

**RESOLUTION NO. 571**

***A RESOLUTION TO ACCEPT DEDICATION OF VILLAGE  
ON THE LOCHS WETLANDS AND PARKLAND AND  
CREDIT TOWARDS SDC FEES.***

WHEREAS, on November 19, 1990, as revised on December 12, 1990, Mr. David Nelson proposed dedication to the City of a part of the Village on the Lochs site, to protect the wetlands, provide park space, and a pedestrian pathway; and

WHEREAS, the Planning Commission approval of the Conditional Use on January 29, 1991 recommended acceptance of the proposed dedication of the defined wetlands and some of the isolated upland area; and

WHEREAS, the Village on the Lochs developer, Mr. David Nelson, has prepared a document dedicating to the City of Canby the wetlands and the isolated upland area, as indicated on the attached Exhibit "1"; and

WHEREAS, the proposed wetlands boundary has been approved by the Division of State Lands and Corps of Engineers including a wetlands definition; and

WHEREAS, the Director of Planning and the Director of Recreation have recommended acceptance of such dedication to insure perpetual protection of such wetlands and provide recreational opportunities; and

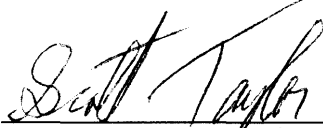
WHEREAS, an appraisal of the land has been satisfactorily completed; and

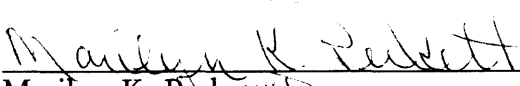
WHEREAS, the appraised value of the land exceeded \$45,000, including improvements; and

WHEREAS, the staff has recommended \$22,500 plus \$1,600 for appraisal fee as an appropriate amount of credit toward future Parks SDC fees; and

THEREFORE, BE IT RESOLVED, that the City of Canby City Council accepts the proposed dedication to the City of Canby of Tract 'A' as described on Exhibit "1" and SDC credits to be paid to Mr. David Nelson quarterly, as accumulated from Village on the Lochs site SDC payments made during the previous quarter, to a total of all payments not to exceed \$24,100.

ADOPTED by the Canby City Council at a regular meeting thereof this 7th day of September, 1994.

  
\_\_\_\_\_  
Scott Taylor, Mayor

  
\_\_\_\_\_  
Marilyn K. Perkett  
City Recorder



VILLAGE CORPORATION

25610 S.W. Mountain Road  
West Linn, Oregon 97068

August 16, 1994

Bob Hoffman  
City of Canby

Re: Village on the Locks, park dedication

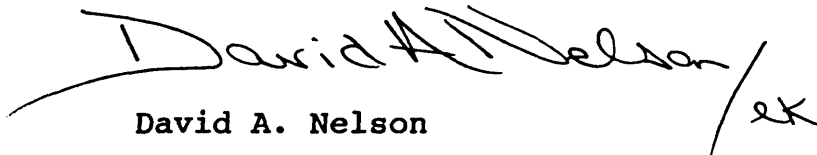
Dear Bob:

Per our meeting of last week we have attached a revised dedication for our park land and improvements of \$22,500.00 even though we have a revised appraisal value of \$45,000.00. Per the ordinance we are also submitting a copy of the cost of the appraisal, \$3,200.00, of which the city is liable for 1/2 or \$1,600.00. It should be noted that when we started this discussion of compensation from the city, you directed us to get an appraisal.

I have attached a copy of my previous letter and the revised appraisal for your information.

The check for the settlement should be to Village Corporation. Please direct your payment of your portion of the appraisal to the appraiser, Powell, Goss and Hermann, P.O. Box 2307, Salem, OR, 97308.

Sincerely,

  
David A. Nelson

att: 12/18/93 letter  
revised appraisal  
invoice  
deed



VILLAGE CORPORATION

25610 S.W. Mountain Road

West Linn, Oregon 97068

12/18/93

Bob Hoffman  
City of Canby  
182 N.Holly  
Canby, OR 97013

Subject: Park land dedication; Village On The Lochs

Dear Mr. Hoffman:

As our previous request for dedication was denied, we asked our appraiser to review the subject property in light of any new information he might have. The new information he had available to him was a comparable wetland property that sold in the area. The main objection to our previous appraisal was the land value. Per the attached letter from our appraiser, Powell, Goss and Herrmann, in May, 1993, the Salem-Keizer School District purchased a 30.57 acre parcel for development of a middle school. The site contained 15.57 acres of usable upland at \$16,000 per acre and 15 acres of wetlands/recreational lands at \$5,000 per acre. It should be noted it was referred to as *wetlands/recreational* land. It should be remembered that in our case we are talking about a year-round stream basin, not just an area of land that is wet part of the year. There is high value in the recreational nature of the subject property, as it is referred to by the City in its own park plan as a link in a regional parks system.

Mid 1993 the City gave developer Walter West Construction Co. a credit towards their parks system development fees for their Redwoods Meadows subdivision of \$34,000. The dedication was for 2.308 acres which was partially wetlands and partially uplands. The subject area is in a flood plain, yet it was given a value of \$34,000 per acre. The average price per acre for the total parcel was \$14,731. Our parcel is 3.11 acres and with a revised improved value of \$45,000, averages \$14,469 per acre.

Clackamas County recently appraised the subject parcel for property tax purposes. The value given to the subject parcel was \$28,120, land only. We have it appraised at \$21,117, or \$7,000 less.

The improvements appraised included 2 foot bridges. An error was made and it should be 3 bridges or \$5500 higher, (see attached plan.) We are not asking for additional compensation for this or the rough grading we did for the Deanza section of the trail.

Our development will generate about \$127,000 in parks system development fees. This credit will reduce that amount by only 35%. With a comparable sale for similar land for a similar

use we believe that the City is getting a good value, and obtaining a critical piece of the master parks plan. We urge you to approve this request as quickly as possible.

Sincerely,

VILLAGE CORPORATION



David A. Nelson, P.E.

President

appr/VC  
enclosures



# Powell, Goss & Herrmann

REAL ESTATE ANALYSTS

C. SPENCER POWELL, MAI  
DARR L. GOSS, MAI  
STEVEN L. HERRMANN, MAI

October 5, 1993

Village Corporation  
Attn: David A. Nelson  
25610 S.W. Mountain Road  
West Linn, Oregon 97068

RE: Village on the Lochs - Canby, Oregon  
Proposed Wetlands Dedication

Dear Mr. Nelson:

We have reviewed your letter dated July 14, 1993 and offer the following information supplement to our appraisal of the Village on the Lochs, Wetlands Park Dedication, dated February 23, 1993.

In May, 1993, the Salem-Keizer School District, 24J purchased a 30.57 acre parcel for development of a middle school. The site contained 15.57 acres of usable uplands at \$16,000 per acre and 15.00 acres of wetlands/recreational lands at \$5,000 per acre. Please reference the enclosed sales sheet for a fuller explanation of the transaction.

We contacted the Cities of Portland and Gresham wetlands acquisition programs and they had not purchased wetlands recently. However, they noted most sales which include wetlands range between \$5,000 to \$6,500 per acre. Both municipalities are planning to start purchase negotiations for wetlands in January 1994.

Based upon the sale of wetlands between the State of Oregon and the Salem-Keizer School District, we have adjusted our estimate of the subject's market value as indicated in the Correlation & Final Value Conclusion section of our appraisal as follows:

Salem  
147 Commercial NE  
P.O. Box 2307  
Salem, OR 97308-2307  
Tel (503) 581-2238  
Fax (503) 585-1616

Portland  
720 SW Washington St.  
Suite 636  
Portland, OR 97206  
Tel (503) 226-3312  
Fax (503) 226-3288

Village Corporation  
Attn: David A. Nelson  
October 5, 1993  
Page Two

**ADJUSTED FINAL VALUE CONCLUSION, SEPTEMBER 1993**

Uplands	0.293 AC @ \$24,000/AC =	\$7,032
Wetlands	<u>2.817 AC @ \$5,000/AC =</u>	<u>\$14,085</u>
Total Site	3.110 AC	\$21,117

Improvement Value

\$24,250

Estimated Market Value of Dedication  
In Round Figures

\$45,367  
**\$45,000**

In our opinion, the market value of the dedication, in fee simple, as of September 2, 1993 was:

**FORTY FIVE THOUSAND DOLLARS....\$45,000**

Please note this adjusted market value estimation of the proposed wetlands dedication is not a complete appraisal report, nor to be viewed as a stand alone document. It is an amendment to the original report dated February 23, 1993 and only valid when attached to that report.

If you have any other questions or require additional assistance, please contact Kelly Munger in our Salem office.

Sincerely,

**POWELL, GOSS & HERRMANN**

*Kelly E. Munger for*  
*Darr L. Goss*  
Darr L. Goss, MAI

DLG/kem

enc

## WETLANDS

SALE: 1

## DATE:

May, 1993

## CASH EQ. PRICE:

\$324,600

## TERMS:

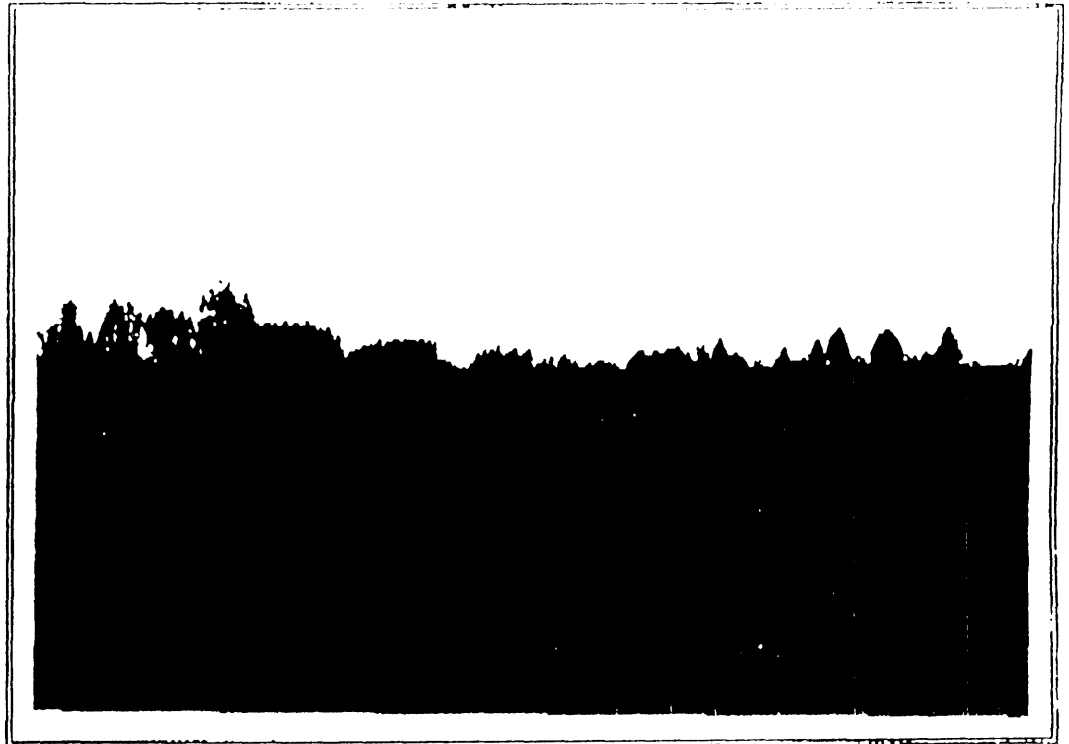
Cash

## UNIT PRICE:

\$5,000/Acre

## SITE:

30.57 Acres



## FUTURE MIDDLE SCHOOL SITE

Pringle Road S.E.

Salem, Oregon

GRANTOR: State of Oregon

GRANTEE: Salem-Keizer School District, 24J

MAP: 8S-3W-02-00300

RECORDING: NE# 1063-0037ED

HIGHEST &amp; BEST USE: Wetland/Residential

TAX ACCT.: 58364-000

ZONE: PH (Public Hospital)

VERIFICATION: B. Johnson, Broker

8/93, 371-1226

IMPROVEMENTS: None.

ANALYSIS: This is the sale of a 30.57 acre parcel of future residential and wetlands on the campus of the State of Oregon Fairview Training Center. It was purchased for development of a middle school to replace the existing Leslie Middle School complex adjacent South Salem High School. The site includes 15.57 acres of buildable uplands 4.00 acres of jurisdictional wetlands and 11.00 acres of floodplain land. According to the purchaser, the floodplain lands have been designated as a regional storm water retention basin by the city of Salem. Therefore no permanent structures will be allowed and it will be developed as the recreational field for the school. The land values were determined with the assistance of an appraisal. Allocation is as follows:

15.00 AC Wet/Recreational @ \$5,000/Acre	\$ 75,000
15.57 AC Residential @ \$16,000/Acre	\$244,600
Total	\$324,600



## Statement

6/22/94

DAVID NELSON  
1655 SOUTH ELM STREET #100  
CANBY OR 97013

[illegible]

AMOUNT DUE	AMOUNT ENC.
1,600.00	

[illegible]

GRANTOR: Village on the Lochs, Ltd., an Oregon Limited Partnership  
GRANTEE: The City of Canby, an Oregon Municipal Corporation

AFTER RECORDING RETURN TO: City of Canby  
182 North Holly  
Canby, Oregon 97013

SEND TAX STATEMENTS TO: City of Canby  
182 North Holly  
Canby, Oregon 97013

**WARRANTY DEED**  
(Dedication of Park Land)

KNOW ALL MEN BY THESE PRESENTS, that VILLAGE ON THE LOCHS, LTD., AN OREGON LIMITED PARTNERSHIP, hereinafter called GRANTOR, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto THE CITY OF CANBY, AN OREGON MUNICIPAL CORPORATION, hereinafter called GRANTEE, and unto GRANTEE'S successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Clackamas, State of Oregon, described as follows, to wit:

See Exhibit "1" and "2"

Subject to GRANTEE's right to free and uninterrupted access for the flow of drainage water from GRANTOR'S real property described in the attached Exhibit "3".

TOGETHER WITH an Easement for the purpose of ingress and egress across GRANTOR'S real property described in the attached Exhibit "3" along 100 Street right-of-way.

TO HAVE AND TO HOLD the same unto the said GRANTEE and GRANTEE'S successors and assigns forever.

And said GRANTOR hereby covenants to and with said GRANTEE and GRANTEE'S heirs, successors and assigns that GRANTOR is lawfully seized in fee simple of the above granted premises, free from all encumbrances, and that GRANTOR will warrant and forever defend the said premises and every party and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$22,500. This is a dedication of park land for the purpose of satisfying the conditions of the conditional use permit 90-06 granted David A. Nelson.

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

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this ~~5th~~ day of August, 1994.

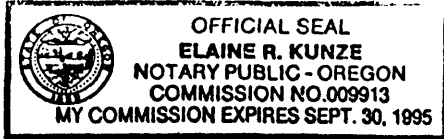
VILLAGE ON THE LOCHS, Ltd., an Oregon limited  
partnership by The Village Corporation,  
its General Partner

By: 

DAVID A. NELSON President of  
The Village Corporation (General Partner)

STATE OF OREGON    )  
                                  )ss.  
County of Clackamas    )

This instrument was acknowledged before me on the 15<sup>th</sup> day of August, 1994, by DAVID A. NELSON, President of the Village Corporation, General Partner of Village on the Lochs, Ltd., an Oregon limited partnership.



Elaine R. Kunze  
Notary Public For Oregon  
My Commission Expires: 9-30-95

ACCEPTANCE

This offer of dedication of park land is accepted by the Canby City Council at a \_\_\_\_\_ meeting on \_\_\_\_\_, 1994, and the mayor of the City of Canby is authorized to accept this deed on behalf of the city.

\_\_\_\_\_  
SCOTT TAYLOR, Mayor

## EXHIBIT "1"

The following described real property situated in the Southwest quarter of Section 4, Township 4 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, bounded and described as follows, to-wit:

Beginning at a stone which is the quarter corner between Sections 4 and 5; thence South 89° 24'37" East along the East-West centerline of Section 4, 214.49 feet to a 1-1/2 inch iron pipe; thence continuing South 89° 24'37" East 32.12, feet to a point intersecting a line described as Frank H. Hilton's North line in Book 363, Page 338 of Deed Records, Clackamas County, Oregon; thence South 44° 58'47" East along said Hilton's North line 94.55 feet to a point at the foot of the bluff; thence South 0° 03'39" West, 54.86 feet to a point in the creek; thence South 58° 00'40" East along the creek, 151.43 feet to a point in the creek, said point being the Southwest corner of the second tract of land described in said Book 363, page 338; thence South 89° 24'10" East along the South line of said tract 39.29 feet to the most Westerly corner of that certain tract conveyed to Claude Torgeson in Book 199, Page 35 of Deed Records, Clackamas County, Oregon; thence South 45° 08'57" East along the most Northerly line of the first tract of land described in Book 476, Page 52 of Deed Records Clackamas County, Oregon, 557.30 feet to a 5/8 inch iron rod with a yellow plastic cap marked "P.L.S. 2384"; thence South 49° 32'40" West 259.59 feet to a yellow plastic cap marked "P.L.S. 2384" near the Westerly edge of a protected wetland; thence meandering along the Westerly edge of said protected wetland through the following courses and distances: North 17° 22'51" West 355.10 feet to a 5/8 inch iron rod with a yellow plastic cap marked "P.L.S. 2384"; North 32° 12'30" West 130.79 feet to a 5/8 inch iron rod with a yellow plastic cap marked "P.L.S. 2384"; North 47° 06'04" West 171.21 feet to a 5/8 inch iron rod with a yellow plastic cap marked "P.L.S. 2384"; North 60° 20'24" West 196.33 feet to a 5/8 inch iron rod with a yellow plastic cap marked "P.L.S. 2384"; North 88° 39'54" West 95.00 feet to a 5/8 inch iron rod with a yellow plastic cap marked "P.L.S. 2384"; thence North 53° 04'37" West 140.00 feet to a 5/8 inch iron rod with a yellow plastic cap marked "P.L.S. 2384" on the West line of Section 4; thence North 0° 08'03" East along the West section line 16.83 feet to the point of beginning.

2.518 Acres

## EXHIBIT "2"

The following described real property situated in the Southwest quarter of Section 4, Township 4 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, and is a portion of a tract of land conveyed from Rodney M. Pitts to Dwayne L. Lingel and Nola A. Lingel, husband and wife, by deed recorded August 9, 1961, in Book 590, Page 577, Clackamas County Deed Records, bounded and described as follows, to-wit:

Beginning at the section corner common to Sections 4, 5, 8 and 9; thence North  $0^{\circ} 08' 03''$  East along the West line of Section 4, 594.00 feet; thence South  $89^{\circ} 55' 26''$  East 1823.00 feet to a point on the West line of a tract of land described in Deed to Roscoe Mack, recorded December 19, 1888, in Book 318, Page 31, Clackamas County Records; thence with the West line of the said Mack Tract North  $0^{\circ} 12' 54''$  East 1095.84 feet to the Northeast corner of the said Lingel Tract; thence with the North line of said Lingel Tract North  $89^{\circ} 27' 25''$  West 243.55 feet; thence South  $0^{\circ} 03' 01''$  East 152.09 feet to a  $5/8$  inch iron rod at the edge of a bluff on the East line of a tract of land conveyed to David R. Anderson, et al, by Deed recorded August 25, 1976, Fee No. 76-29482, said point being the true point of beginning of the real property to be herein described; thence leaving the East line of said Anderson Tract and along the edge of said bluff South  $42^{\circ} 41' 42''$  East 248.20 feet; thence tracing the arc of a 171.00 radius curve to the right, 141.50 feet through a central angle of  $47^{\circ} 24' 39''$  (the chord of which bears South  $37^{\circ} 40' 03''$  West 137.50 feet) to the center of an unnamed creek; thence meandering along the centerline of said creek North  $36^{\circ} 30' 50''$  West 142.78 feet to a point in the center of said creek which is South  $0^{\circ} 03' 01''$  East 76.50 feet from a  $5/8$  inch iron rod; thence North  $0^{\circ} 03' 01''$  West along the East line of said Anderson Tract 76.50 feet to a  $5/8$  inch iron rod; thence continuing along said Anderson Tract North  $0^{\circ} 03' 01''$  West 100.66 feet to the true point of beginning.

ALSO the following described real property situated in the Southwest quarter of Section 4, Township 4 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, bounded and described as follows, to-wit:

Beginning at the section corner common to Sections 4, 5, 8 and 9; thence North  $0^{\circ} 08' 03''$  East along the West line of Section 4, 594.00 feet; thence South  $89^{\circ} 55' 26''$  East 1823.00 feet to a point on the West line of a tract of land described in Deed to Roscoe Mack recorded December 19, 1888, in Book 318, Page 31, Clackamas County Records; thence with the West line of the said Mack Tract North  $0^{\circ} 12' 54''$  East 1095.84 feet to the Northeast corner of the said Lingel Tract; thence with the North line of said Lingel Tract North  $89^{\circ} 27' 25''$  West 243.55 feet, said point being the Northeast corner of a tract of land described in Deed Book 642, Page 307, Deed Records and is the true point of beginning of the real property to be herein described; thence South  $0^{\circ} 03' 01''$  East 226.00 feet; thence West 40.00 feet to the Northeast corner of a well tract; and the TRUE POINT OF BEGINNING of the property herein described; thence continuing West 20.00 feet; thence South 20.00 feet; thence East 20.00 feet; thence North 10.00 feet; thence East 40.00 feet to the East line of the aforementioned tract; thence North  $0^{\circ} 03' 01''$  West 10.00 feet to the true point of beginning.

### EXHIBIT "3"

The following described real property situated in the Southwest quarter of Section 4, Township 4 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, bounded and described as follows, to-wit:

Beginning at the section corner common to Sections 4, 5, 8 and 9; thence North 0° 08'03" East along the West line of Section 4, 1321.15 feet to a 5/8 inch iron rod with a yellow plastic cap 0° 12'54" East 188.68 feet to a point at the top of a bluff; thence tracing the edge of said bluff North 42° 41'42" West 45.62 feet, thence tracing the arc of a 226.00 radius curve to the right 144.70 feet through a central angle of 36° 41'01" (the chord of which bears South 40° 32'20" West 142.24 feet) to the center of an unnamed creek; thence tracing the said center of the creek South 36° 30'50" East 49.96 feet; South 46° 14'54" East 129.19 feet to the intersection of the center of the creek with the said West line of the Mack Tract; thence with the West line of the Mack Tract North 0° 12'54" East 15.00 feet to the true point of beginning.

ALSO the following described real property situated in the Southwest quarter of Section 4, Township 4 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, bounded and described as follows, to-wit:

Beginning at the section corner common to Sections 4, 5, 8 and 9; thence North 0° 08'03" East along the West line of Section 4, 594.00 feet; thence South 89° 55'26" East, 1823.00 feet to a point on the West line of a tract of land described in Deed to Roscoe Mack, recorded December 19, 1888, in Book 318, Page 31, Clackamas County Records; thence with the West line of the said Mack Tract North 0° 12'54" East 1095.84 feet to the Northeast corner of a tract of land conveyed from Rodney M. Pitts to Dwayne I. Lingel and Nola A. Lingel, husband and wife, by Deed recorded August 9, 1961, in Book 590, Page 577, Clackamas County Deed Records; thence with the North line of said Lingel Tract North 89° 27'25" West 73.95 feet to a point at the Northeast corner of a 20.00 foot wide strip of land which is a portion of a conveyance to David R. Anderson, et al, by Deed recorded August 25, 1976, Fee No. 76-29482; thence with the East line of said 20.00 foot wide strip South 0° 32'35" West 2.47 feet, said point being the true point of beginning of the real property herein described; thence tracing the arc of a 157.57 foot radius curve to the right 102.15 feet through a central angle of 37° 08'41" (the chord of which bears South 14° 03'46" East 100.37 feet) to a point; thence South 4° 30'34" West 207.56 feet to a point; thence tracing the arc of a 176.00 foot radius curve to the right 31.02 feet through a central angle of 10° 05'58" (the chord of which bears South 9° 33'36" West 30.98 feet) to a point on the edge of a bluff; thence along the edge of the bluff North 42° 41'42" West 254.18 feet to the East line of the said Anderson tract; thence with the Anderson tract North 0° 03'02" West 132.09 feet; thence South 89° 27'23" East 169.39 feet; thence North 0° 32'36" East 17.53 feet to the true point of beginning.

1 = 200

SEE MAP 4 IE 4B

SEE MAP

SEE

MAP

SEE

MAP

COMM.  
PK.

1704  
24.90 Ac.

4CB

4

IE

4CA

CEDAR RIDGE  
VILLAGE  
HON LOCHS

PS 24941

86-02

1201  
1.28 Ac.  
1825

1303  
0.98 Ac.

1401  
6.25 Ac.

1700  
0.89 Ac.

1200  
0.01 Ac.

1300  
0.59 Ac.

1500  
5.50 Ac.  
1715

1701  
25.28 Ac.

CITY OF CANBY 92-49809

PS 24941

G.A.D.

86-05

1600  
4.71 Ac.

1602  
1.40 Ac.

CEN  
S. FIR ST.  
NO. 1288  
ROAD  
COUNTY

1/4 COR.

R.S.W. 13TH. AVE

CO. RD. 2

SW

S. CEDAR DR

S. BIRCH DR

S. PVT. CEDAR DR

PVT. CT.

STREET  
ELM  
SOUTH

SEE MAP 4 IE 5