing, disposition and maintenance thereof.

F. "Dangerous building" means:

1. a structure that, for the want of proper repairs, ~~or~~ by reason of age and dilapidated condition, by reason of poorly installed electrical wiring or equipment, defective chimney, defective gas connection, defective heating apparatus or for any other cause or reason, is especially liable to fire, and that is so situated or occupied as to endanger any other building or property or human life;

2. a structure containing combustible or explosive material, rubbish, rags, waste, oils, gasoline or flammable substance of any kind, especially liable to cause fire or danger to the safety of the building, premises, or to human life;

3. a structure that is kept or maintained or is in a filthy or unsanitary condition, especially liable to cause the spread of contagious or infectious disease or diseases;

4. a structure in such

Comment [A1]: 6.01.010 From 7.40.010

Comment [A6]: 1.16.030.C. From existing 1.16.030.6 and modified.

Comment [A7]: 6.01.020.E from 7.61.010.4 and modified.

Comment [A2]: 6.01.020 From 7.40.020 and 7.71.010, expanded.

Comment [A3]: 6.01.020.From 7.40.125.A.1 and modified.

Comment [A8]: 6.01.020.F from 7.40.040.J.

Comment [A4]: 6.01.020.B From 7.61.010.1 and modified.

Comment [A5]: 6.01.020.C From 7.61.010.2 and modified

weak, or weakened condition, or dilapidated or deteriorated condition as to endanger any person or property by reason of due to a probability of partial or entire collapse. (Ord. 86-39 S1(Exhibit A), 1986; Ord. 86-20 S4(Exhibit C(4)), 1986).

G. "Dispose of /Disposal" means to get rid of and includes sell, auction, donate, destroy, repurpose and recycle.

H. "Graffiti" means any inscription, word, figure or design that is marked, etched, scratched, drawn or painted on any surface with paint, ink, chalk, dye, other similar substance or placement of stickers or appliques, regardless of content, without authorization from the responsible party for the property.

I. "Graffiti nuisance property" means a property upon which graffiti has been placed and for which a Letter of Complaint or Notice of Violation has been sent to the owner responsible party for the property consistent with Chapter 1.16 and on which the graffiti has been allowed to remain for more than the length of time specified in the letter or notice.

J. "Junk" means items which have no apparent utility or are in an unsanitary condition.

K. "Noise-sensitive unit" shall include any building or portion of a building containing a residence, place of overnight accommodation, church, day care center, hospital, school or nursing care center. For the purpose of this definition, "residence" and "overnight accommodation" do not include living/sleeping quarters of a caretaker or watchperson on industrial or commercial property provided by the owner or operator of the industrial or commercial facility.

L. "Noxious vegetation" means:
1. weeds more than 10 inches high;
2. grass more than 10 inches high and not within the exception stated in paragraph 8 of this subsection;

3. poison oak, poison ivy or similar vegetation;

4. dead trees, dead bushes, stumps and any other thing likely to cause fire;

5. blackberry bushes that extend into a right of way or across a property line;

6. vegetation that is a health hazard;

7. vegetation that is a health hazard because it impairs the view of the right of way or otherwise makes use of the right of way hazardous.

8. "noxious vegetation" does not include vegetation that constitutes an agricultural crop, unless that vegetation is a health hazard, a fire hazard or a traffic hazard, and it is vegetation within the meaning of this subsection.

M. "Occupant" means any person, tenant, sub-lessee, successor or assignee that has control over property.

N. "Owner" means any person, agent, firm, corporation, unincorporated association, partnership, limited liability company or other entity having a legal or equitable interest in or a claim to a property and includes, but is not limited to, a mortgagor in possession, an occupant, or a person, agent, firm or corporation that owns or exercises control over items of property including abandoned personal property or a sign confiscated pursuant to this chapter.

O. "Permit" means to knowingly allow, suffer or acquiesce by any failure, refusal or neglect to abate.

P. "Person" means an individual human being and may also refer to a firm, corporation, unincorporated association, partnership, limited liability company, trust, estate or any other legal entity.

Comment [A9]: 6.01.020.G from 7.61.010.5 and modified.

Comment [A10]: 6.01.020.H from 7.40.125.A.2.

Comment [A11]: 6.01.020.I from 7.40.125.A.3.

Comment [A15]: 6.01.020.M new definition.

Comment [A12]: 6.01.020.J from 7.61.010.A.6.

Comment [A16]: 6.01.020.N from 7.61.010.A.7 and modified.

Comment [A13]: 6.01.020.K from 7.40.150.A.

Comment [A17]: 6.01.020.O from 7.40.125.A.7.

Comment [A14]: 6.01.020.L from 7.40.050.A and B and modified.

Comment [A18]: 6.01.020.P new definition.

Q. "Personal property" means tangible items, other than signs, as defined in this title, and vehicles which are reasonably recognizable as belonging to individual persons and which have apparent utility.

R. "Plainly audible" means any sound for which the information content of that sound is unambiguously communicated to the listener, such as, including but not limited to, understandable spoken speech, comprehensible musical rhythms or vocal sounds.

S. "Premises open to the public" means all public spaces including, but not limited to, streets, alleys, sidewalks, parks, rights of way and public open space, and private property onto which the public is regularly invited or permitted to enter for any purpose.

T. "Property" means any real or personal property including, but not limited to, items affixed or appurtenant to real property or premises, house, building, fence or structure and items of machinery, drop boxes, waste containers, utility poles and vaults and post office collection boxes.

U. "Responsible party" means any of the following:

1. an owner,
2. an entity or person acting as an agent for an owner by agreement that has authority over the property, is responsible for the property's maintenance or management, or is responsible for abating or remedying a nuisance,
3. any person occupying the property, including bailee, lessee, tenant or other person having possession, and
4. the person who is alleged to have committed the acts or omissions, created or allowed the condition to exist, or placed the object or allowed the object to exist on the property, or (Ord. 86-20 S4(Exhibit C(2)), 1986).
5. a foreclosure or bankruptcy trustee.

There may be more than one party responsible for a particular property.

V. "Right of way" means a strip of land or structure occupied or intended to be occupied by a street, crosswalk, pedestrian or bike path, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, street trees or other special use and all other public ways and areas managed by the city.

W. "Sign" means any materials placed or constructed primarily to convey a message or other display and which can be viewed from the right of way, another property or from the air including any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster or other thing designed, intended or used to advertise or inform.

X. "Unauthorized" means without consent of the owner, occupant or responsible party.

Y. "Unnecessarily loud" means any sound that interferes with normal spoken communication or that disturbs sleep.

Z. "Violation" means failure to comply with a requirement imposed directly or indirectly by this title and may also mean civil infraction or infraction.

6.01.030 Nuisances Designated - Class 1 Infraction

A. ~~The~~ acts, omissions, conditions or objects specifically enumerated in this title are hereby declared to be a public nuisance.

B. Violations of other titles of this code are likewise declared to be public nuisances unless otherwise characterized in their location in another title.

C. In addition to ~~the~~ nuisances specifically enumerated within this title, every other thing, substance or act which is determined

Comment [A19]: 6.01.020.Q from 7.61.010.A.8 and modified.

Comment [A24]: 6.01.020.V from 7.61.010.A.9 and modified.

Comment [A20]: 6.01.020.R from 7.40.150.B.

Comment [A21]: 6.01.020.S from 7.40.125.A.8.

Comment [A25]: 6.01.020.W from 18.780.015.A.48 and modified.

Comment [A22]: 6.01.020.T from 7.40.125.A.9.

Comment [A26]: 6.01.020.X from 7.40.125.A.11.

Comment [A27]: 6.01.020.Y from 7.40.150.C.

Comment [A23]: 6.01.020.U from 7.40.020.A and 7.40.125.A.10 and modified. (Same text as the definition in Chapter 1.16.)

Comment [A28]: 6.01.020.Z from 1.16.030.5 and modified.

Comment [A29]: 6.01.030 From 7.40.030, expanded.

by the council to be offensive, injurious or detrimental to the public health, safety or welfare of the city is declared to be a nuisance.

6.01.040 Penalty for Violation of this Title

A. A violation of this title shall constitute a Class 1 Civil Infraction, which shall be processed according to the procedures established in Chapter 1.16 of this code.

B. Each violation of a provision of this title shall constitute a separate infraction, and each day that a violation of this chapter title is committed or permitted to continue shall constitute a separate infraction.

C. A finding of a violation of this title shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section title are in addition to and not in lieu of any remedies available to the city.

D. Each violation of a provision of this title is subject to the specific penalty or administrative fee established in Chapter 1.16 of this code.

6.01.050 Administrative Rules

A. The city manager is authorized to draft and adopt administrative rules that establish:

1. the types of signs exempted from the notice requirements of 6.03.040, based on the likelihood the sign will be reclaimed, which may take into consideration the value of the materials and condition of the sign;

2. standards and methods for recording information about signs and personal property confiscated in the right of way, including a description of the sign or personal property, the location from which it was confiscated and the date and time of the confiscation;

3. procedures by which owners of confiscated personal property or signs can reclaim the items:

4. a fee schedule for violations of Chapter 6.03 and the recovery of costs associated with the confiscation and reclamation of personal property or signs confiscated in the right of way.

B. Such administrative rules shall be adopted pursuant to the provisions of Chapter 2.04.

6.01.060 Enforcement - Minimum Requirements

A. The provisions of this title are declared to be minimum requirements.

1. In their interpretation and application, the provisions of this title shall be held to be minimum requirements, adopted for the protection of the public health, safety and general welfare.

2. When the requirements of this title vary from other provisions of this title or with any other title of the Tigard Municipal Code or Oregon Revised Statutes, the most restrictive or that imposing the highest standard shall govern.

B. A finding of a violation of this title which results in confiscation of personal property or signs does not prevent the city from additionally issuing citations for violations of this title or any other title of the Tigard Municipal Code or Oregon Revised Statutes for the same property or incident.

C. This section shall not be read to prohibit in any way alternative remedies set out in this title or any other title of the Tigard Municipal Code or Oregon Revised Statutes which are intended to abate or alleviate code violations, nor shall the city be prevented from recovering, in any manner prescribed by law, any expense incurred by it in abating or removing ordinance violations pursuant to any code provision.

Comment [A30]: 6.01.040 From 7.40.210 and modified.

Comment [A32]: 6.01.060 From 7.61.055 and modified.

Comment [A31]: 6.01.050 New Section to provide for administrative rules.

Chapter 6.02
NUISANCES AFFECTING PUBLIC HEALTH, SAFETY AND PEACE

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Article I. General Nuisances

6.02.010 Common Nuisances

No person shall cause or permit a nuisance affecting the public health. The following are nuisances affecting the public health:

A. an open vault or privy constructed and maintained within the city, except those constructed or maintained in connection with construction projects in accordance with the State Health Division regulations.

B. accumulations of debris, rubbish, manure ~~and or~~ other refuse that affect the health of surrounding persons.

C. stagnant water that affords a breeding place for mosquitoes and other insect pests.

D. pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial wastes or other substances placed in or near the water in a manner that will cause harmful material to pollute the water.

E. any animal, substance or condition on the premises that is in such a state or condition as to cause an offensive odor detectable at a property line, or that is in an insanitary condition.

F. drainage of liquid wastes from private premises.

G. cesspools or septic tanks that are in an insanitary condition or which cause an offensive odor.

H. animals, including livestock, or buildings for the purpose of maintaining livestock or animals, maintained in such places or in such a manner that they are offensive or annoying to the residents within the immediate vicinity, or maintaining the premises in such a manner as to be a breeding place or likely breeding place for rodents, flies and other pests.

I. an animal carcass permitted to remain on public property or to be exposed on public property for a period of time longer than is necessary to remove or dispose of the carcass.

J. maintenance on private property of a dangerous building

6.02.020 Noxious Vegetation

A. No ~~owner or~~ responsible party shall allow noxious vegetation to be on the property or in the right of way abutting the property.

B. The ~~owner or~~ responsible party shall cut down or destroy grass, shrubbery, brush, bushes, weeds or other noxious vegetation as often as needed to prevent them from becoming unsightly or, in the case of weeds or other noxious vegetation, from maturing or from going to seed.

6.02.030 Trees and Bushes

A. No responsible party shall permit ~~tree branches or roots of trees~~ or bushes on the property to extend into a right of way in a manner which interferes with its use.

B. ~~It shall be the duty of a~~ responsible party ~~to~~ shall keep ~~all tree~~ the branches ~~of all trees~~ or bushes on the premises that adjoin the right of way, including an

Comment [A33]: 6.02.010 From 7.40.040 and modified..

Comment [A34]: 6.02.020 From 7.40.050 and modified.

Comment [A35]: 6.02.030 From 7.40.060

adjoining parking strip, trimmed to a height of not less than eight feet above a sidewalk and not less than 10 feet above a street.

C. No responsible party shall allow to stand any dead or decaying tree that is in danger of falling or otherwise constitutes a hazard to the public or to persons or property on or near the property.

6.02.040 Greenway Maintenance

A. A responsible party shall maintain the property, subject to an easement to the city or to the public for greenway purposes.

B. Except as otherwise provided by this section and Sections 6.02.020 through 6.02.050, 6.02.210 through 6.02.230, and 6.02.310, the standards for maintenance shall be as follows:

1. The land shall remain in its natural topographic condition. No private structures, culverts, excavations or fills shall be constructed within the easement area unless authorized by the city engineer based on a finding of need in order to protect the property or the public health, safety or welfare.

2. No tree over five feet in height shall be removed unless authorized by the community development director based on a finding that the tree constitutes a nuisance or a hazard.

3. Grass shall be kept cut to a height not exceeding 10 inches, except when some natural condition prevents cutting.

C. In situations where the approval authority establishes different standards or additional standards, the standards shall be in writing and shall be recorded.

D. No person shall be found in violation of this section of the code unless the person has been given actual or constructive notice of the standards prior to the time the violation occurred.

6.02.050 Attractive Nuisances

A. No responsible party shall permit on the property:

1. unguarded machinery, equipment or other devices that are attractive, dangerous and accessible to children;

2. lumber, logs, building material or piling placed or stored in a manner so as to be attractive, dangerous and accessible to children;

3. an open pit, quarry, cistern or other excavation without safeguards or barriers to prevent such places from being used by children; or

4. an exposed foundation or portion of foundation, any residue, debris or other building or structural remains, for more than thirty days after the destruction, demolition or removal of any building or portion of the building.

B. This section shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to children.

6.02.060 Graffiti

A. Placing graffiti that is visible from premises open to the public, such as public rights of way or other publicly owned property, and that has been placed upon any real or personal property, such as buildings, fences and structures, without authorization from the owner or responsible party is a violation of this title and is subject to its remedies.

B. Any property location in the City of Tigard that becomes a graffiti nuisance property is in violation of this title and is subject to its remedies.

C. Every responsible party who permits a property to become a graffiti nuisance property is in violation of this title and subject to its remedies.

Comment [A37]: 6.02.050 From 7.40.110 and modified.

Comment [A36]: 6.02.040 From 7.40.090

Comment [A38]: 6.02.060 From 7.40.125.B.

Comment [A39]: Existing text from 7.40.125.C deleted to let graffiti be treated as a Class I Civil Infraction under Chapter 1.16 like any other nuisance violation.

6.02.070 Livestock/Poultry

No poultry or livestock, other than normal household pets, may be kept unless housed or retained within a fenced run at least 100 feet from any nearby residence except a dwelling on the same lot.

Article II. Property Development and Maintenance Requirements**6.02.100 Violation of Title Prohibited**

Erecting, constructing, altering, maintaining or using any building or structure or using, dividing or ~~transferring~~transferring land in violation of the Community Development Code (Title 18) are declared to be a public nuisance in violation of this title.

6.02.110 Conditions of Approval

Failure to maintain a property in compliance with a condition of approval issued pursuant to the Community Development Code (Title 18) is declared to be a public nuisance in violation of this title.

6.02.120 Visual Clearance Requirements

All property within the city shall be maintained in compliance with the Visual Clearance Requirements of Section 18.795.030.

6.02.130 Fences and Walls

Erection of a fence or wall, except as in compliance with Section 18.745.050.C, is declared to be a public nuisance in violation of this title.

6.02.140 Accessory Structures

Constructing, placing or maintaining an accessory structure in violation of the provisions of Section 18.510.060 is declared to be a public nuisance in violation of this title.

6.02.150 Insects and Rodents

Storage of any materials including wastes or maintaining any grounds in a manner that may attract or aid the propagation of insects or rodents or create a health hazard is declared to be a public nuisance in violation of this title.

6.02.160 Signs

Constructing, placing or maintaining a sign in violation of ~~the~~ provisions of Section 18.780 is declared to be a public nuisance in violation of this title.

6.02.170 Storage in Front Yards

Storage of any boats, trailers, campers, camper bodies, house trailers, recreation vehicles or commercial vehicles in excess of ¾ ton capacity in a required front yard in a residential zone in violation of the provisions of Section 18.730.050.C is declared to be a public nuisance in violation of this title.

Article III. Junk, Garbage and Putrescible Waste**6.02.210 Vehicles Not to Drop Material on Streets**

The owner or operator of any vehicle engaged in ~~the~~ transportation of excavation or construction materials shall be responsible for keeping the public streets and sidewalks free from such materials, including, but not limited to, earth, rock and other debris that may obstruct or render the street or sidewalk unsafe for its intended use.

6.02.220 Open Storage of Junk

No person or responsible party shall deposit, store, maintain or keep on any real property, except in a fully enclosed storage facility, building or garbage receptacle, any of the following:

A. an icebox or refrigerator, or similar container, which seals essentially airtight, without first removing the door;

B. inoperable or partially

Comment [A40]: 6.02.070 From Table 18.510.1 Footnote 6.

Comment [A47]: 6.02.160 New text, refers to 18.780

Comment [A41]: 6.02.100 from 18.230.020

Comment [A48]: 6.02.170 New text, refers to 18.730.050.C

Comment [A42]: 6.02.110 New section, refers to 18.210.020, 18.210.70, 18.390.030.C, 18.390.040D, 18.390.050.E.3 & 18.390.060.H

Comment [A49]: 6.02.210 From 7.40.080

Comment [A43]: 6.02.120 New text, refers to 18.795.030

Comment [A44]: 6.02.130 New text, refers to 18.745.050.C

Comment [A50]: 6.02.220 From 7.40.100

Comment [A45]: 6.02.140 New text, refers to 18.510.060

Comment [A46]: 6.02.150 From 18.725.030.F and modified.

dismantled automobiles, trucks, buses, trailers or other vehicle equipment or parts thereof in a state of disrepair, for more than ten days as to any one automobile, truck, bus, trailer or piece of vehicular equipment;

C. used or dismantled household appliances, furniture, other discards or junk, for more than five days.

6.02.230 Scattering Rubbish

No person shall deposit upon public or private property any kind of rubbish, trash, debris, refuse, or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property or would be likely to injure a person or animal or damage a vehicle traveling upon a right of way.

6.02.240 Garbage and Putrescible Waste

A. All solid waste receptacles, including, but not limited to, cans, containers and drop boxes, shall be maintained in a safe and sanitary condition by the customer.

B. All putrescible solid wastes shall be removed from any premises at least once every seven days, regardless of whether or not confined in any container, compactor, drop box or other receptacle.

6.02.250 Offensive Wastes Prohibited

No person shall have waste on property that is offensive or hazardous to the health or safety of others or which creates offensive odors or a condition of unsightliness.

6.02.260 Unauthorized Deposits Prohibited

No person shall, without authorization and compliance with the disposal site requirements of Chapter 11.04, deposit waste on public property or the private property of another. Streets and other public places are not authorized as places to deposit waste except as

specific provisions for containers have been made.

Article IV. Streets and Sidewalks

6.02.310 Streets and Sidewalks

The responsible party shall keep a public street and/or sidewalk abutting their property free from earth, rock and other debris and other objects that may obstruct or render the street or sidewalk unsafe for its intended use.

Comment [A55]: 6.02.310 From 7.40.070

Comment [A51]: 6.02.230 From 7.40.120 and modified.

6.02.320 Maintenance and Repair of Public Sidewalks

It is the duty of all persons owning lots or land which have public sidewalks abutting the same, to maintain and keep in repair the sidewalks and not permit them to become or remain in a dangerous or unsafe condition. "Maintenance" includes, but is not limited to, the removal of snow and ice. Any owner of a lot or land who neglects to promptly comply with the provisions of this section is fully liable to any person injured by such negligence. The city shall be exempt from all liability, including, but not limited to, common-law liability, that it might otherwise incur to an injured party as a result of the city's negligent failure to maintain and repair public sidewalks. (Ord. 91-12 §1, 1991; Ord. 85-44 §3, 1985).

Comment [A56]: 6.02.320 From 15.12.010

Comment [A52]: 6.02.240 From 11.04.100.1.e & i

6.02.330 Sidewalks, Curbs and Planter Strips

Maintenance of sidewalks, curbs and planter strips is the continuing obligation of the adjacent property owner.

Comment [A57]: 6.02.330 From 18.810.070.E

Comment [A53]: 6.02.250 From 11.04.110

6.02.340 Encroachments into Public Rights of Way, Easements and Public Property

Except as provided in subsection 15.16.010.1.b, it shall be unlawful for any person to erect or cause to be erected any structure or to place or maintain any vegetation and/or landscaping materials in, over or upon any dedicated public right of way, easement or public property without having first obtained a

Comment [A58]: 6.02.340 From 15.16.010.1.a

Comment [A54]: 6.02.260 From 11.04.120

revocable permit from the city manager or designee authorizing such action. Encroachment into improved public right of way is only allowed if specifically authorized by the city pursuant to Chapter 15.04.

Article V. Noise Nuisances

6.02.410 Prohibition on Excessive Noise

A. No person shall make, assist in making, permit, continue or permit the continuance of any noise within the City of Tigard in violation of this article.

B. No person shall cause or permit any noise to emanate from property under that person's control in violation of this article. (Repealed and replaced by Ord. 01-13A, Ord. 96-06; Ord. 90-03 §1(part), 1990).

6.02.420 Sound Measurement

A. While sound measurements are not required for the enforcement of this article, should measurements be made, they shall be made with a sound level meter. ~~The A~~ sound level meter shall:

1. ~~Shall~~ be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter;

2. ~~Shall~~ contain at least an A-weighted scale, and both fast and slow meter response capability.

B. If measurements are made, the person making those measurements shall have completed training in the use of ~~the a~~ sound level meter, and shall use measurement procedures consistent with that training. (Repealed and replaced by Ord. 01-13A, Ord. 90-03 §1(part), 1990).

6.02.430 Noise Limits

It is unlawful for any person to produce, or permit to be produced, sounds which:

A. When measured at the boundary

of or within a property on which a noise sensitive unit, not the source of the sound, is located, exceeds:

1. 40 dB at any time between ~~10-9~~ p.m. and 7 a.m. the following day; or

2. 50 dB at any time between 7 a.m. and ~~109~~ p.m. the same day; or

B. Is plainly audible at any time between ~~109~~ p.m. and 7 a.m. the following day within a noise-sensitive unit which is not the source of sound; or

C. Is unnecessarily loud within a noise-sensitive unit which is not the source of the sound.

D. When measured at or within the boundary of or within a property on which no noise-sensitive unit is located, and the noise originates from outside the property, if the noise level exceeds:

1. 60 dB at any time between ~~109~~ p.m. and 7 a.m. of the following day; or

2. 75 dB at any other time.

E. If within a park, street or other public place, is unnecessarily loud at a distance of 100 feet. (Repealed and replaced by Ord. 01-13A, Ord. 90-03 §1(part), 1990).

6.02.440 Prohibited Noises

A. ~~U~~The use of exhaust brakes (jake brakes), except in an emergency or except when used by a person operating an emergency services vehicle equipped with a muffled compression braking system, is prohibited at all times within the city, regardless of noise level.

B. Except as provided in Section 6.02.450, the following acts are violations of this ~~chapter article~~ if they exceed the noise limits specified in Section 6.02.430:

Comment [A62]: 6.02.430 changes from 9 p.m. to 10 p.m. at Council suggestion.

Comment [A59]: 6.02.410 From 7.40.130

Comment [A60]: 6.02.420 From 7.40.140

Comment [A63]: 6.02.440 From 7.40.170

Comment [A61]: 6.02.430 From 7.40.160

1. ~~the~~ sounding of any horn or signal device or any other device on any automobile, motorcycle, truck, bus or other vehicle while in motion, except as a danger signal;

2. ~~the~~ operation of sound-producing devices such as, but not limited to, musical instruments, loudspeakers, amplifying devices, public address systems, radios, tape recorders and/or tape players, compact disc players, phonographs, television sets and stereo systems, including those installed in or on vehicles;

3. ~~the~~ operation of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle, except during sanctioned parades;

4. ~~the~~ use of any automobile, motorcycle or other vehicle so out of repair or in such a manner as to create loud or unnecessary sounds, grating, grinding, rattling or other noise;

5. ~~the~~ keeping of any animal or bird that creates noise in excess of the levels specified in Section 6.07.430;

6. ~~the~~ operation of air conditioning or heating units, heat pumps, refrigeration units (including those mounted on vehicles) and swimming pool or hot tub pumps;

7. ~~the~~ erection (including excavation), demolition, alteration or repair of any building, except as allowed under Sections 6.02.450.E and 6.02.450.F;

8. ~~the~~ use or creation of amplified sound in any outdoor facility;

9. any other action that creates or allows sound in excess of the level allowed by Section 6.02.430. (Ord. 06-03; Repealed and replaced by Ord. 01-13A, Ord. 96-06; Ord. 90-03 §1(part), 1990).

6.02.450 Exceptions to Noise Limits

The following shall not be considered violations of this article, even if the sound limit specified in Section 6.02.430 is exceeded:

A. non-amplified sounds created by organized athletic or other group activities, when such activities are conducted on property generally used for such purposes, such as stadiums, parks, schools and athletic fields, during normal hours for such events;

B. sounds caused by emergency work, or by the ordinary and accepted use of emergency equipment, vehicles and apparatus, regardless of whether such work is performed by a public or private agency, or upon public or private property;

C. sounds caused by bona fide use of emergency warning devices and alarm systems;

D. sounds regulated by federal law, including, but not limited to, sounds caused by railroads or aircraft;

E. sounds caused by demolition activities when performed under a permit issued by appropriate governmental authorities and only between the hours of 7 a.m. and ~~7-8~~ p.m. seven days a week;

F. sounds caused by industrial, agricultural or construction activities during the hours of 7 a.m. to ~~7-8~~ p.m. seven days a week;

G. sounds caused by regular vehicular traffic upon premises open to the public in compliance with state law. Regular vehicle traffic does not include a single vehicle that creates noise in excess of the standard set forth in Section 6.02.430;

H. sounds caused by air-, electrical- or gas-driven domestic tools, including, but not limited to, lawn mowers, ~~leaf blowers~~, lawn edgers, radial arm, circular and table saws, drills and/or other similar lawn or construction tools, but not including tools used for vehicle repair, during the hours of 7 a.m. to ~~87~~ p.m. seven days a week;

Comment [A65]: 6.02.450 E, F, H & I, changes from 7 p.m. to 8 p.m. at Council suggestion.

Comment [A64]: 6.02.450 From 7.40.180

I. sounds caused by chainsaws, when used for pruning, trimming or cutting of live trees between the hours of 7 a.m. and 87 p.m., and not exceeding two hours in any 24 hour period seven days a week;

J. sounds created by community events, such as parades, public fireworks displays, street fairs and festivals that the city manager or designee has determined in writing to be community events for the purposes of this section. The city manager's decision shall be based on the anticipated number of participants or spectators, the location of the event and other factors the city manager determines to be appropriate under the circumstances.

K. sounds made by legal fireworks on the third of July, Fourth of July, and the Friday and Saturday during the weekend closest to the Fourth of July of each year, between the hours of 7 a.m. and 11 p.m.;

L. sounds made between midnight and 12:30 a.m. on January 1 of each year;

M. sounds originating from construction projects for public facilities within rights of way pursuant to a noise mitigation plan approved by the city manager. The city manager may approve a noise mitigation plan only if the city manager determines that the noise mitigation plan will prevent unreasonable noise impacts. The noise mitigation plan must:

1. map the project noise impacts and explain how the impacts will be mitigated;
2. provide special consideration and mitigation efforts for noise sensitive units;
3. outline public notification plans;
4. provide a 24-hour telephone contact number for information and complaints about a project.

The city manager may approve a noise mitigation plan only if the city manager determines that the noise mitigation plan will prevent unreasonable noise impacts. (Ord. 05-14; repealed and replaced by Ord. 01-13A, Ord. 90-03 §1(part), 1990).

6.02.460 Maximum Noise Limit for Certain Activities

Comment [A66]: 6.02.460 from 7.40.190

Notwithstanding Section 6.02.450, the creation of noise by any activity subject to the exceptions listed in subsections 6.02.450.E, 6.02.450.F, 6.02.450.H, or 6.02.450.I, in excess of 85 dB measured on property on which a noise sensitive use is located, for more than five minutes in any calendar day shall be a violation. (Repealed and replaced by Ord. 01-13A, Ord. 99-29; Ord. 96-06; Ord. 90-03 §1(part), 1990).

6.02.470 Evidence of Noise Violation

Comment [A67]: 6.02.470 From 7.40.200

A. In any civil infraction action based on a violation of the limits set forth in subsections 6.02.430.B, 6.02.430.C or 6.02.430.E, the evidence of at least two persons from different households shall be required to establish a violation. Any police or code enforcement officer or other city employee who witnessed the violation shall be counted as a witness for purposes of the two witness requirement.

B. The city may ask an alleged violator to enter into a voluntary compliance agreement consistent with Section 1.16.115 based on a single complaint or single witness. (Repealed and replaced by Ord. 01-13A, Ord. 99-29; Ord. 96-06; Ord. 90-03 §1(part), 1990).

Article VI. Water Service and Meters

6.02.510 Service Connection and Maintenance

Comment [A68]: 6.02.510 From 12.10.160

A. The city will maintain all standard service connections in good repair without expense to the customers.

B. Each customer is required to use reasonable care and diligence to protect the

water meter and meter box from loss or damage by freezing, hot water, traffic hazards and other causes, in default of which, such customer shall pay to the city the full amount of ~~the any~~ resulting damage.

C. Each customer is required to maintain a vegetation- and other obstruction-free zone of a minimum of two feet around the box. Clear access to the meter shall be from the street side in a direct path to the water meter.

D. Failure to maintain the area will result in city personnel clearing the area to meet the city's meter reading and maintenance needs. ~~The customer will be charged any~~ Any related expenses of costs incurred by the city in clearing the area will be charged to the customer.

E. The city shall have no liability for trimming or maintaining vegetation in order to read meters.

**Chapter 6.03
PROPERTY IN THE RIGHT OF WAY**

- 6.03.010** Signs in the Right of Way
- 6.03.020** Abandoned Personal Property in the Right of Way
- 6.03.030** City Authority to Remove
- 6.03.040** Notice Requirements
- 6.03.050** Exemption from Notice Requirements
- 6.03.060** Reclamation of Confiscated Personal Property and Signs
- 6.03.070** Disposal of Personal Property, Signs and Junk
- 6.03.080** Appeal of Confiscation
- 6.03.090** Exemption for Criminal Investigation

6.03.010 Signs in the Right of Way

A. Placement of a sign in the right of way, unless the placement is authorized by a separate provision of any title of the Tigard Municipal Code or Oregon Revised Statutes, is declared to be a public nuisance in violation of this title.

B. ~~The A~~ responsible party for a sign in violation of this chapter shall be responsible for any and all costs associated with disposition of the sign.

6.03.020 Abandoned Personal Property in the Right of Way

A. Abandoned personal property in the right of way is declared to be a public nuisance in violation of this title.

B. The responsible party for the abandoned personal property shall be responsible for any and all costs associated with

~~the disposition of the abandoned personal property.~~

6.03.030 City Authority to Remove

The city manager may confiscate any sign in violation of Section 6.03.010 and any abandoned personal property in violation of Section 6.03.020 without prior notice.

6.03.040 Notice Requirements

A. Subject to exemption by Section 6.03.050, the ~~responsible party for owner of~~ personal property or signs confiscated under Section 6.03.030 shall be notified of the violation and confiscation by the city manager or designee.

1. If the identity and mailing address of the ~~responsible party for owner of~~ personal property or signs confiscated under Section 6.03.030 is known, the city manager shall notify the owner of the

Comment [A69]: 6.03.010 From 7.61.015

Comment [A71]: 6.03.030 From 7.61.025.A and modified.

Comment [A72]: 6.03.040 from 7.61.025.B, C, D.

Comment [A70]: 6.03.020 From 7.61.020 and modified.

item by certified mail or personal service no later than 30 days following the date of the confiscation.

2. If the identity and mailing address of the responsible party ~~for owner~~ of personal property or signs is not known, the city manager shall arrange for the public notice of the confiscation to be provided within 30 days following the confiscation, either by publication in a newspaper of general circulation in the city or by publication on the city website, with a clearly marked link from the city's homepage.

B. A notice under subsection A shall include:

1. a statement that the personal property or sign was in violation of Chapter 6.03 of the Tigard Municipal Code;

2. a description of the personal property or sign and the date, time and location from which the item was confiscated;

3. a copy of Section 6.03.030 notifying the responsible party ~~owner~~ of the process and fees required to retrieve the confiscated personal property or sign from the city;

4. the date after which disposal of the personal property or signs shall occur.

C. A notice by publication under subsection A may contain multiple listings of confiscated signs.

6.03.050 Exemption from Notice Requirements

A. The city manager may exempt certain signs from the notice requirements of 6.03.040.

B. Signs that are exempt from notice requirements:

1. shall be stored for a minimum of 14 days after the date of confiscation;

2. shall be available during the storage period for reclamation by the owner after payment in full of all costs associated with the disposition of the sign;

3. may be disposed of after the storage period without further notification.

6.03.060 Reclamation of Confiscated Personal Property and Signs

A. The city manager shall establish a location for the storage of confiscated personal property and signs. The location should be reasonably secure and accessible to city staff so that personal property and signs can be reclaimed.

B. Confiscated personal property and signs shall be stored for no less than 30 days following the provision of notice under Sections 6.03.040 and 6.03.050.

C. The city manager is authorized to impose and collect an appropriate administrative fee for a violation of this chapter consistent with subsection 1.16.640.A.2 and to additionally recover all costs associated with the confiscated item.

6.03.070 Disposal of Personal Property, Signs and Junk

A. The city manager may immediately dispose of any junk found in the right of way. Disposing of junk under this subsection is not subject to the notice and reclamation provisions of 6.03.040 through 6.03.060.

B. The city manager may order the destruction or other disposal of any personal property coming into the city's possession which is determined by the city to be dangerous or perishable. Weapons shall be destroyed in accordance with ORS 166.280. Such disposal

Comment [A74]: 6.03.060 From 7.61.035

Comment [A75]: 6.03.060.C reclamation text replaced with administrative rule 06.01.050.A.3-01-01. New text authorizes collection of fees.

Comment [A76]: 6.03.070 From 7.61.040

Comment [A73]: 6.03.050 From 7.61.030

under this subsection is not subject to the notice and reclamation provisions of 6.03.040 through 6.03.060.

C. At the sole discretion of the city manager and without provision of notice, the city may donate, dispose of, sell, recycle or repurpose any personal property or sign not reclaimed before expiration of the storage period.

D. In lieu of ~~the~~ disposal of confiscated personal property under this section, at any time the city is authorized to sell or auction ~~the any~~ confiscated personal property or sign, the city may convert the personal property or sign to public use by entering it on the city's fixed asset inventory.

1. Notice of the transfer of the personal property or sign to the city shall be given once by publication in a newspaper of general circulation in the city or by publication on the city website at least 30 days before the personal property or sign is converted to city use. The notice shall describe the property and state that the described personal property or sign shall be converted to city use if the personal property or sign is not reclaimed within 30 days.

2. If the personal property or sign is not reclaimed within 30 days after publication of the notice described in subsection D.1 of this section, the personal property or sign shall be entered on the city's fixed asset inventory and shall not be subject to the right of redemption.

6.03.080 Appeal of Confiscation

A. The responsible party for owner of ~~the~~ confiscated personal property or a sign may request a hearing to contest the validity of ~~the~~ confiscation by submitting a written request for hearing with the city not more than five days from the mailing date of the notice or publishing of public notice.

B. The request shall state the reason(s) why the responsible party owner believes that the confiscation was invalid and

include payment in full for the cost of the hearing.

C. The city shall not consider requests for hearings which do not meet the requirements of subsections A and B.

D. The city manager or designee may establish a fee for the cost of conducting a hearing.

E. A hearing shall comply with all of the following:

1. Upon receipt of a proper request for a hearing, the city shall set a time for a hearing within 30 days of the receipt of the request and shall provide notice of the hearing to the responsible party for owners of the confiscated personal property or sign.

2. Hearings held under this section may be informal in nature, but shall afford a reasonable opportunity for the person requesting the hearing to demonstrate by the statements of witnesses and other evidence, that the confiscation of the personal property or sign was invalid, or for any other reason not justified.

3. The hearings officer may be a city officer, official or employee ~~of the city~~, but may not have participated in any determination or investigation related to ~~the~~ confiscation of the personal property or sign. The city manager may promulgate rules for conducting hearings.

4. ~~The~~ A responsible party owner requesting a hearing may be represented by legal counsel; however, legal counsel shall not be provided at public expense. Written notice of representation by legal counsel shall be provided to the city with the written request for a hearing.

5. The city is only required to provide one hearing each time it confiscates personal property or a sign.

6. Appeal of simultaneous confiscation of multiple items of personal

Comment [A77]: 6.03.080 From 7.61.045

property or signs of the same responsible partyowner may be consolidated into a single appeal hearing.

7. If the city finds after a hearing that the confiscation of the personal property or sign was invalid:

a. The city shall order the immediate release of the personal property or sign to the responsible party foreowner of the item(s), if still in possession of the city, and/or;

b. Refund to the responsible partyowner any payment of costs associated with ~~the~~ removal, storage, detention and maintenance of the personal property or sign that has been reclaimed.

c. The responsible partyowner shall not receive a refund for the cost of the hearing, and shall be liable for storage charges incurred more than 24 hours after the time the personal property or sign is officially ordered released ~~to the person~~.

8. If the city finds after a hearing that ~~the~~ confiscation of the personal

property or sign was valid, the city shall order the personal property or sign be held until the costs of the hearing and all monies incurred or charges associated with the cost of ~~the~~ removal, storage, detention, maintenance and disposition of the confiscated personal property or sign are paid.

9. A person failing to appear at a hearing is not entitled to another hearing or any refund of costs unless the person provides the city satisfactory proof for the person's failure to appear.

10. The city shall provide a written statement of the results of the hearing to the person requesting the hearing.

11. ~~The~~ determination of the hearings officer at a hearing is final and not subject to appeal.

6.03.090 Exemption for Criminal Investigation

A vehicle that is being held as part of any criminal investigation is not subject to any requirements of Chapter 6.03.

Comment [A78]: 6.03.090 From 7.61.050

AIS-606

Item #: 8.

Business Meeting

Date: 01/24/2012

Length (in minutes): 30 Minutes

Agenda Title: Update on Urban Forestry Code Revisions Process

Submitted By: Todd Prager
Community Development

Item Type: Update, Discussion, Direct Staff

Meeting Type:

Council Business Meeting - Main

ISSUE

The Urban Forestry Code Revisions (UFCR) approval process began at the January 9, 2012 Planning Commission meeting. Staff will update Council on progress on the UFCR process to date and next steps.

STAFF RECOMMENDATION / ACTION REQUEST

Council is requested to receive an update on the UFCR project, ask questions, and provide input prior to a more detailed workshop tentatively scheduled for March 2012. The workshop will be followed by a public hearing approximately one month later to consider adoption.

KEY FACTS AND INFORMATION SUMMARY

- On February 16, 2010, Council directed staff to pursue a comprehensive update of the city's urban forestry related code provisions.
- Staff is on track to complete the Urban Forestry Code Revisions (UFCR) project as directed by council.
- The final stage of the project, the legislative approval process, began in January 2012 with a Planning Commission workshop.
- As part of the legislative approval process, council is tentatively scheduled to discuss the UFCR in detail at a workshop on March 20, 2012, and hold a public hearing on adoption of the UFCR on April 24, 2012. However, if the Planning Commission needs additional time to formulate a recommendation to council, this time line will shift by at least a month.
- At the January 24, 2012 meeting, staff would like to update council on the UFCR approval process, project background and next steps (see attached memo). The intent is to inform council on the process in preparation for the anticipated workshop and hearing.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

2011 Council Goal 1.b - Update Tree Code

2009 Urban Forestry Master Plan

2008 Urban Forest Section of the Comprehensive Plan

DATES OF PREVIOUS COUNCIL CONSIDERATION

- Council directed staff to begin a comprehensive update of the city's Urban Forestry Code provisions on February 16, 2010.
- Council provided staff direction on the Tree Grove Preservation Program portion of the project on July 20, 2010.
- Council received a progress update on the Urban Forestry Code Revisions project on October 16, 2010.
- Council approved a six (6) month extension for the project on January 25, 2011.

- Council received another progress update and a detailed presentation of the draft code amendments on July 18, 2011.

Attachments

Attachment 1 - Memo

Timeline



City of Tigard Memorandum

To: Mayor Craig Dirksen and members of the City Council
From: Todd Prager, Associate Planner/Arborist
Re: Urban Forestry Code Revisions, Process Summary
Date: January 10, 2012

Background

In February 2010, council directed staff to pursue a comprehensive update of the city's urban forestry related code provisions. The Urban Forestry Code Revisions (UFCR) approval process began in January 2012 with a Planning Commission workshop. Below is an overview of the UFCR process background and next steps.

CAC Process

A Citizen Advisory Committee (CAC) was appointed by council to allow staff to receive input from a broad set of viewpoints during the update process. This committee included two planning commissioners, two tree board members, two parks board members, two developers (including a representative for the Home Builder's Association), one certified arborist, one natural resource advocate and one at-large citizen. In January 2011, the CAC timeline was extended to ensure ample time for the committee to discuss code topics. At conclusion of their efforts, the committee reached consensus on a set of guiding principles for the following four code topic areas:

1. Urban Forestry Standards for Development
2. Tree Grove Preservation Incentives
3. Tree Permit Requirements
4. Hazard Trees

Staff used the guiding principles to develop and refine the proposed draft code language.

In addition to the CAC, a public involvement plan was developed specifically for the project to provide enhanced opportunities for participation for the overall community throughout the process. This plan included outreach at city events like the Tigard Balloon Festival and Tigard Area Farmers Market, an email newsletter specific to the code revisions project, open houses and other methods for community feedback. The CAC considered community feedback in developing their guiding principles, as did staff in developing the proposed draft code language.

Technical Review

A Technical Advisory Committee (TAC) was formed at the same time as the CAC. The TAC included city staff and representatives from outside agencies to advise the project management team on the technical aspects of the code during the update process.

The draft urban forestry code was also peer reviewed by outside development and urban forestry experts in October 2011 to provide additional assurance of technical soundness. Consultants tested the draft code on actual development projects to identify issues for further refinement in advance of the approval process.

Input Process

Staff gathered and evaluated input on the draft code from community and technical experts during the input process. This involved further refinement of the draft code from a technical and legal standpoint. However, staff has been careful to ensure any changes to the draft code are consistent with the guiding principles developed by the CAC.

A community wide open house was held in December 2011 to receive input and answer questions on the draft code in advance of the Planning Commission and City Council approval process. Advance notice of the community wide open house was provided to every Tigard resident and property owner. In addition, advance notice of the approval process will be provided to every Tigard property owner pursuant with state law (Measure 56). The Measure 56 notice is required to say adoption of the proposed code "may affect the permissible uses of your property." In addition to this required text, staff will be providing supplementary information about the content of the proposed code. Staff contact information will also be provided so community members can have any outstanding questions answered.

Next Steps

Approval Process

This collaborative process led to the staff proposed draft which was presented to the Planning Commission at a workshop on January 9, 2012. Staff summarized the process, answered questions, and received preliminary Planning Commission feedback at the workshop. Following the workshop, Planning Commission will hold a public hearing on February 6, 2012 and consider recommending council adoption of the UFCR.

On March 20, 2012, staff is tentatively scheduled to present on the UFCR project at a council workshop. The workshop will be council's opportunity to learn more and provide preliminary feedback to staff in advance of the hearing. Following the workshop, council is scheduled to hold a public hearing on the adoption of the UFCR on April 24, 2012.

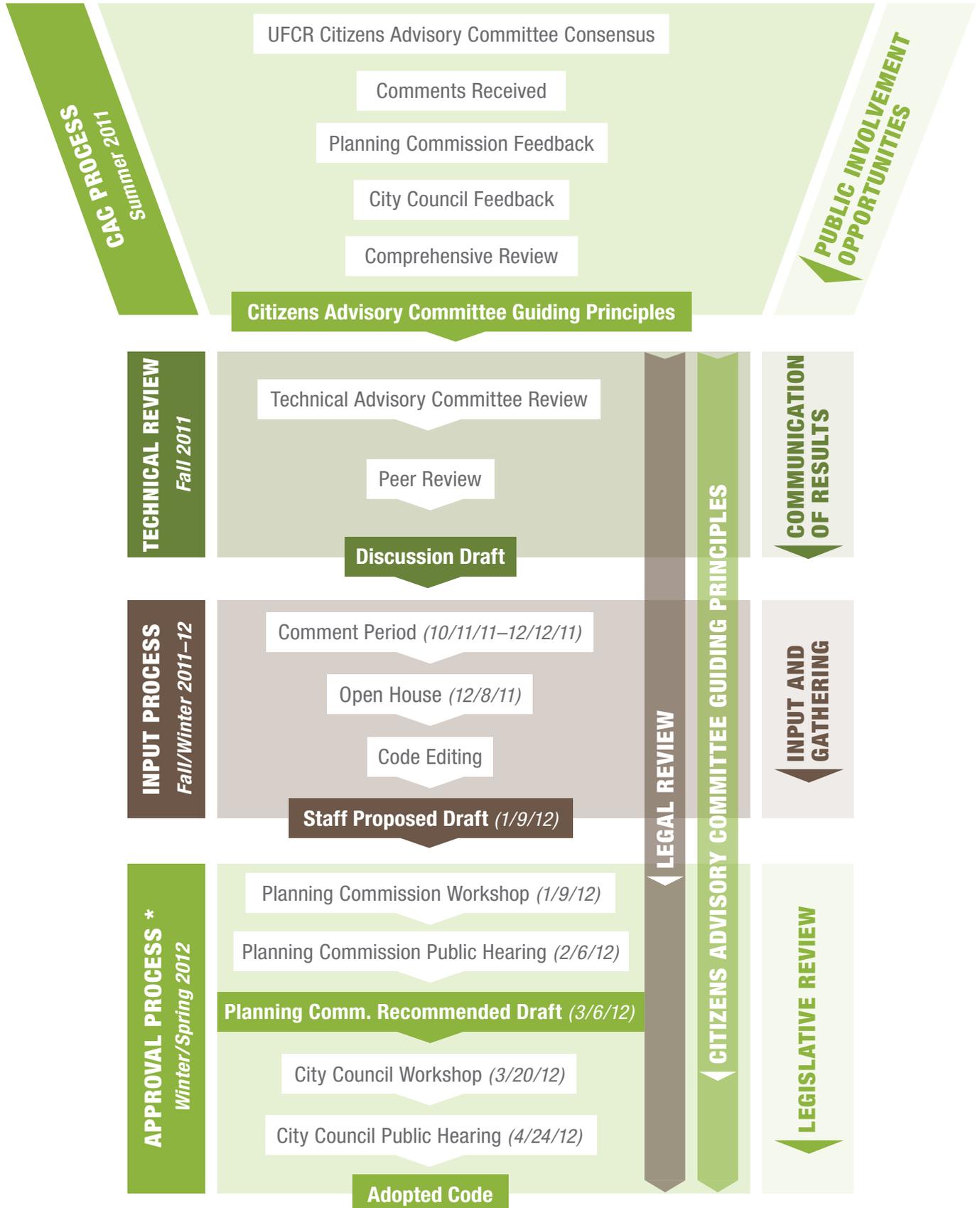
The attached timeline assumes single meetings for both the Planning Commission and City Council public hearings. If additional dates are needed, this timeline will shift by at least a month.

ATTACHMENT: URBAN FORESTRY CODE REVISIONS PROCESS DIAGRAM



City of Tigard

Urban Forestry Code Revision Process



* This timeline assumes single meetings for both the Planning Commission & City Council public hearings. If additional dates are needed, this timeline may shift. Visit www.tigard-or.gov/ufcr for process updates.