

RESOLUTION NO. 2660

A RESOLUTION ADOPTING AN AMENDMENT TO THE INTERGOVERNMENTAL COOPERATIVE AGREEMENT WITH THE CITY OF WARRENTON URBAN RENEWAL AGENCY REGARDING OWNERSHIP AND DISPOSITION OF PROPERTY

WHEREAS, the City of Warrenton, Clatsop County, Oregon (the "City") and the City of Warrenton Urban Renewal Agency, Clatsop County, Oregon (the "Agency") entered into that certain Intergovernmental Cooperative Agreement for Ownership and Disposition of Property on April 23, 2013 (the "Agreement"); and

WHEREAS, the City and Agency now desire to amend the existing Agreement no in order to permit the Agency to retain the Property for use as a public park, a stormwater/wetlands area, a paved plaza for public events, and a public parking lot servicing such park; and

WHEREAS, the City and Agency are permitted to enter such an agreement pursuant to ORS Chapter 190 and ORS Chapter 457.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COMMISSION OF THE CITY OF WARRENTON, OREGON AS FOLLOWS:

1. The City hereby agrees to the terms and conditions of the Amendment substantially in the form attached hereto as Exhibit A.
2. The City hereby authorizes and directs the City Manager or his/her designee to execute the Amendment on behalf of the City with any changes as the City Manager or his/her designee deem necessary or desirable.
3. The City hereby authorizes and directs the City Manager or his/her designee to take any and all action to carry out the intent of the Amendment.
4. Pursuant to ORS 221.310(3), this resolution shall become effective upon passage by the Commission.

Dated this 14 day of November, 2023.

CITY OF WARRENTON

CLATSOP COUNTY, OREGON

APPROVED:



Mayor Thomas Dyer
Senior Commissioner/Acting Mayor

ATTEST:



City Recorder

**AMENDMENT ONE TO INTERGOVERNMENTAL COOPERATIVE AGREEMENT FOR OWNERSHIP AND
DISPOSITION OF PROPERTY BETWEEN THE CITY OF WARRENTON AND THE CITY OF WARRENTON
URBAN RENEWAL AGENCY**

This Amendment made and entered into this 14th day of November 2023 (the "Effective Date"), between the City of Warrenton, Clatsop County, Oregon, a municipal corporation of the State of Oregon (the "City") and the City of Warrenton Urban Renewal Agency, Clatsop County, Oregon, a public body created and activated under ORS Chapter 457 (the "Agency"). Capitalized terms used but not defined herein have the meaning set forth in the Intergovernmental Cooperative Agreement for Ownership and Disposition of Property between the City of Warrenton and the City of Warrenton Urban Renewal Agency (the "Agreement").

RECITALS

WHEREAS, the City and the Agency entered into that certain Agreement on April 23, 2013 (as herein and hereinafter amended, from time to time, collectively, the "Agreement") to ready the Property for redevelopment purposes pursuant to the Plan, to prepay the 2007 Note, to sell the Property for Plan purposes, and to allocate such sale proceeds between the City and Agency; and

WHEREAS, the Agreement specifically contemplates reselling the Property to a third party for Plan purposes; and

WHEREAS, the parties now desire to amend the Agreement in order to permit the Agency to retain the Property for use as a public park, a stormwater/wetlands area, a paved plaza for public events, and a public parking lot serving businesses in the downtown area as well as such park; and

WHEREAS, the parties are permitted to enter such an agreement pursuant to ORS Chapter 190 and ORS Chapter 457; and

WHEREAS, the desired and anticipated uses of the Property align with the intent, purposes, and goals set forth in the Plan.

NOW THEREFORE, in consideration of the mutual promises and agreements contained herein, the undersigned parties jointly and respectively agree as follows:

1. Amendment. The parties hereby amend the Agreement as follows:

- a. Sections 2.4, 2.5, and 2.6 are hereby deleted in their entirety and replaced with the following:

"2.4 The City shall cooperate with Agency to ready the Property for use as a public park, develop a stormwater/wetlands area, develop a paved plaza for public events, and develop a public parking lot servicing businesses and such park (collectively, the "Uses") in connection with the Plan, including, but not limited to rezoning if appropriate.

2.5 The City shall cooperate with the Agency to ready the Property for the Uses for Plan purposes and in accordance with ORS Chapter 457."

- b. Sections 3.2, 3.3, and 3.4 are hereby deleted in their entirety and replaced with the following:

“3.2 The Agency shall cooperate with the City to ready the Property for the Uses in connection with the Plan, including, but not limited to rezoning if appropriate.

3.3 The Agency shall cooperate with the City to ready the Property for the Uses for Plan purposes and in accordance with ORS Chapter 457.

3.4 [Reserved]”

- c. Section 4 is hereby deleted in its entirety.

- 2. Interpretation; Remaining Terms. From and after the Effective Date, “Agreement” means the original Agreement as amended by this Amendment. Except as expressly modified by the terms and conditions of this Amendment, the parties ratify and confirm each of the terms and conditions of the Agreement which, the parties acknowledge and agree, remains in full force and effect.

[Remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the Effective Date.

CITY OF WARRENTON, OREGON

An Oregon Municipal Corporation

By: John Dyer

Title: Senior Commissioner / Acting Mayor

CITY OF WARRENTON URBAN RENEWAL AGENCY,
OREGON

An Oregon public body

By: John

Title: Senior Commissioner / Acting Chair