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December 10, 2013

HAND-DELIVERED

City of Sherwood Planning Commission  
22560 SW Pine Street  
Sherwood, Oregon 97140

Re: Baler Way Extension TSP Amendment (PA 13-04)

Dear Planning Commissioners,

I am writing on behalf of TakFal Properties, LLC (TakFal) with regard to the proposal by Washington County to amend the City of Sherwood Transportation System Plan (TSP) to extend Baler Way north of Tualatin Sherwood Road.

In general, TakFal supports the County's proposed TSP amendment, because it extends the city's street grid and because it will eventually provide access options to other properties in the area, as they develop.

The Baler Way extension is especially important to the Sherwood Cinema Center. It is important to TakFal because the Baler Way extension will immediately be used, in part, to mitigate for the loss of access that will result if the existing traffic signal and left turn lanes are removed by the County, as part of the Tualatin Sherwood Road Project.

For these reasons, it is critically important that the County provide TakFal and the City with more detail regarding the location and design of alternative access for the Sherwood Cinema Center property, before the Baler Extension TSP Amendment is approved. These details are necessary in order to determine how local access to and from the Sherwood Cinema Center will function.

Local access is relevant to this TSP Amendment, because various goals and policies in the City's comprehensive plan, and various requirements in the State Transportation Planning Rule (TPR) and relevant state statutes, require the city to ensure that it is planning a system of street connections that are safe, convenient, efficient that support both existing and planned land uses in the area. While we understand the County's interest and desire to move traffic through the area, our interest and the City's duty is to ensure that the planned street system also provides the necessary connections to existing and planned land uses.

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Exhibit C

December 10, 2013

Page 2

In that regard TakFal met with the City and the County yesterday, to begin to discuss the location and design of a package of improvements that will provide alternative access to the Sherwood Cinema Center, including access from the Baler Way Extension and Highway 99. On November 26, we also had a meeting, where to our surprise, ODOT offered two options for providing right-in access to the Sherwood Cinema Center from Highway 99. Clearly, this is good news and is in part a result of the role the City has taken in making certain the center has adequate access after the proposed improvements on Tualatin Sherwood Road are made. TakFal greatly appreciates the City's leadership in that regard, and believes that it is important for us to continue to work together over the next several months, to agree on a package of improvements that will provide alternative access to the Sherwood Cinema Center including access from Highway 99. In order to reach such an agreement, we are asking that the City delay action on this TSP amendment until its meeting in January.

We are expecting to meet with the County and the City again before the end of the year, or soon thereafter, to negotiate a package of access improvements that can be agreed upon for the Sherwood Cinema Center. Our expectation is that TakFal and County will enter into a memorandum of understanding or similar agreement, showing the location and general design of access from the Baler Way extension, to and from the Sherwood Cinema Center, and any related changes that need to be included in this TSP amendment, including the removal of language in the existing TSP that calls for the removal of the signal at Baler. Such an agreement would allow us to fully support the Baler Way extension, and may provide an opportunity for the County and TakFal to reach an overall agreement on alternative access.

In closing, as TakFal continues to work in good faith with the City, the County and ODOT, we are requesting a short continuance of this TSP amendment until your first or second meeting in January. At that time, we hope to have either a tentative agreement with the County regarding a package of access improvements, or a better understanding of the time it will take to reach such an agreement.

Thank you again for your continued support of the Sherwood Cinema Center. We greatly appreciate your efforts.

Very Truly Yours,

Davis Wright Tremaine LLP



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