

RESOLUTION No. 70-2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THAT THE OWNER HAS COMPLETED ITS DUE DILIGENCE DURING THE SIXTY DAY OWNER'S FEASIBILITY PERIOD PROVIDED FOR IN THE HABITAT DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MILWAUKIE AND WILDLANDS CAPITAL PARTNERS, LLC.

WHEREAS, The City of Milwaukie and Wildlands entered into a habitat development agreement for the development of a riparian and habitat restoration project on Kellogg Lake near the confluence of the Willamette River; and

WHEREAS, the City agreement was finalized on July 8, 2013; and

WHEREAS, Section 5 of the Agreement, allowed the city to consider a financial stability analysis, an evaluation of Wildlands' experience and qualifications, and other factors to ascertain Wildlands' capability to complete the restoration project; and

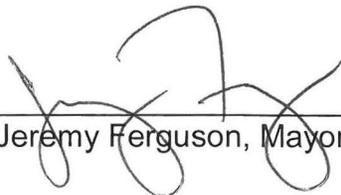
WHEREAS, City Council, assisted by staff, completed a thorough review of Wildlands taking into consideration the factors described in Section 5 of the Agreement, and

WHEREAS, upon the City's conclusion that Wildlands has sufficient capability to complete the restoration project Wildlands shall commence its feasibility period that expires at 5:00 p.m. Pacific Standard Time on the earlier of (1) one hundred and eighty (180) days after the Effective Date of the Agreement, or (2) December 31, 2013.

NOW, THEREFORE, BE IT RESOLVED that THE City of Milwaukie has completed its investigation and determined that Wildlands is capable of completing the restoration project thus Wildlands shall now have until December 31, 2013 or up to one hundred and eighty days to conduct its feasibility analysis;

Introduced and adopted by the City Council on September 3, 2013.

This resolution is effective on September 3, 2013.



Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC



Pat DuVal, City Recorder



City Attorney