

CITY OF HILLSBORO



October 15, 2010

Honorable Interim President Carlotta Collette and Metro Councilors:

I/we are informed of the August, 2010 Metro Chief Operating Officer (COO) recommendation to include the above property within the Metro Urban Growth Boundary (UGB) for exclusive, large-site industrial use. I/we own the property and support its inclusion in the UGB for industrial use.

We understand that this COO recommendation includes a specific caveat: *“This expansion should only be made if there is certainty that this land will supply lots over 50 acres”*. It also references possible application of conditional UGB approval or land use tools that *“would encourage landowners to assemble their tax lots, making the site more development ready”*. As used in this Agreement, *“development ready site”* shall mean:

- The site is inside the urban growth boundary;
- The site has been annexed to the City of Hillsboro (the “City”);
- Comprehensive Plan amendments and zoning have been adopted for the site; and
- Necessary infrastructure services to the site, including transportation, water, sewer, storm water and electricity have been demonstrated to be readily-available;

and, *“large lot industrial user”* shall mean a purchaser of 50 acres or more for the purpose of developing the property for the purchaser’s manufacturing or research and development operations.

Property Owner Land Assembly & Representation Authorization

Subject to the consideration and limitations listed below, I/we hereby authorize and are willing to allow:

1. The assembly or merger/consolidation of my property with other adjacent and nearby properties included in the COO UGB expansion recommendation to create a “development-ready” large site within the UGB expansion area that contains at least 100 acres of land.
2. The application of City land subdivision, planned unit developments, lot-line adjustments and/or other customary City land use techniques and procedures to my property to create the development-ready site, provided that any resulting land remnant shall not be less than 50 acres in size. In the event my/our property contains remnant parcel(s) created by any land assembly, consolidation or resulting sale to a large lot industrial user, the City of Hillsboro agrees to apply City land use tools and procedures to assure future legal industrial use of such remnant parcel(s), either separately, or as part of another large industrial site.

3. Joint listing of my/our property for sale pursuant to a joint marketing agreement for the sale of multiple properties for large-site industrial use and representation on my behalf in such a transaction by a single point of contact person jointly approved by all owners of properties included in the transaction. A single point of contact may include a real estate broker, an attorney, a City official, or another entity agreed to by the property owners.
4. Granting a right-of-entry to the City and prospective buyer(s) of my property for industrial use subject to my/our receipt of reasonable advance notice of the date and time at which entry onto the property is requested to take place. Persons entering the property do so at their own risk and any right of entry shall be subject to an indemnification of the landowner/occupant for any injury. Entry onto property for testing shall require prior written authorization from landowner.
5. Documentation of this authorization shall be recorded with the Washington County Assessment and Taxation Department to establish that the authorization shall run with the land included in a UGB Expansion covering the Area for five (5) years from the date of recording, which shall be the date of final Metro approval of a 2010/2011 UGB expansion that includes my/our property. Upon the transfer of the property to a large lot industrial user this authorization shall expire as to the transferred property only, and shall remain in effect for properties in the Area not transferred to the user.
6. Application of City land use policies that prohibit the subdivision, partition or any other form of land division of each parcel within the UGB Expansion Area into parcels smaller than their existing size on the date of UGB Expansion approval by Metro, unless such a partition, subdivision or other property divisions is done to accommodate and complete the purchase and use of the parcel(s) by a large lot industrial user. This limitation shall apply to the properties as long as they remain zoned by the City for large lot industrial use, notwithstanding the 5-years authorization granted by this Agreement.

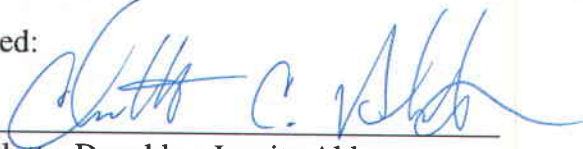
Authorization Limitations:

This authorization is granted in consideration for, and subject to the following limitations:

- This authorization is contingent upon expansion of the UGB by Metro, without conditions of property assembly, to include the land area depicted on the attached map. In the event that Metro applies conditions of approval to any such UGB expansion, this authorization will be valid only if the conditions are agreed-to, in writing, by the affected property owners.
- In any proposed or pending joint sale transaction for industrial use that includes my/our property, I shall have input in a joint selection of a single-point-of-contact sellers' representative and in determining the combined sale price and terms for the assembled land to be sold. My/our input into these matters shall not be unreasonably tendered or withheld.

Please consider this statement in support of inclusion of the above property in the expansion of the UGB. I/we are committed to working with the City, County and Metro to accomplish the assembly of parcels to create the needed large lot parcels for industrial development.


Signed:



Charlotte, Donald or Juanita Alderton
(Tax Lot 1N2210001602)


Alayne Bryan
(Tax Lot 1N2160000800)

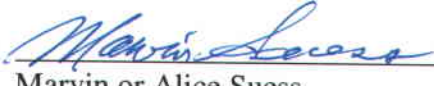

James or Donna Burns
(Tax Lot 1N2200000300)

Thomas Clocker
(Tax Lot 1N2210001400)


Maxine Erdman
(Tax Lots 1N2210001500 & 1N2210001504)


Arne Nyberg *for NYBERG-UNITED PARTNERSHIP*
(Tax Lot 1N2210001600)

Jung Park
(Tax Lot 1N2160000700)


Marvin or Alice Sues
(Tax Lot 1N2210001601)

Tsung-Whei or Su-Mei Tsai
(Tax Lot 1N2160000801)


Mayor Jerry Willey

Copy: Michael Jordan, Metro COO
Hillsboro City Council
Hillsboro Planning Commission

North Hillsboro UGB Industrial Large Lot Agreement

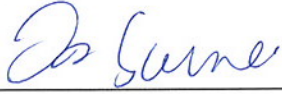
Signed:



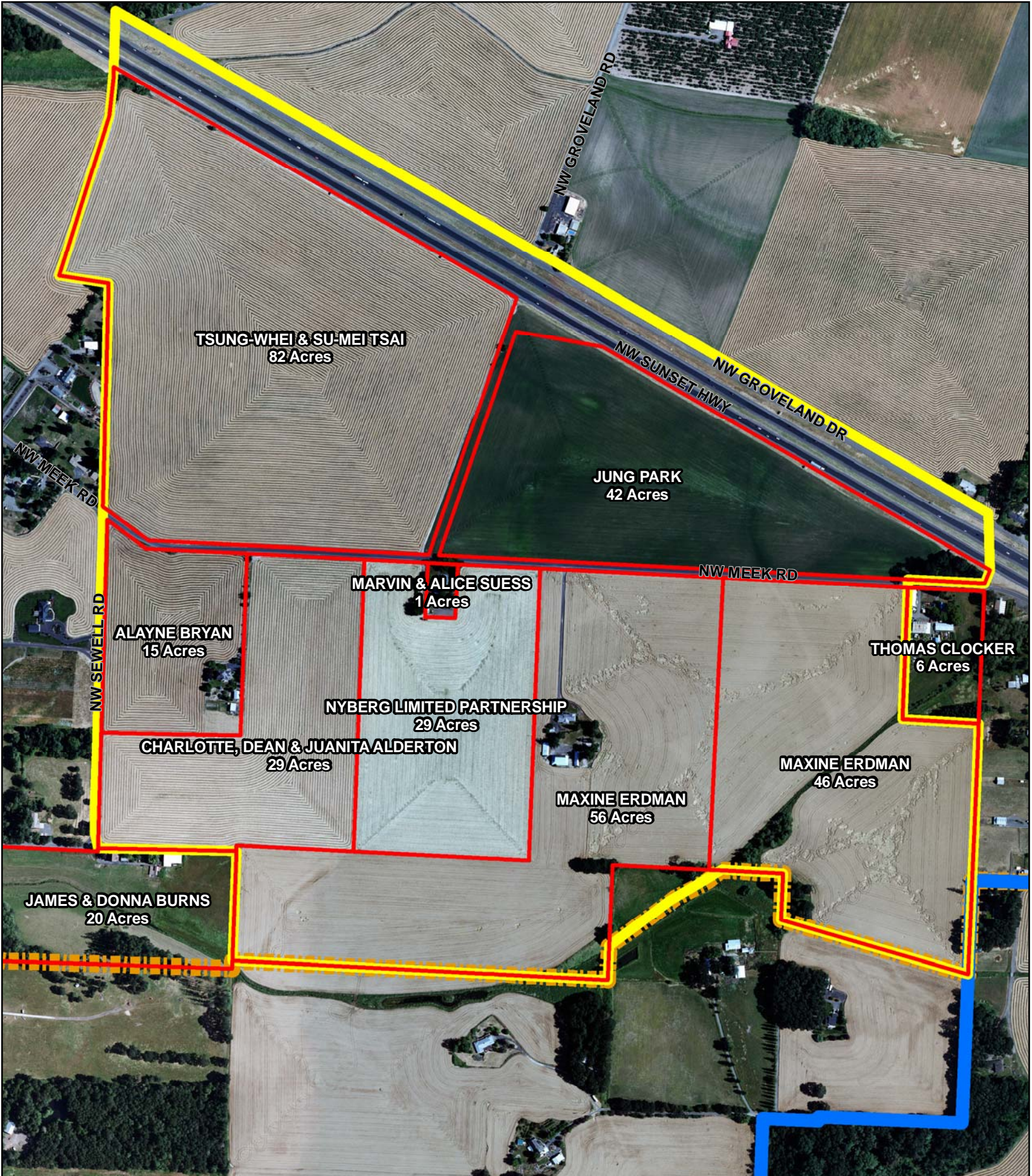
Jung Park
(Tax Lot 1N2160000700)

North Hillsboro UGB Industrial Large Lot Agreement

Signed:

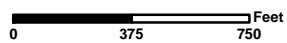






Tsung-Whei or Su-Mei Tsai
(Tax Lot 1N2160000801)




City of Hillsboro
 PLANNING DEPARTMENT
 Long Range Planning
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 Hillsboro, OR 97123-4028
 www.ci.hillsboro.or.us
 Tel: 503.681.6153
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**North Hillsboro UGB
 Industrial Large Lot
 Agreement**



 Feet
 0 375 750

- Legend**
-  Urban Growth Boundary
 -  Metro COO Recommended UGB Expansion
 -  Hillsboro City Limits
 -  Tax Lots

Source:
 City of Hillsboro GIS
 - Current as of October 2010
 - Aerial Photo as of June 2009
 Washington County GIS
 - Current as of October 2010
 Metro RLIS
 - Current as of October 2010

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Prepared By: rutda
 Printing Date: October 15, 2010
 File: W:\GIS_Projects\LRNGE\UrbanReserves\NoHi_UGB_Industrial_Large_Lot_Agreement


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(Property owner Thomas Clocker is not within the 310 acre site)

From: Thomas Clocker [mailto:boangtom@gmail.com]

Sent: Monday, October 25, 2010 7:59 AM

To: Daniel Rutzick

Subject: North Hillsboro

Dan, Alwin:

Thank you for time in explaining the ramifications of the UGB agreement et all. My neighbors to the West have my full support in their endeavor to create large lot industrial plats. Although I would like to be included in this expansion, because of my small lot size, location, and other factors, I choose not to go with the "group agreement" at this time. Please keep me updated.

Sincerely,

Tom Clocker
24880 NW Meek Rd.