

RESOLUTION NO. 2919

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO ENTER INTO FIRST AMENDMENT TO GROUND LEASE FOR RAW WATER PIPELINE WITH THE WILLAMETTE WATER SUPPLY SYSTEM COMMISSION.

WHEREAS, Willamette Water Supply System (WWSS) Commission intends to pump raw water through a raw water pipeline from the Willamette River through the Willamette River Water Treatment Plant (WRWTP) Willamette Intake Facilities (WIF) to its new water treatment plant to be built near the intersection of SW 124th Avenue and SW Tualatin-Sherwood Road in Washington County; and

WHEREAS, on May 1, 2017, the City of Wilsonville entered into Ground Lease Agreement for Raw Water Pipeline (Lease) with the City of Hillsboro and Tualatin Valley Water District (TVWD), leasing an area of land in which to place an approximately 6-foot (6') diameter raw water pipeline approximately eight feet (8') underground, stretching for approximately three (3) miles through the City of Wilsonville for a period of 99 years; and

WHEREAS, pursuant to Section 20.2 of the Lease, City of Hillsboro, TVWD, and the City of Beaverton have formed the WWSS Commission, an ORS Chapter 190 entity, by agreement effective July 1, 2019, which agreement assigned all of Hillsboro's and TVWD's rights under the Lease to the WWSS Commission; and

WHEREAS, the Lease includes as additional consideration, six (6) Right-of-Way Enhancement Projects and Deficiencies (Enhancement Projects), representing significant improvements to City infrastructure, which will benefit Wilsonville; and

WHEREAS, the City of Wilsonville and WWSS Commission agree to amend the Enhancement Projects through a First Amendment to the Lease, exchanging higher priority infrastructure projects for those lower in priority and similar in scope and estimated cost.

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

Section 1. The City Council does hereby approve and authorize the City Manager to sign First Amendment to Ground Lease for Raw Water Pipeline between

the City of Wilsonville and Willamette Water Supply System Commission substantially the form attached hereto as **Exhibit A**.

Section 2. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting there of this 20th day of September 2021, and filed with the Wilsonville City Recorder this date.

DocuSigned by:
Julie Fitzgerald
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Julie Fitzgerald, Mayor

ATTEST:

DocuSigned by:
Kimberly Veliz
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Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	Yes
Councilor Linville	Yes

EXHIBIT:

A. First Amendment to Ground Lease for Raw Water Pipeline

EXHIBIT A
CITY OF WILSONVILLE
FIRST AMENDMENT TO
GROUND LEASE FOR RAW WATER PIPELINE

This First Amendment to Ground Lease (“First Amendment”) is effective the ____ day of _____ 2021 (“Effective Date”), by and between the **City of Wilsonville**, a duly chartered home rule municipal government of the State of Oregon (“Lessor”), and the **Willamette Water Supply System Commission**, an Oregon intergovernmental entity, successor in interest to the **City of Hillsboro** (“Hillsboro”), a duly chartered home rule municipal government of the State of Oregon, and the **Tualatin Valley Water District** (“TVWD”), a duly organized water supply district under ORS Chapter 264 (together “Lessee”), upon the terms and conditions set forth below.

RECITALS

WHEREAS, Lessor entered into a Ground Lease for Raw Water Pipeline (“Lease”) with Hillsboro and TVWD on March 21, 2018, relating to the raw water transmission pipeline project (“Project”); and

WHEREAS, pursuant to Section 20.2 of the Lease, TVWD, Hillsboro, and the City of Beaverton have formed the Willamette Water Supply System Commission (“WWSS Commission”), an ORS Chapter 190 entity, by agreement effective July 1, 2019, which agreement assigned all of Hillsboro’s and TVWD’s rights under the Lease to the WWSS Commission; and

WHEREAS, Lessor and Lessee continue to work together to achieve a successful Project; and

WHEREAS, to that end, Lessor and Lessee have agreed that certain changes to Section 7.29 of the Lease should be made, and that the parties should formally acknowledge the assignment of the Lease to the WWSS Commission;

NOW, THEREFORE, in consideration of these mutual promises and the terms and conditions set forth herein, the parties agree as follows:

AGREEMENT

The Lease is amended as follows:

Section 1. Changes to Right-of-Way Enhancement Projects and Deficiencies

Section 7.29 shall be modified as follows:

(2) is partially modified to remove the requirement to create a truck turning radius at the northeast corner of Boeckman Road and 95th Avenue only, amended as follows:

(2) Truck turning radius at the northwest corner of Boeckman Road and 95th Avenue (including correction or construction of curb ramps at both the northeast and the northwest corners of Boeckman Road and 95th Avenue to meet ADA standards).

(4) is deleted in its entirety and replaced with the following:

*(4) Remove and replace broken or damaged concrete panels on SW 95th Avenue between Boeckman Road and Ridder Road, as currently illustrated on the attached **Exhibit A-1**. Provided, however, if there are other broken or damaged panels within that area that occur before the start of construction, or*

are damaged during construction, those must also be replaced by Lessee. Replacement will be with matching panels and in accordance with Wilsonville public works standards.

(5) is deleted in its entirety and replaced with the following:

(5) Provide and install four-inch fiber optic conduit, with pull vaults, in Lessee’s pipeline trench located in the 95th Avenue right-of-way, running the full length between Boeckman Road and Ridder Road, in accordance with Wilsonville public works standards, as illustrated on **Exhibit B-1**. Pull vaults shall be located outside of the roadway and within the existing right-of-way.

Except as set forth herein, all other provisions of **Section 7.29** shall remain as written.

Section 2. WWSS Commission as Lessee

All references to Lessee, to Hillsboro, or to TVWD shall be deemed to be references to the Willamette Water Supply System Commission.

Section 3. All Other Terms

All of the other terms and conditions of the Lease shall remain in full force and effect, as therein written. Unless otherwise defined herein, the defined terms of the Lease shall apply to this First Amendment.

The Lessor and Lessees hereby agree to all provisions of this First Amendment.

CITY OF WILSONVILLE, by and through
its elected officials

APPROVED AS TO LEGAL FORM:

By: _____
Bryan Cosgrove, City Manager

By: _____
Barbara A. Jacobson, City Attorney

STATE OF OREGON)
) ss.
County of Clackamas)

This instrument was acknowledged before me on _____, 2021, by Bryan Cosgrove, as City Manager of the City of Wilsonville.

Notary Public – State of Oregon

[signatures continued on following page]

WILLAMETTE WATER SUPPLY SYSTEM COMMISSION,

by and through its elected officials

APPROVED AS TO LEGAL FORM:

By: _____
David Kraska, General Manager

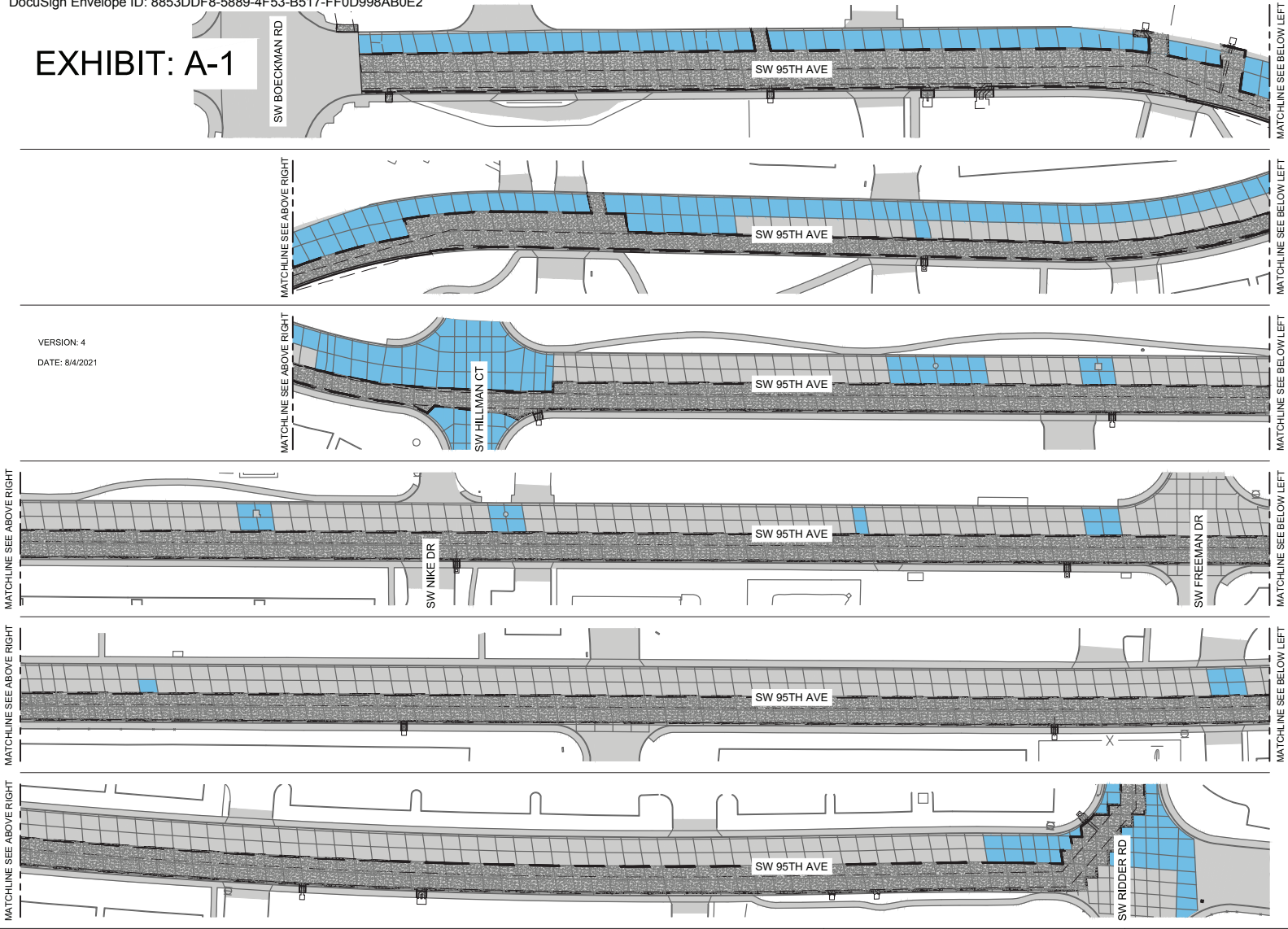
By: _____
Tommy A. Brooks, Commission Attorney

STATE OF OREGON)
) ss.
County of Washington)

This instrument was acknowledged before me on _____, 2021, by David Kraska, as General Manager of the Willamette Water Supply System Commission.

Notary Public – State of Oregon

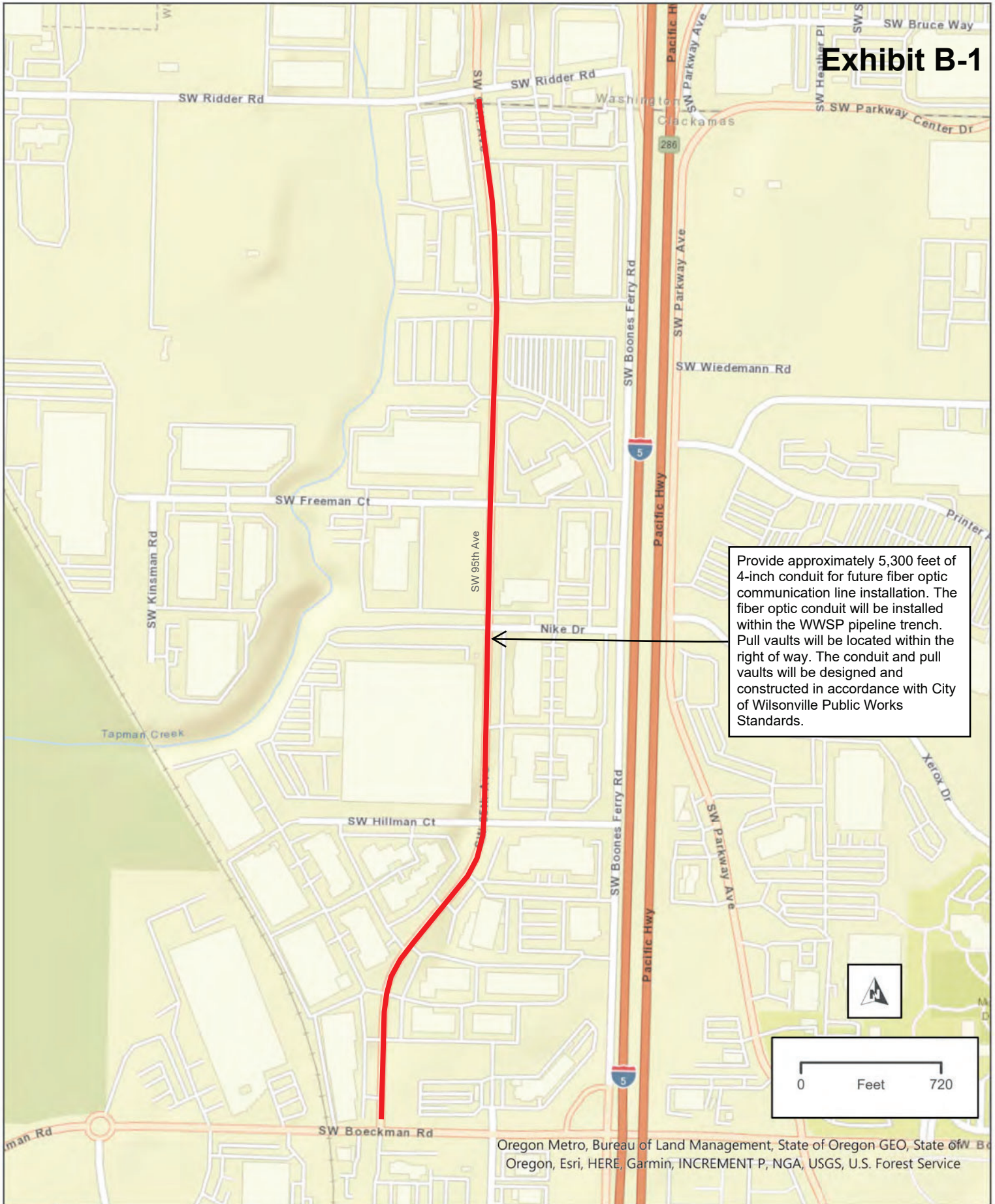
EXHIBIT: A-1



VERSION: 4
DATE: 8/4/2021

<p>LEGEND:</p> <ul style="list-style-type: none"> CONCRETE PAVING PANELS TO BE REPLACED BY WWSP FOR WILSONVILLE. CONCRETE PAVING PANELS REPLACED WITH WWSP PIPELINE CONSTRUCTION. 	<p>NOTE:</p> <p>THE CONCRETE PAVING PANELS SHOWN TO BE REPLACED WERE IDENTIFIED IN A FIELD SURVEY BY THE CITY OF WILSONVILLE.</p>	<p>SCALE IN FEET</p>	<p>(NORTH IS APPROXIMATE, SOME VIEWS HAVE BEEN ROTATED SLIGHTLY TO FIT PAGE)</p>	<p>SW 95TH AVENUE CONCRETE PAVING PANELS TO BE REPLACED</p>	<p>City of Wilsonville Engineering Division 29799 SW Town Center Loop East Wilsonville, OR 97170 Phone: 503-682-4960</p>
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Exhibit B-1



FIBER OPTIC CONDUIT IN SW 95TH AVE

