

RESOLUTION NO. 1459

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING EXECUTION OF A FUNDING AGREEMENT BETWEEN CLACKAMAS COUNTY AND THE CITY OF WILSONVILLE RELATING TO TOWN CENTER PARK.

WHEREAS, the City of Wilsonville and Clackamas County executed a Memorandum of Understanding (MOU) in November, 1996, relating to the development of a Regional Visitors Information Center in Town Center Park; and

WHEREAS, the Memorandum of Understanding approved Design Committee has reviewed and approved the design documents, in a series of meetings June 1997, through April, 1998; and

WHEREAS, the County Tourism Development Council approved preliminary project design plans November 24, 1997, and final plans April 3, 1998; and

WHEREAS, the City's Development Review board approved project site and design plans December 8, 1998; and

WHEREAS, in the November, 1996, Memorandum of Understanding the County Tourism Development Council committed to provide up to one million dollars (\$1,000,000) for design, construction and furnishing of the Center; and

WHEREAS, the County and Wilsonville Chamber of Commerce staff will pursue furnishing the Visitors Center with the established fifty thousand dollars (\$50,000) furnishings budget independent of the City of Wilsonville; and

WHEREAS, the Memorandum of Understanding authorizes payment of the fifty thousand dollars (\$50,000) architectural fee independent of future agreements; and

WHEREAS, the Memorandum of Understanding requires a subsequent agreement upon completion of the design phase to establish a mutually agreeable schedule of payments; and

WHEREAS, the Tourism Development Council recommended on April 13, 1998, that the County Board of Commissioners authorize execution of the "Agreement Between Clackamas County and the City of Wilsonville relating to the Memorandum of Understanding entered into between the Parties in November, 1996," attached hereto.

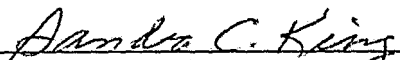
NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The Wilsonville City Council authorize the City Manager to execute the "Agreement Between Clackamas County and the City of Wilsonville relating to Town Center Park" attached hereto as Exhibit A.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 20th day of April, 1998, and filed with the Wilsonville City Recorder this date.


CHARLOTTE LEHAN, MAYOR

ATTEST:


Sandra C. King, CMC, City Recorder

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Helser	Yes
Councilor Barton	Yes
Councilor Luper	Yes
Councilor Kirk	Yes

AGREEMENT BETWEEN CLACKAMAS COUNTY AND
THE CITY OF WILSONVILLE RELATING TO
THE MEMORANDUM OF UNDERSTANDING ENTERED INTO
BETWEEN THE PARTIES IN NOVEMBER 1996

Pursuant to Paragraph II, page 2 of the Memorandum of Understanding entered into in November of 1996, Clackamas County and the City of Wilsonville hereby agree to the following schedule of payments to be paid to the City by the County through the Tourism Development Council upon the conditions set forth herein:

1. The City's engineer has estimated that the likely contract amount attributable to the County's share of the Visitor's Center project will be \$900,000. Therefore, the City and County agree that County will transfer to the City, within ten (10) days of the request by the City, one-third (1/3) of no more than said \$900,000. City will thereupon use said moneys to pay the contractor for construction of the visitor center pursuant to the requirements of the contract between the City and the contractor. City agrees that it will forward to County for its review all invoices and records evidencing the need for draws contemporaneously with the draws by the City from the account containing the moneys given to the City by the County throughout this process.

2. The City and County agree that all monies and payments by County will be adjusted downward appropriately if the construction contract amount attributable to the County's share of the visitor's Center project is less than \$900,000. County agrees to give the City the second one-third (1/3) of the amount contained in the contract between the City and the contractor within ten (10) days of the City's request. City agrees that its request will include evidence that a full one-third (1/3) of that portion of the project attributable to the TDC's agreed visitor center expenditures has been completed.

3. County agrees to give the final one-third (1/3) of the money set forth in the contract between the City and the contractor within ten (10) days of the City's request. The City's request will include evidence that a full two-thirds (2/3) of that portion of the project attributable to the TDC's agreed visitor center expenditures has been completed.

4. The City and County agree that the County may inspect the project at any reasonable time consistent with the requirements of the City's contract with the contractor.

5. The City and County further agree that the City will not release the final retainage in the contract without first consulting the County.

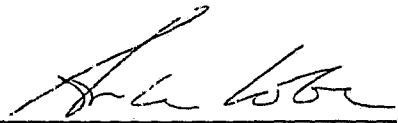
6. The City and County further agree that the City will deposit said moneys from the County in an interest-bearing account and that any interest earned on the said moneys shall be forwarded to the County within thirty (30) days after the project is concluded.

7. This contract is subject to the constitutional debt limitations of counties and is contingent upon funds being appropriated therefore.

CLACKAMAS COUNTY
THROUGH THE
TOURISM DEVELOPMENT COUNCIL

CITY OF WILSONVILLE

DATE: _____



Arlene Loble, City Manager
April 21, 1998