

RESOLUTION NO. 2016-71

RESOLUTION AUTHORIZING CITY MANAGER TO ENDORSE THE FIRST AMENDMENT TO THE PURCHASE AND SALE AGREEMENT FOR PROPERTY PURCHASED FROM THE FRIENDS OF HISTORIC FOREST GROVE

WHEREAS, the City of Forest Grove purchased real property from the Friends of Historic Forest Grove; and

WHEREAS, within the Purchase and Sale agreement, the parties agreed to record ingress, egress, parking and utility easements within two (2) years of closing; and

WHEREAS, the parties agree that an extension is necessary to fully conceptualize the site and in doing so, identify, locate, survey and record easements, and

WHEREAS, the 2016 Parks Master Plan has led to a partial conceptualization of the site and both parties continue to work diligently and collaboratively on further conceptualization.

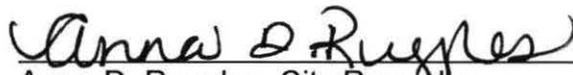
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1. Paragraph 6.5 of the Purchase and Sale Agreement entered November 6, 2014, is hereby amended to read as follows: "6.5 Easements. Buyer shall grant and record easements for vehicular ingress and egress, utilities and parking for the benefit of the property located at 240 Elm Street, Forest Grove, Oregon, Tax Lot 1S307AB00500, upon, across, and over the Property (the "Easements"). The Easements must be mutually agreeable to both parties and will be located, surveyed and recorded by December 12, 2018, subject only to the condition that the Easements must accommodate school busses and school bus turnarounds. This condition shall survive Closing."

Section 2. The City Manager is authorized to endorse the First Amendment to the Purchase and Sale Agreement attached as Exhibit A.

Section 3. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 12th day of December, 2016.



Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 12th day of December, 2016.



Peter B. Truax, Mayor

FIRST AMENDMENT TO PURCHASE AND SALE AGREEMENT

THIS FIRST AMENDMENT TO PURCHASE AND SALE AGREEMENT (this “Agreement”) is made and entered into as of December __, 2016, by and between Friends of Historic Forest Grove, Inc., an Oregon corporation (“Seller”), and the City of Forest Grove, an Oregon municipal corporation (“Buyer”).

RECITALS

A. Seller sold the real property located in Forest Grove, Oregon, in the County of Washington, State of Oregon, commonly known as Map and Tax Lot Number 1S307AB 00800, and more particularly described on the attached Exhibit A (the “Property”) to Buyer on or about December 12, 2014 (the “Sale”). The Purchase and Sale Agreement for the Sale was executed on November 6, 2014 (the “Purchase and Sale Agreement,” or “PSA”).

B. In the PSA, Seller reserved easements to benefit its adjacent property for utilities, access and parking, which were to be agreed upon and recorded either: (1) after the Buyer completes the master plan for the park that will be located on the Property, or (2) within two years of Closing, whichever came first. This provision, section 6.1 of the PSA, survived the Closing of the Sale.

C. Despite steady progress, Buyer has not yet completed the site design for the proposed park, and the two year anniversary of the Closing is approaching. The Parties agree that it is too soon to identify the placement of the easements, and wish to postpone the deadline for locating, surveying and recording the locations of the easements for up to two more years.

Therefore, the Parties hereby agree as follows:

Paragraph 6.5 of the Purchase and Sale Agreement entered November 6, 2014, is hereby amended to read as follows:

6.5 Easements. Buyer shall grant and record easements for vehicular ingress and egress, utilities and parking for the benefit of the property located at 240 Elm Street, Forest Grove, Oregon, Tax Lot 1S307AB00500, upon, across, and over the Property (the “Easements”). The Easements must be mutually agreeable to both parties and will be located, surveyed and recorded *by December 12, 2018*, subject only to the condition that the Easements must accommodate school busses and school bus turnarounds. This condition shall survive Closing.

All other terms of the PSA remain unchanged.

[SIGNATURES ON NEXT PAGE]

Exhibit A
Property Legal Description

Real property in the City of Forest Grove, County of Washington, State of Oregon, described as follows:

A PORTION OF PARCEL 3 OF A PARTITION PLAT NO. 2003-074 SITUATED IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 1 SOUTH, RANGE E WEST OF THE WILLAMETTE MERIDIAN, CITY OF FOREST GROVE, COUNTY OF WASHINGTON, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INITIAL POINT, BEING THE EAST CORNER OF SAID PARCEL 3, ALSO BEING A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP MARKED "CHASE, JONES & ASSOC."; THENCE NORTH 30°15'31" WEST ALONG THE NORTHEAST LINE OF SAID PARCEL 3, A DISTANCE OF 250.12 FEET; THENCE SOUTH 59°44'29" WEST ALONG THE SOUTHEAST LINE OF ELM STREET, ALSO BEING THE WEST CORNER OF THE STATUTORY WARRANTY DEED RECORDED AS FEE NUMBER 2010-041974 ON JUNE 3, 2010, A DISTANCE OF 66.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 30°15'31" EAST ALONG THE SOUTHWEST LINE OF SAID STATUTORY WARRANTY DEED, A DISTANCE OF 253.58 FEET TO THE SOUTHEAST LINE OF SAID PARCEL 3; THEN SOUTH 56°44'55" WEST ALONG SAID SOUTHEAST LINE, A DISTANCE OF 460.54 FEET TO THE SOUTH CORNER OF SAID PARCEL 3; THENCE NORTH 35°23'29" WEST ALONG THE SOUTHWEST LINE OF SAID PARCEL 3, A DISTANCE OF 285.16 FEET TO THE WEST CORNER OF SAID PARCEL 3; THEN NORTH 54°36'30" EAST ALONG THE NORTHWEST LINE OF SAID PARCEL 3, A DISTANCE OF 487.39 FEET TO THE NORTH CORNER OF SAID PARCEL 3; THENCE SOUTH 30°15'31" EAST ALONG THE NORTHEAST LINE OF SAID PARCEL 3, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

NOTE: This Legal Description was created prior to January 01, 2008.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the last date of signature specified below.

SELLER:

Friends of Historic Forest Grove, Inc.,
an Oregon corporation

BUYER:

City of Forest Grove,
an Oregon municipal corporation



Print Name:

Title: President

Date: _____

Print Name: Jesse VanderZanden

Title: City Manager

Date: December 12, 2016



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CITY COUNCIL STAFF REPORT

CITY RECORDER USE ONLY:	
AGENDA ITEM #:	6
MEETING DATE:	12/12/16
FINAL ACTION:	APPROVED

Jesse 2016-71

TO: City Council

FROM: Jesse VanderZanden, City Manager

MEETING DATE: December 12, 2016

PROJECT TEAM: Tom Gamble, Director, Parks and Recreation
Paul Downey, Director, Administrative Services

SUBJECT TITLE: Amendment to Purchase and Sale Agreement with Friends of Historic Forest Grove

ACTION REQUESTED: Ordinance Order Resolution Motion Informational

X all that apply

ISSUE STATEMENT: The Friends of Historic Forest Grove and the City of Forest Grove Parks and Recreation Department wish to extend by two (2) years the deadline date for locating, surveying and recording easement locations on property owned by the City of Forest Grove which is adjacent to property owned by the Friends of Historic Forest Grove known as the A.T Smith House.

BACKGROUND: At the September 8th, 2014 meeting of the City Council, Resolution No. 2014-69 was approved. This resolution authorized the City Manager to complete the purchase of property from the Friends of Historic Forest Grove. The purchase and sale agreement had several elements that the City and Friends agreed to. One of these elements was the City would allow the Friends of Historic Forest Grove easements across the City's property for ingress, egress, parking and all utilities that would serve the A.T. Smith House. These easements were to be recorded within two (2) years of closing or completion of the Parks Master Plan.

The Parks Master Plan was adopted in October, 2016 and it included the property noted above. Despite diligence and steady progress from both the City and Friends, a more complete site plan is necessary to fully locate, survey, and record the easements. The Friends agree an extension is prudent and necessary to allow more time to fully conceptualize the site.

FISCAL IMPACT: None

STAFF RECOMMENDATION: Staff recommends City Council adopt the attached Resolution approving to extend the recording of easements for an additional two (2) year period until December 12, 2018.

ATTACHMENT(s): *First Amendment to Purchase and Sale Agreement
*Property Legal Description