

**COUNCIL RESOLUTION No. 74-2019****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE TERM SHEET AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A DEVELOPMENT AND DISPOSITION AGREEMENT (DDA) WITH BLACK ROCK LLC SUBJECT TO CONDITIONS.**

WHEREAS, on April 4, 2017, the City Council adopted Resolution 38-2017 authorizing the community development director to proceed with a development solicitation for the Coho Point at Kellogg Creek Property and to negotiate for the sale or transfer of the property; and

WHEREAS, the city issued a request for qualifications (RFQ) for the purpose of identifying a development partner for the Coho Point at Kellogg Creek property; and

WHEREAS, the Coho Point at Kellogg Creek RFQ stated that the city could enter directly into negotiations with a preferred single team based solely on the RFQ responses; and

WHEREAS, the Stakeholder Advisory Group (SAG) recommended that the city initiate an Exclusive Negotiating Agreement (ENA) with Black Rock, LLC; and

WHEREAS, the Council adopted Resolution 80-2017 authorizing the city manager to enter into an ENA with Black Rock, LLC for the purpose of establishing terms for a development agreement consistent with the objectives and criteria stated in the RFQ for the Coho Point at Kellogg Creek property; and

WHEREAS, the city and Black Rock LLC have negotiated in good faith and have reached agreement on a set of terms to be used for a DDA; and

WHEREAS, the term sheet includes a non-binding provision for the city to consider a waiver of some system development charges (SDCs); and

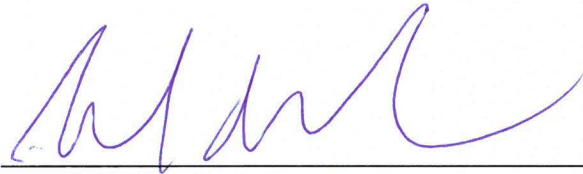
WHEREAS, this resolution conditions the city manager's authority to execute a DDA only if an SDC waiver is not included; and

WHEREAS, if SDCs are included in the final negotiated DDA, staff will return to Council for final approval.

**Now, Therefore, be it Resolved** by the City Council of the City of Milwaukie, Oregon, that the term sheet as proposed is approved and authority is delegated to the city manager to execute a development and disposition agreement (DDA) subject to the condition that it does not include system development charge (SDC) waivers. In the event the final negotiated agreement includes SDC waivers staff will return to Council for final approval of the DDA.

Introduced and adopted by the City Council on **December 17, 2019.**

This resolution is effective immediately.



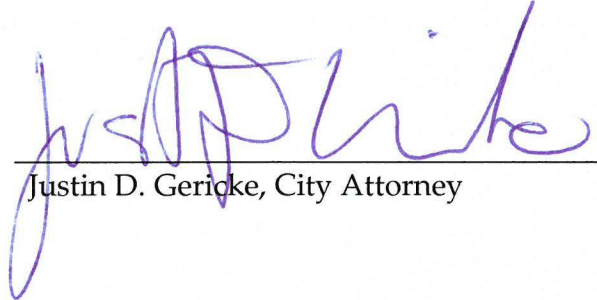
Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:



Scott S. Stauffer, City Recorder



Justin D. Gericke, City Attorney