

06/09/2011-Special Session Notes from
Denise Rattan, Stayton Mail Newspaper R:
Wampler Property Acquisition

Stayton council

Staff given permission to purchase lot 17,

DE – required by ors to get approval of government unit required to maintain certain instruments in purchase of any property.

We've been involved in negotiations with Wampler Family, LLC for a long time and what it has come down to at this point is to purchase a lot in the development. The specific offer was \$30K and they accepted it. We're here tonight to get your authorization to finish this. It's in escrow. There have been some missing pieces that are all finally coming together. But we're ready to move forward. Looks like it will be next week or week after next that we will get to signing documents if approved this evening.

Water control district statement.

SV – This email that was answering Councilor Frank's questions is 2009. Was that when the last time we discussed the wampler property? There was some discussion of the plan and what decision?

DE – I don't recall a specific decision that came out of that night. The only reason why I brought this to you folks to show that this has been a topic of discussion since at least 2009 and it's been before that. Put the bridge here, or there. It's been a very complicated process just because you are talking about two separate owners, Wampler Family LLC and water control district.

JL – Who made the decision to place the bridge in its current location?

DE – It was negotiations between city, Wampler Family and the water control district.

JL – At the time bridge was located W were aware it was placed there and consented to placing the bridge?

Any discussion to access? Did they grant us access for construction purposes – yes

They've implied consent that public has access at that point?

DE – During installation of bridge yes.

JL – Since we don't know exact boundaries of where the trail would be placed, wouldn't it be more appropriate to initiate an agreement for temporary access until final plat is finished and then initiate permanent trail system?

DE – Several different options offered on table, from pathway along canal to buying the property with SDC credits then not SDC credits. Several types of

JL – How do you guys justify us spending a quarter million to put a piece of property for improvement and then spend more to access it?

SH – A couple things. If you look at your trail system, the trail map shows down Flo street to access to the bridge. It's not along water and shows on map. We feel we have done all the intent. I think it was a mistake on the I think we all thought the city had access to it.

JL – We went to you, we said can we put this bridge here and you said that's the spot we'd like. SWCD said same thing and city said great. That implies consent to access bridge.

SH – There was a parcel. The only parcel that had legal access the bridge could be put on. It wasn't anybody's choice, it was a lot that had access from other side. There was no decision of it had to go on this lot

JL – You're aware we were putting bridge there as a part of condition of you submitting plans? –correct

Real issue we're having to deal with is how mitigate issues of access? You've implied access already granted. I don't think fair for citizen to foot bill of quarter mil to make an improvement. We want to see your property go ahead so huge benefit for you as property owner. You had decision making authority to say place it here.

SH – Do you think it would have been prudent for the council to see had access to bridge before they placed it on?

JL – It was my understanding that it was a verbal agreement when you said place bridge there.

SH – You do not have legal access to access it.

JL – How are you going to grant that? I don't think fair to citizen to pay you for something we have already paid you to improve your property for. When you presented this with your permeable material, I clearly recall discussing the trail system. You had issues with us putting a trail between 2 of houses. There was going to be open space and you didn't want trail between 2 houses.

As far as I understood you guys were OK with that.

Why all of a sudden what's changed and why are we having to pay for this?

Wampler – City had offer to buy property from Webster prior to us buying it. City refused it because they wanted further downstream. We gave city deed for spot for bridge about 200 feet further west. Then it came back they couldn't do it and had to go back to where it originally was. We paid \$35,000 for the piece of property we're selling you for \$30K.

JL – But we're giving an improvement to your property that far outweighs any enumeration.

W- We'd be better off without the bridge.

JL – There were obviously some issues, the project may not have been managed correctly. But, believe me as a property owner I am having a very difficult time bc I am a pro property rights person. Trying to understand how we got to the point where you allowed us to build the bridge and then said we want \$30K to provide you access to bridge.

SH – You have put something on our property and we agreed to let you have it. We had not worked out access. We are trying to work out access.

We allowed you to put bridge on property.

JL – Once you are doing it you are implying consent to access.

SV – By then saying you can put the bridge there what implies have access?

SV – You have access to put the bridge there but they did not say we had access to use it. If you're building your fence, yes you can come through property while building fence.

SH – I think city thought it had access from Florence Street to the bridge. Part of that is from old easements. Florence Street is off set and crooked and didn't go all the way to the bridge.

SV – If we wait till dev is completed, we'll have a 12-foot strip to access the bridge. Absolutely we will have access the day the dev is completed, which is when?

SH is willing to deny access until dev is put through.

SV – I don't see (removing bridge) a logical solution.

JL – Then we remove the man who was in charge of project.

HP – For four of us who have incomplete picture go back as far as you need to. Why bridge moved 200 feet to the east? Was it because of power generator?

SH – It had to do with – it would have been cheaper to put the bridge down there because canal is narrower. We were willing and gave city a deed to that but water control district put stop to that because no legal easement from their side to our side. Why went back to that one parcel. Controlled by south side of ditch.

There was some wetlands but did not impact the bridge.

sV – There were environmental issues brought up for why we chose not to purchase prop.

JN – Sounds like lot of stuff happened last 3 years, could be lot of finger pointing, but now we need access to bridge and we don't have access to bridge, how are we going to do that?

MD – Any possibility of leasing that access until development in and finalized?

SV – There were several options that took place as to how we arrived at \$30K purchase price.

LE –

Susan and Jim

LE – Jim Wampler told Gerry Aboud, I will not stand in the way for you to set the bridge and that was access that was given. There was no consented access to it or anything, it was just I won't stand in your way to set the bridge.

That's the way I remember the conversation. We finally got an OK for the placement of the bridge, your development not in yet, you didn't know what was going to happen, bridge was moving around and easement was moving.

To me that doesn't give consent to do anything except come in with a crane and pour your footing. My understanding.

HP – Susan, has avoiding the formalities – has development gone far enough to know where lots are and how look like?

SH – We do have it surveyed, and lot 17 surveyed out. For a couple reasons, that will give the city parking and ADA access. The only other way would have been down the road a long way. There's not going to be a lot of parking in that dev. We're not going to have public parking on the road so will have to park on city property and walk that distance. 4-6 cars access up there. Looking at different options it came to the surface as best option to cover a lot of issues.

HP – Do we adequately address Councilor Loftus's concern about money already spent, enhancement of property already accomplished and then

SH – I think my point of view on that is that I'm going to be helping city a lot more than city helps me with the bridge. We have 67 houses that you have to go through downtown to get to.

I don't feel this has been a one-way project and we've put a lot of money in that. The economy's not ready to build but when the economy is ready we will be building. We are doing our part to help the city.

JL – I think huge boon for your dev and if I could get the city to give me a quarter mill improvement to my property. I hope you find the right buyer.

JL – If part of planned development. Part of condition to have bridge on property and part of trail system, already part of comp plan.

SV – I want to get back to the bridge is there, it's going to be there. The question is do we want a 12-foot strip in who knows what year.

JL doesn't think parking is an issue. The issue is that we have put a bridge...

SV – I think an 80 foot strip over a 12 foot strip makes it nicer for the public.

JL – There's cost associated with owning that land even if gravel lot.

BQ – Is that piece of property going to be inventoried in parks land?

SV – It will have to be.

JL – Defer decision tonight. We schedule a work session and we have maps and we have a copy of the planned unit development so we can have a better idea of where bridge is and how we're going to have access to it.

HP – Seconds.

JL – More information such as plat maps, As much info as we can gain.

BQ – Correct me if I'm wrong but when offer made to spend \$30K of SDC fees, how come this discussion didn't come up then? To me ideal time to vent all this.

JL – I agree but we're here now tonight. I screwed up, I didn't think it through. Then I

They know a trail system put in their planned unit dev. If you or any other dev and you came to this town and went through process, planning dept and planning comish would tell you how much green space, park space, what kind of park, how much parking, just like we've done with them. I feel Wampplers made a promise, that promise was we know we have a trail system and let you place bridge there. The details of allowing citizens to that bridge point may not have been worked out but promise was put bridge there, implying we know citizens gon to use it, not for our soel benefit with planned unit dev. Now things have changed, we want \$30K and you can get 80 feet.

I think pretty serious issue. I think it could be worked out through temporary agreement.

I think that need to be made very clear to cit, taxpayers put this bridge in and wampplers don't want us to use it.

HP – Maybe the central issue here, I'm reading something into comments, that to what extent was this access implied? That seems to be the murky ground. I suppose it's interpretable.

JL – They made a presentation. As part of that we discussed the trail system. Several options.

At no time did the Wampplers say they didn't want bridge on property. They knew bridge going there.

So they knew going to be there, they cant all of a sudden say didn't know. It was part of the plan.

SH – Many years ago the city of Stayton did a dream path and a big survey of where they wanted the bridge, whether down Water Street or Florence. City chose Florence. They wanted paths along the water. There was a building along water that had been there 200 yaers. They knew they didn't own that property. But these are things conceptually that the city wanted. Well, conceptually the city got. Still don't own property, still don't have legal access, but we're trying to work with city to make work.

JL – At time you put in your plans, you knew bridge going in, you picked a location, granted constrictions as to where location.

SH – We gave permission to city to put bridge in. There wasn't a lot of option of where it went.

Defer decision until schedule a work session until plat maps.

HP – yes JL – yes

Motion fails, three no's.

LE – purchase property from W as described.

JN seconds.

JL – I think it's a mistake.

BQ – If it goes through and escrow goes through, when have access?

DE – We have a verbal agreement from W to start work on it next week.

SV – We have never had a true verbal agreement on anything.

JL – I would suggest getting it in writing after the last mistake that was made.

BQ – If we don't, the bridge sits there in its current form and state without access until Wamplers decide to develop the property.

LE – If the Wamplers walk away from the property we never have access. I think it's a must we do it.

JL – I believe \$30K could be better used for a skate park or

These people knew bridge going in, consented to it when submitted plan and blackmailing us for \$30K. If position want to take then entitled to that. They are private prop owners and I agree with that. But they could have said when they submitted plan no bridge on plan.

It seems to me that if they have agreed to it then they can simply write up an easement agreeement that says for temp purposes this is what you can do. When its

finalized this is where perm trial goes. Instead cost taxpayer \$30K. Depriving our citizens of \$30K and its benefit to parks.

BQ - Handicapped spots where people can park. Everybody can use that as opposed to skate park where only cretians

Being the capitalist you are.

JL - Invest another _ to put that parking lot in and the trails.

JN - Youd have to maintain a skate park or anything else too, so I don't see the difference.

JL and HP no. Motion passes 3-2.