



Gregory L. Geist  
Director

July 15, 2021

Board of County Commissioners  
Acting as the governing body of  
Water Environment Services

Members of the Board:

Approval of Terminating an Agreement with Park Place Development, Inc.,  
Park Place Development, Inc., and  
Water Environment Services

<b>Purpose/Outcomes</b>	Termination of Agreement entered into in 1994, where the terms of the agreement have been fulfilled.
<b>Dollar Amount and Fiscal Impact</b>	None
<b>Funding Source</b>	N/A.
<b>Duration</b>	Permanent
<b>Previous Board Action/Review</b>	Adoption of Agreement on June 30, 1994, Order No. 94-719
<b>Counsel Review</b>	This Agreement was reviewed and approved by County Counsel on _____ in April 2021.
<b>Strategic Plan Alignment</b>	1. Grow a Vibrant Economy. Removing unneeded restrictions to allow property owners to more fully utilize subject property.
<b>Contact Person</b>	Chris Storey, WES Assistant Director (503-742-4543)
<b>Contract No.</b>	N/A

**BACKGROUND:**

Water Environment Services (“WES”) is the successor entity to all contracts and liens entered into by the Tri-City Service District (“TCSD”). In 1994, as part of the closure of the Rossman Landfill, TCSD’s industrial pretreatment group evaluated the site and entered into an agreement with Park Place Development, Inc. and Parker Development Co. (together, the “Owners”) regarding certain mitigation and monitoring requirements (the “Agreement”). WES is now the successor party to such Agreement

This Agreement provided that landfill leachate had to meet certain conditions and certain sampling had to occur to discharge into the sanitary sewer system. The Owners have provided evidence that leachate ceased to be contributed to the wastewater system in August 2006, following DEQ certification regarding the site. WES discontinued monitoring and issued a no further action letter in 2009. The termination of the agreement, and removal of any related title impairments associated with the agreement, could have been done at that time but was not requested by the Owners until now.

WES staff have reviewed the file and confirmed that there is no further need for the Agreement and recommends termination of the 1994 agreement as amended. A document terminating the agreement was prepared, approved by County Counsel, and executed by the Owners.

**RECOMMENDATION:**

Staff respectfully recommends that the Board, as the governing body of Water Environment Services, approve entering into the Termination of Agreement document as attached.

Respectfully submitted,

Chris Storey, Assistant Director  
WES

Attachments: Termination of Agreement document, partially executed (notarization required)

After Recording, Return to:

James F. Dulcich  
Schwabe, Williamson & Wyatt, P.C.  
1211 S.W. Fifth Avenue, Suite 1900  
Portland, Oregon 97204

## TERMINATION OF AGREEMENT

This Termination of Agreement is made and entered into as of this 20<sup>th</sup> day of April, 2021 (the “**Effective Date**”), between Park Place Development, Inc., an Oregon corporation (“**Park Place**”), and Parker Development Co., an Oregon corporation (“**Parker Development**”), on the one hand, and Water Environment Services, an intergovernmental entity formed pursuant to Oregon Revised Statutes Chapter 190 (“**WES**”), on the other.

### Recitals

A. On or about April 1, 1994, Park Place and Parker Development, on the one hand, and Tri-City Service District, on the other, entered into an Agreement dated April 1, 1994 (the “**Tri-City Agreement**”). The Tri-City Agreement was recorded in the real property records of Clackamas County, Oregon, on July 15, 1994, as Recording No. 94-057504. The Tri-City Agreement was amended pursuant to an Amendment to Agreement Dated April 1, 1994, that was dated November 1, 1995, and recorded in the real property records of Clackamas County, Oregon, on November 14, 1995, as Recording No. 95-071013.

B. WES is the successor in interest to Tri-City Service District and now holds Tri-City Service District’s right, title, and interest in and to the Tri-City Agreement.

C. Park Place, Parker Development, and WES desire to terminate the Tri-City Agreement.

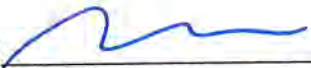
### Agreement


Now, therefore, for certain good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Park Place, Parker Development, and WES hereby agree to terminate the Tri-City Agreement, which termination shall be effective as of the Effective Date set forth above.

[Signature Pages Follow]

PARK PLACE DEVELOPMENT, INC., an Oregon corporation

PARKER DEVELOPMENT CO., an Oregon corporation

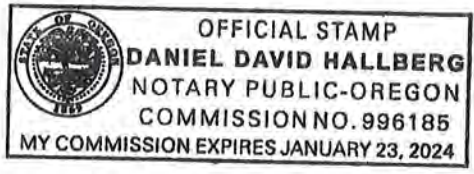
By:   
Bradley S. Miller, Authorized Signatory

By:   
Bradley S. Miller, Authorized Signatory

STATE OF OREGON                    )  
  ) ss.  
County of Multnomah                )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of April 2021, by Bradley S. Miller, as Authorized Signatory for Park Place Development, Inc., an Oregon corporation, and Parker Development Co., an Oregon corporation.

  
Notary Public for Oregon  
My Commission Expires: 1-23-2024



WATER ENVIRONMENT SERVICES

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF OREGON                    )  
  ) ss.  
County of Clackamas                )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by \_\_\_\_\_, as \_\_\_\_\_ of Water Environment Services.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_