

CITY OF SHERWOOD, OREGON

RESOLUTION NO. 316

A RESOLUTION AUTHORIZING AND APPROVING CONTRIBUTION AND REFUND AGREEMENTS WITH THE ST. PAUL LUTHERAN CHURCH OF SHERWOOD FOR CONSTRUCTION OF THE S.W. SCHOLLS-SHERWOOD ROAD WATERLINE.

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WHEREAS, it is the policy of the City of Sherwood to participate in the cost of the replacement of existing, but inadequate, water mains on a pro rata basis.


WHEREAS, it is the policy of the City of Sherwood to ensure to the limits of its authority that property owners are compensated for any oversizing or frontending of the costs of constructing water mains.

WHEREAS, St. Paul's Lutheran Church of Sherwood is proceeding to construct a ten inch (10") water main from Edy Road to Scholls-Sherwood Road and said water main will both replace an existing waterline and potentially serve properties north and east of the Church.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF SHERWOOD:

1. Contribution: The City agrees to pay to the Church an amount equal to \$4.00 per lineal foot of the ten inch (10") and eight inch (8") portions of the water main for its entire length from the connection to the S.W. Edy Road waterline to its easterly terminus on S.W. Scholls-Sherwood Road, as more particularly described in the attached "Contribution Agreements".
2. Refund: The City agrees to require of properties north and east of the Church, prior to providing water service to those properties, to refund to the Church, on a pro rata basis, an amount equal to \$4.40 per lineal foot of both the eight inch (8") and ten inch (10") portions of the watermain from the connection point at S.W. Edy Road to the terminus at S.W. Scholls-Sherwood Road, apportioned on an acre basis over all properties benefited by the oversizing, including the Church, as more particularly described in the attached "Refund Agreement".
3. Authorization: The City Manager is hereby authorized to execute the aforementioned Contribution and Refund Agreements on the City's behalf.

PASSED BY THE CITY COUNCIL AT ITS MEETING OF FEBRUARY 27, 1985.

  
\_\_\_\_\_  
Mary Tobias, Mayor of the  
City of Sherwood

ATTEST:

  
\_\_\_\_\_  
Polly Blankenbaker  
Recorder

EXHIBIT "B"

EASEMENT THROUGH TAX LOTS 1500 AND 1501

A strip of land 10.00 feet in width for water line easement, lying in the Northeast 1/4 of Section 30, Township 2 South, Range 1 West of the Willamette Meridian in Washington County, Oregon, more particularly described as follows:

Beginning at the Southeast corner of the Northwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 30, said point being the Southeast corner of that certain tract of land described in Book 696, page 121, Washington County Deed Records; thence North  $0^{\circ}24'48''$  East along the East line of said last mentioned tract, a distance of 530.98 feet to a point on the South right of way line of S.W. Scholls Sherwood Road (County Road No. 1324); thence South  $89^{\circ}49'$  West along said South right of way line 10.00 feet; thence South  $0^{\circ}24'48''$  West, parallel to and 10.00 feet Westerly of the East line of that certain tract of land described in Book 696, page 121, Washington County Deed Records, a distance of 630.96 feet to a point on the South line of said last mentioned tract; thence North  $89^{\circ}58'18''$  East along said South line a distance of 10.00 feet to the Southeast corner of the herein mentioned tract of land described in said Book 696, page 121, said point being the point of beginning.

EXHIBIT "C"

EASEMENT THROUGH TAX LOT 1600

A strip of land 10.00 feet in width for water line easement, lying in the Northeast 1/4 of Section 30, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of that certain tract of land described in Film Record No. 83-7076, Washington County Deed Records, said point bearing South  $89^{\circ}35'$  West 1526.57 feet and North  $0^{\circ}24'48''$  East 653.77 feet from the 1/4 corner on the East line of said Section 30; thence South  $0^{\circ}24'48''$  West, along the West line of that said tract of land described in Film Record No. 83-7076, a distance of 628.77 feet to a point on the North right of way line of Edy Road (County Road No. 1459); thence due WEST along the North right of way line of said Edy Road a distance of 10.00 feet; thence North  $0^{\circ}24'48''$  East, parallel to and 10.00 feet West-erly of the West line of said Film Record No. 83-7076 tract of land, a distance of 628.77 feet to a point on the North line of the South one-half of the Southwest 1/4 of the Northeast 1/4 of said Section 30; thence North  $89^{\circ}58'18''$  East, along said North line a distance of 10.00 feet to the point of beginning.

CONTRIBUTION AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_\_ day of March, 1985, by and between the CITY OF SHERWOOD, OREGON, a municipality in the State of Oregon, hereafter designated "City", and ST. PAUL LUTHERAN CHURCH, of Sherwood, Washington County, Oregon, an Oregon Corporation, hereinafter designated "Developer".

W I T N E S S E T H :

WHEREAS, on the \_\_\_\_ day of March, 1985, Developer completed the construction of the extension of a water main described as follows:

Beginning at a point at the northern terminum of the (10") waterline serving St. Paul Lutheran Church; proceeding east 510 feet within the Southwest Scholls-Sherwood Road right-of-way to a point.

Said water line is adjacent to property other than property owned by the Developer so that water service for domestic, commercial or industrial use is provided for the following properties without further extension of the water line:

TAX LOTS 1400, 1300 and 500 of the NE 1/4 of Section 30, T2S, R1W, of the Willamette Meridian, Washington County, Oregon.

WHEREAS, it is the policy of the CITY OF SHERWOOD to participate in the cost of the replacement of existing, but inadequate, water mains on a pro rata basis, NOW, THEREFORE, the City hereby agrees to refund to Developer an amount equal to \$4.00 per lineal foot of the water line for its entire length from the connection to the ten inch (10") water line serving St. Paul Lutheran Church to its easterly terminus on Southwest Scholls-Sherwood Road.

Payment by the City shall be made upon approval of the line constructed by Developer and acceptance of same as a public water line by the City of Sherwood.

CITY OF SHERWOOD

By: \_\_\_\_\_  
*James H. Kapp*

As authorized by resolution of the City Council passed February 27, 1985.

ST. PAUL LUTHERAN CHURCH OF SHERWOOD

By: *W. C. [unclear]*  
Developer

As authorized by resolution passed  
by the governing body of Developer,  
a copy of which resolution is  
attached.

Special Voters Meeting 2-10-85:

Motion passed to authorize Senior Elder Glen C. Warmbier to execute and sign necessary documents with the City of Sherwood and Washington County, Oregon, to enable completion of water line.

*Walter H. Labahn*

Walt Labahn  
Secretary,  
St. Paul Lutheran Church

*March 3 1985*

Date

REFUND AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of February, 1985, by and between the CITY OF SHERWOOD, OREGON, a municipality in the State of Oregon, hereinafter designated "City", and ST. PAUL LUTHERAN CHURCH OF SHERWOOD, Washington County, Oregon, an Oregon corporation, hereinafter designated "Developer".

W I T N E S S E T H :

WHEREAS, on the \_\_\_ day of \_\_\_\_\_, 1985, Developer completed the construction of the extension of a water main described as follows:

From a connection point with the Edy Road water line, north and west to a terminus at Southwest Scholls Sherwood Road and all within the three water line easements more particularly described in Exhibits "A", "B" and "C" attached hereto and by this reference fully incorporated herein.

Said water line is adjacent to property other than property owned by the Developer so that water service for domestic, commercial or industrial use is provided for abutting properties without further extension of the water line, and has been oversized to enable future extension and adequate service to properties lying north, east and west of the terminus of the line installed by Developer. Said other properties are outlined within the red boundary shown on Exhibit "D" attached hereto and by this reference incorporated herein.

NOW, THEREFORE, City hereby agrees to require the owners of the hereinabove described properties, prior to providing water service to those properties to refund to Developer a pro rata portion of the cost of said extension. The amount to be refunded shall be based upon \$4.40 per lineal foot of the water line from the connection point at S.W. Edy Road to the terminus at Southwest Scholls Sherwood Road, apportioned on an acre basis over all properties benefited by the oversizing, including Developer's property.

City agrees to make all reasonable effort to collect for such connections the amounts as hereinafter set forth and shall pay such amounts directly to Developer. No permanent connection shall be made until payment is received unless agreed to by Developer or unless ordered to connect by a court order. In the event suit or action is filed against City that challenges the right of City to make or collect the refund charges or challenges the reasonableness thereof, Developer agrees to assume the defense of this litigation and to hold City harmless from any loss, costs, attorneys' fees and expenses resulting therefrom. Developer agrees to be bound by any court decision on this matter.

Developer agrees that if Developer, by agreement with any of the property owners benefited by the oversized improvements to be installed by Developer, extends service to those properties from the terminus of the 10" line at Southwest

Scholls Sherwood Road, Developer will do that at a cost to be paid by the property owners of the property served thereby directly to Developer. Developer will pay whatever sums are agreed upon between Developer and said extending property owners and City will not be obligated to collect for developer the cost of said extensions or for the oversizing refund called for by this agreement due from the properties served by those extensions installed by Developer beyond the 10" line terminus.

Any such extensions shall be constructed to City specifications and shall require coverage on a one year maintenance bond in a form acceptable to the City.

This agreement shall terminate at such time as Developer has received the cost of the portion of said water line eligible for refund or on the 1st day of March, 1995 (a date not to exceed ten years from date City accepts water line installation as a City line), whichever event first occurs.

CITY OF SHERWOOD

By: *[Signature]*

As authorized by resolution of the City Council passed *February 27*, 1985.

ST. PAUL LUTHERAN CHURCH OF SHERWOOD

By: *[Signature]*

As authorized by resolution passed by the governing body of Developer, a copy of which resolution is hereto attached.



EXHIBIT "A"

EASEMENT THROUGH TAX LOT 1400

A strip of land 10.00 feet in width for water line Easement, lying in the Northeast 1/4 of Section 30, Township 2 South, Range 1 West of the Willamette Meridian in Washington County, Oregon, more particularly described as follows:

Commencing at the Northeast corner of the South one-half of the Southwest 1/4 of the Northeast 1/4 of said Section 30, said point being the Northeast corner of that certain tract of land described in Film Record No. 83-7076, Washington County Deed Records; thence South  $89^{\circ}58'18''$  West, along the North line of said South one-half of the Southwest 1/4 of the Northeast 1/4 of Section 30, a distance of 215.00 feet to the Northwest corner of that certain tract of land described in Film Record No. 83-7076, Washington County Deed Records, said point being the true point of beginning of the following described easement; thence continuing South  $89^{\circ}58'18''$  West along said North line a distance of 440.79 feet to the Southwest corner of that certain tract of land described in Book 214, page 59, Washington County Deed Records; thence North  $0^{\circ}24'48''$  East along the West line of said last described tract, a distance of 10.00 feet; thence North  $89^{\circ}58'18''$  East, parallel to and 10.00 Northerly of the said North line of the South one-half of the Southwest 1/4 of the Northeast 1/4 of Section 30, a distance of 440.79 feet to a point on the Northerly prolongation of the West line of that certain tract of land described in Film Record No. 83-7076, Washington County Deed Records; thence South  $0^{\circ}24'48''$  West along said Northerly prolongation line a distance of 10.00 feet to the Northwest corner of said last mentioned tract, said point being the true point of beginning.

EXHIBIT "B"

EASEMENT THROUGH TAX LOTS 1500 AND 1501

A strip of land 10.00 feet in width for water line easement, lying in the Northeast 1/4 of Section 30, Township 2 South, Range 1 West of the Willamette Meridian in Washington County, Oregon, more particularly described as follows:

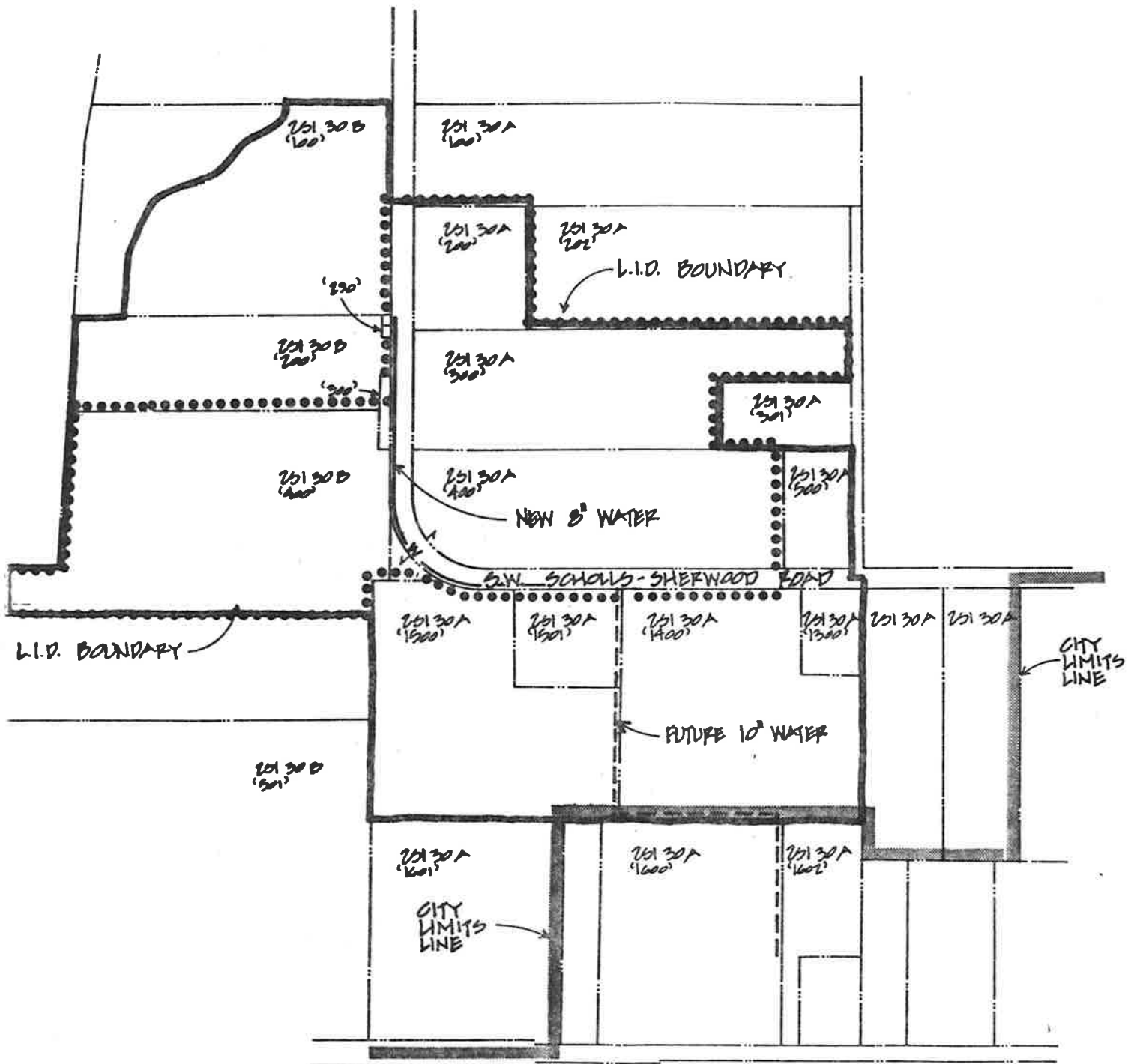
Beginning at the Southeast corner of the Northwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 30, said point being the Southeast corner of that certain tract of land described in Book 696, page 121, Washington County Deed Records; thence North 0°24'48" East along the East line of said last mentioned tract, a distance of 630.98 feet to a point on the South right of way line of S.W. Scholls Sherwood Road (County Road No. 1324); thence South 89°49' West along said South right of way line 10.00 feet; thence South 0°24'48" West, parallel to and 10.00 feet Westerly of the East line of that certain tract of land described in Book 696, page 121, Washington County Deed Records, a distance of 630.96 feet to a point on the South line of said last mentioned tract; thence North 89°58'18" East along said South line a distance of 10.00 feet to the Southeast corner of the herein mentioned tract of land described in said Book 696, page 121, said point being the point of beginning.

EXHIBIT "C"

EASEMENT THROUGH TAX LOT 1600

A strip of land 10.00 feet in width for water line easement, lying in the Northeast 1/4 of Section 30, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of that certain tract of land described in Film Record No. 83-7076, Washington County Deed Records, said point bearing South  $89^{\circ}35'$  West 1526.57 feet and North  $0^{\circ}24'48''$  East 653.77 feet from the 1/4 corner on the East line of said Section 30; thence South  $0^{\circ}24'48''$  West, along the West line of that said tract of land described in Film Record No. 83-7076, a distance of 628.77 feet to a point on the North right of way line of Edy Road (County Road No. 1459); thence due WEST along the North right of way line of said Edy Road a distance of 10.00 feet; thence North  $0^{\circ}24'48''$  East, parallel to and 10.00 feet West-erly of the West line of said Film Record No. 83-7076 tract of land, a distance of 628.77 feet to a point on the North line of the South one-half of the Southwest 1/4 of the Northeast 1/4 of said Section 30; thence North  $89^{\circ}58'18''$  East, along said North line a distance of 10.00 feet to the point of beginning.



S.W. SCHOLLS-SHERWOOD ROAD  
WATER L.I.D.

Special Voters Meeting 2-10-85:

Motion passed to authorize Senior Elder Glen C. Warmbier to execute and sign necessary documents with the City of Sherwood and Washington County, Oregon, to enable completion of water line.

*Walter H. Labahn*

Walt Labahn  
Secretary,  
St. Paul Lutheran Church

*Feb 10 1985*

Date

CONTRIBUTION AGREEMENT

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W I T N E S S E T H :

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_, 1985, Developer completed the construction of the extension of a water main described as follows:

From a connection point with the Edy Road water line, north and west to a terminus at Southwest Scholls Sherwood Road and all within the three water line easements more particularly described in Exhibits "A", "B", and "C" attached hereto and by this reference fully incorporated herein.

Said water line is adjacent to property other than property owned by the Developer so that water service for domestic, commercial or industrial use is provided for the following properties without further extension of the water line:

TAX LOT 1400 of the NE 1/4 of Section 30, T2S, R1W, of the Willamette Meridian, Washington County, Oregon, and said properties north, east and west of the terminus of the Developer's water line.

WHEREAS, it is the policy of the CITY OF SHERWOOD to participate in the cost of the replacement of existing, but inadequate, water mains on a pro rata basis, NOW, THEREFORE, the City hereby agrees to refund to Developer an amount equal to \$4.00 per lineal foot of the water line for its entire length from the connection to the Edy Road water line to the terminus at Southwest Scholls Sherwood Road.

Payment by the City shall be made upon approval of the line constructed by Developer and acceptance of same as a public water line by the City of Sherwood.

CITY OF SHERWOOD

By: James H. Kays

As authorized by resolution of the City Council passed February 27, 1985.

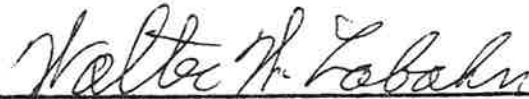
ST. PAUL LUTHERAN CHURCH OF SHERWOOD

By: Steve Erickson

As authorized by resolution passed by the governing body of Developer, a copy of which resolution is attached.

Special Voters Meeting 2-10-85:

Motion passed to authorize Senior Elder Glen C. Warmbier to execute and sign necessary documents with the City of Sherwood and Washington County, Oregon, to enable completion of water line.



Walt Labahn  
Secretary,  
St. Paul Lutheran Church


  
Date

EXHIBIT "A"

EASEMENT THROUGH TAX LOT 1400

A strip of land 10.00 feet in width for water line Easement, lying in the Northeast 1/4 of Section 30, Township 2 South, Range 1 West of the Willamette Meridian in Washington County, Oregon, more particularly described as follows:

Commencing at the Northeast corner of the South one-half of the Southwest 1/4 of the Northeast 1/4 of said Section 30, said point being the Northeast corner of that certain tract of land described in Film Record No. 83-7076, Washington County Deed Records; thence South 89°58'18" West, along the North line of said South one-half of the Southwest 1/4 of the Northeast 1/4 of Section 30, a distance of 215.00 feet to the Northwest corner of that certain tract of land described in Film Record No. 83-7076, Washington County Deed Records, said point being the true point of beginning of the following described easement; thence continuing South 89°58'18" West along said North line a distance of 440.79 feet to the Southwest corner of that certain tract of land described in Book 214, page 59, Washington County Deed Records; thence North 0°24'48" East along the West line of said last described tract, a distance of 10.00 feet; thence North 89°58'18" East, parallel to and 10.00 Northerly of the said North line of the South one-half of the Southwest 1/4 of the Northeast 1/4 of Section 30, a distance of 440.79 feet to a point on the Northerly prolongation of the West line of that certain tract of land described in Film Record No. 83-7076, Washington County Deed Records; thence South 0° 24'48" West along said Northerly prolongation line a distance of 10.00 feet to the Northwest corner of said last mentioned tract, said point being the true point of beginning.