

RESOLUTION NO. 96-046

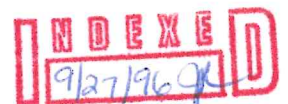
A RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO SIGN AN AGREEMENT WITH KARGL, ELWOOD & GEIGER, INC. TO ASSURE COMPLETION OF IMPROVEMENTS FOR SUBDIVISION 38-96, AND APPROVING THE FINAL PLAT FOR SAID SUBDIVISION

WHEREAS, the City of The Dalles Planning Commission adopted Resolution No. P.C. 347-96, on March 21, 1996, granting tentative approval of Subdivision 38-96, to divide a 2.78 acre parcel into 8 lots on the property located at Columbia View Heights and Veterans Drive, and described as Township 1 North, Range 13 East, Section 1, Tax Lot 300, and Township 1 North, Range 14 East, Section 6, Tax Lot 1800, subject to certain conditions; and

WHEREAS, Section 9 (12) of General Ordinance No. 937 provides that as an alternative to compliance with any conditions imposed by the Planning Commission, the City Council may accept an agreement with a subdivider which specifies the time within which certain improvements shall be completed; and

WHEREAS, Kargl, Elwood & Geiger, Inc., the subdivider, has advised the City it would like to obtain approval of the final plat for Subdivision 38-96, in order to be able to sell lots to establish funds which can be used to complete certain improvements for the subdivision; and

WHEREAS, Section 9 (13) of General Ordinance No. 937 provides that as part of the process of final plat approval, the City and a subdivider can enter into an agreement whereby the subdivider shall assure its faithful performance of the agreement



by posting either a surety bond, a personal bond, or cash, in a form acceptable to the City Attorney; and

WHEREAS, the City and Kargl, Elwood & Geiger, Inc. have reached an agreement under Sections 9 (12) and 9 (13) of General Ordinance No. 937, a copy of which is attached hereto; and

WHEREAS, the City Council believes it is in the best interest of the City to sign the agreement attached hereto; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. The City Council hereby authorizes the City Manager and City Clerk to sign the agreement attached hereto with Kargl, Elwood & Geiger, Inc. to guarantee completion of the improvements as set forth in the said agreement.

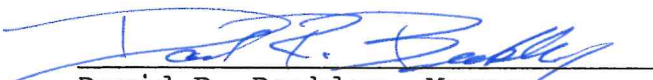
Section 2. The City Council approves the final plat submitted by Kargl, Elwood & Geiger, Inc., and authorizes City staff to obtain the necessary signatures and perform other required acts to record the final plat.

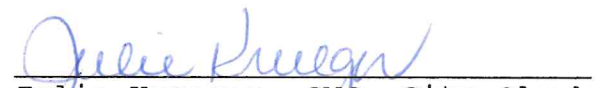
PASSED AND ADOPTED THIS 23RD DAY OF SEPTEMBER, 1996.

Voting Yes, Councilmembers:	<u>Van Cleave, Briggs, Davis, Hill, Koch</u>
Voting No, Councilmembers:	<u>None</u>
Absent, Councilmembers:	<u>None</u>
Abstaining, Councilmembers:	<u>None</u>

AND APPROVED BY THE MAYOR THIS 23RD DAY OF SEPTEMBER, 1996.

Attest:


David R. Beckley, Mayor


Julie Krueger, CMC, City Clerk

AGREEMENT

WHEREAS, Kargl, Elwood & Geiger, Inc., hereinafter referred to as "Subdivider", submitted an application for a tentative plan approval for Subdivision 38-96 to divide a 2.78 acre parcel into 8 lots on the property located at Columbia View Heights and Veterans Drive, and described as Township 1 North, Range 13 East, Section 1, Tax Lot 300, and Township 1 North, Range 14, Section 6, Tax Lot 1800; and

WHEREAS, the City of The Dalles Planning Commission adopted Resolution No. P. C. 347-96 on March 21, 1996, a copy of which is attached hereto as Exhibit "A", granting tentative approval of Subdivision 38-96, subject to certain conditions; and

WHEREAS, the Subdivider has advised the City it would like to obtain approval of the final plat for Subdivision 38-96, in order to be able to sell lots to have the funding necessary to complete certain improvements for the subdivision; and

WHEREAS, Section 9 (12) of General Ordinance No. 937 provides that as an alternative to compliance with any conditions imposed by the Planning Commission, the City Council may enter into an agreement with a subdivider which specifies the time within which certain improvements shall be completed; and

WHEREAS, Section 9 (13) of General Ordinance No. 937 requires that a subdivider shall assure his faithful performance of the agreement under Section 9 (12) by posting either a surety bond, a personal bond, or cash, in a form acceptable to the City Attorney;

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, the parties mutually agree as follows:

1. Attached hereto as Exhibit B, and by this reference incorporated herein, is a letter from Tenneson Engineering Corporation outlining the improvements which the Subdivider needs to complete. The total estimated cost for the improvements is \$40,590.00. Within one year from the date of approval of the final plat by the City of The Dalles Planning Commission, the Subdivider shall complete the construction and installation of all the improvements and utilities listed on Exhibit B, including placement of underground utilities and construction of curbs and street for Columbia View Drive from Veterans Drive easterly approximately 525 feet.

2. Attached hereto as Exhibit C, and by this reference incorporated herein, is a true and correct copy of an Agreement between the Subdivider, in its capacity as depositor, Columbia River Bank, and the City of The Dalles. Pursuant to this agreement, the Subdivider has deposited funds with Columbia River Bank, which funds will be maintained in a savings account in the sum of \$40,590.00.

3. Subdivider shall cause a licensed engineer to inspect the improvements from time to time. Upon the engineer's certification of satisfactory construction of the improvements to that date and of the percentage of completion of the improvements, the City shall authorize Columbia River Bank in writing to release funds to Subdivider to total ninety-five percent (95%) of an equal percentage of the original balance of

the savings account. Upon the engineer's certification that the improvements are fully complete and satisfactorily constructed to City standards, the City shall authorize Columbia River Bank in writing to release all remaining funds in the savings account to Subdivider.

4. In the event that the Subdivider fails to complete the specified improvements within the time period set forth in this agreement, the City Council may call for bids for the completion of the improvements. The full costs and expense of completion of the improvements shall be paid for from the funds held in the savings account at Columbia River Bank. In the event the sum deposited with Columbia River Bank exceeds the cost and expense incurred by the City, the City shall release the balance of the funds held in deposit. If the amount of the sum deposited with Columbia River Bank is insufficient to pay for the cost and expense incurred by the City, in completing the improvements, the Subdivider shall reimburse the City for the difference.

Dated this _____ day of _____ 1996.

KARGL, ELWOOD & GEIGER, INC.

CITY OF THE DALLES

By: _____
John E. Geiger
President

By: _____
Margaret M. Renard
City Manager

ATTEST:

Julie Krueger, City Clerk

RESOLUTION NO. P.C. 347-96
APPROVING SUBDIVISION 38-96 OF
KARGL, ELWOOD & GEIGER REQUESTING
PRELIMINARY PLAT APPROVAL OF FOURTH
ADDITION COLUMBIA VIEW HEIGHTS

I. RECITALS:

A. The Planning Commission of the City of The Dalles has, on this day, conducted a public hearing to consider the above request for use of property located at Columbia View Heights and Veterans Drive and described as Township 1 North, Range 13 East, Section 1, Tax Lot 300 and Township 1 North, Range 14, Section 6, Tax Lot 1800.

B. A staff report was presented, stating the findings of fact, conclusions of law, and a staff recommendation.

C. Staff Report Subdivision 38-96 and the minutes of the March 21, 1996, Planning Commission meeting upon approval, provide the basis for this resolution and are herein attached by reference.

II. RESOLUTION:

Now, therefore, be it FOUND, DETERMINED, and RESOLVED by the Planning Commission of the City of The Dalles as follows:

A. In all respects as set forth in Recitals, Part "I" of this resolution.

B. Subdivision 38-96 is hereby approved with the following conditions:

1. Per Subdivision Ordinance 937, Chapter VIII, Section 9, tentative plan approval shall be valid for one year within which time the subdivider shall submit a final plan for approval and filing. The conditions of the tentative approval, including public improvements (or bonding) must be complete in order for the final plat to be accepted. The individual lots are not saleable until the final plat is filed.

2. Applicant must submit all infrastructure plans for approval by the City Engineer and Oregon DEQ (sanitary sewer)

RESOLUTION NO. 347-96

EXHIBIT "A"

prior to construction. All City and State standards are to be met with proper notice to City and inspection thereby, as-builts provided, and improvements accepted in writing by the City Engineer prior to final acceptance.

3. Standard sidewalks are to be installed on Columbia View Drive of lots 3, 4, 5, 6, 7, 8 and Veteran's Drive Lot 3, 2, 1 at the time said lots are developed.

4. All reasonable and standard signage and safety devices shall be employed for blasting. Prior warnings (press releases, etc), including notice to the City and ODOT at least 24 hours in advance of each blasting session shall be required.

5. Street lights shall be provided by the developer per the plan devised by the Northern Wasco County Public Utility District.

6. Street trees will be required on Veteran's Drive only. In addition, shared drive entrances shall be provided wherever possible to avoid traffic congestion.

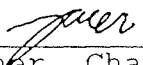
7. The applicant shall prepare protective covenants which restrict the heights of both structures and trees from extending into the line of sight as measured from 5' above the finished floor elevation of the new Veteran's Home at the closest point to Columbia View Drive. The line of site shall be a horizontal plane extending 5' above from the finished floor elevation of the Veteran's Home.

III. APPEALS, COMPLIANCE, AND PENALTIES

- A. Any party of record may appeal a decision of the Planning Commission to the City Council for review. Appeals must be made according to Section 36 of the Zoning Ordinance, and must be filed with City Clerk with in ten (10) days of the date of resolution.
- B. Failure to exercise this approval within the time limits set either by resolution or by ordinance will invalidate this permit.
- C. All conditions of approval must be met within the time limits set by this resolution or by ordinance. Failure to meet any condition will prompt enforcement proceedings that can result in: 1) permit revocation; 2) fines of up to \$250 per day for the violation period.

The Secretary of the Commission shall (a) certify to the adoption of the Resolution; (b) transmit a copy of the Resolution along with a stamped approved/denied site plan or plat to the applicant.

APPROVED AND ADOPTED THIS 21ST DAY OF MARCH, 1996.



Terry Turner, Chairman
Planning Commission

I, Katie Skakel, Secretary to the Planning Commission of the City of The Dalles, hereby certify that the foregoing Resolution was adopted at the regular meeting of the City Planning Commission, held on the 21ST day of March, 1996.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: 

Secretary, Planning Commission

CONSULTING

Engineers

TENNESON ENGINEERING CORPORATION

PHONE (541) 296-9177

FAX (541) 296-6657

409 LINCOLN STREET

THE DALLES, OR 97058

August 27, 1996

City of the Dalles
313 Court Street
The Dalles, Oregon 97058

Reference: Subdivision 38-96
Columbia View Heights

Gentlemen:

The following is the Engineer's estimate to furnish and place the underground utilities, construct curbs and street for Columbia View Drive from Veterans' Drive easterly approximately 525 feet. The improvements for the curb and sidewalk will be placed as part of the Veterans' Drive construction on the lots that front Veterans' Drive - Lots 1, 2 and 3.

I. Sanitary Sewer

1.	561 L.F.	F&P 8" PVC @ \$14.82/l.f.	
2.	3 each	48" MH @ \$1,000.00/each	\$ 8,314.02
3.	105 cu.yds.	Pipe Bedding @ \$20.00/cu. yd.	3,000.00
			<u>2,100.00</u>

\$ 13,414.00

II. Water

1.	520 L.F.	F&P 6" water line @ \$19.00/l.f.	
2.	2 each	6" G.V. @ \$300.00/each	\$ 9,880.00
3.	1 each	F.H. @ \$1,400.00/each	600.00
4.	8 each	House Services @ \$225.00/each	1,400.00
			<u>1,800.00</u>

\$ 13,680.00

III. Street

1.	542 L.F.	Concrete curb @ \$8.00/l.f.	
2.	220 cu.yds.	Base rock @ \$22.00/cu. yd.	\$ 4,336.00
3.	120 tons	A/C @ \$36.00/ton	4,840.00
			<u>4,320.00</u>

\$ 13,496.00

TOTAL


\$ 40,590.00

EXHIBIT "B"

If you have any questions regarding the Engineer's Estimate, please don't hesitate to call me.

Sincerely yours,

TENNESON ENGINEERING CORPORATION



Donald J. Rohde, P.E.

DJR:lg

cc: John Geiger

AGREEMENT WITH DEPOSITOR AND
TRUSTEE ON DEPOSITS

This agreement is for the purposes of fulfilling the requirements of General Ordinance No. 937 of the City of The Dalles, and is entered into between the City of The Dalles, the Depositor, Kargl, Elwood & Geiger, Inc., and Columbia River Bank, as Trustee.

The undersigned Depositor and Trustee do hereby assign the right to the City of The Dalles, to determine at its discretion, the payment of all funds held by Columbia River Bank, as Trustee, in the sum of Forty Thousand Five Hundred Ninety Dollars (\$40,590.00), in savings account No. _____, in accordance with and for the purposes set forth in sections 9(12) and 9(13) of General Ordinance No. 937.

It is understood and agreed that Columbia River Bank, as Trustee, will hold such funds in the amount of \$40,590.00, until an authorization for release or direction for payment is received from the Depositor's Engineer and the City of The Dalles.

All fund deposits shall be renewable at maturity and at rates and terms in effect at the time of renewal, and all interest shall be paid to or accrued as directed by the Depositor notwithstanding anything contained herein to the contrary.

Signed and dated at The Dalles, Oregon.

This _____ day of _____, 1996.

KARGL, ELWOOD & GEIGER, INC.

Depositor

Address P. O. Box 1010

The Dalles, Oregon 97058

ACCEPTANCE BY CITY

The City of The Dalles hereby accepts and acknowledges the assignments of the rights and obligations set forth in this agreement.

Dated this _____ day of _____, 1996.

CITY OF THE DALLES

By: _____
Margaret M. Renard
City Manager

Attest: _____
Julie Krueger
City Clerk

ACCEPTANCE BY TRUSTEE

The undersigned hereby accepts the funds in Account No. _____ in the amount of \$40,590.00 this _____ day of _____, 1996. It is further agreed that said funds will be held for the uses and purposes above stated until authorization for disposition is granted by the City of The Dalles.

Authorized Signature _____

Financial Office _____

Address _____