

RESOLUTION NO. 1451

A RESOLUTION AUTHORIZING THE INTERIM CITY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF AGREEMENT WITH WILLOW CREEK ESTATES HOMEOWNERS ASSOCIATION

WHEREAS, the City of Canby (City) and Willow Creek Estates Homeowners Association (WCEHOA) are parties to a Memorandum of Understanding (MOU) regarding the access, usage, and maintenance of the wetland to the west and southwest of the Willow Creek Estates (WCE) neighborhood and the City-owned park within the WCE neighborhood;

WHEREAS, WCEHOA will seek City permission to enter the wetland at all times, will be permitted to hire a landscape contractor to trim blackberry bushes in the wetland, and will continue to voluntarily maintain certain areas in the park; and

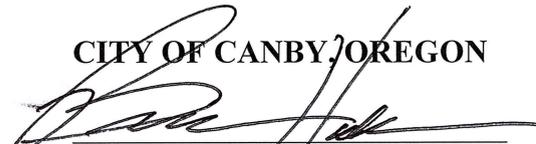
WHEREAS, the City desires to enter into a Memorandum of Understanding (MOU) to establish the terms and conditions under which the City and WCEHOA will ensure the safe enjoyment of the park areas.

NOW THEREFORE, BE IT RESOLVED by the City of Canby City Council as follows:

1. The City Council authorizes the Interim City Administrator to execute, on behalf of the City, a MOU with WCEHOA in substantially the same form as the MOU attached to this Resolution as Exhibit A.
2. The City Council further authorizes the Interim City Administrator to administratively take all actions necessary to correct any typographical errors, scrivener's errors, or formatting errors in the MOU.
3. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the City Council this 18th day of February, 2026, and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF CANBY, OREGON



Brian Hodson, Mayor

ATTEST:



Maya Benham, CMC
City Recorder

February 18, 2026

Memorandum Of Understanding between Willow Creek Estates Homeowners Association (WCEHOA) and the City of Canby (the City) regarding the State of Oregon owned wetlands to the West South/West of the WCEHOA and the City-owned park located in the Willow Creek Estates neighborhood

WHEREAS:

- The undeveloped land adjacent to the neighborhood of WCEHOA is designated as a wetland by the State of Oregon.
- The wetlands are owned by the City of Canby and governed by the State of Oregon.
- The wetlands are deemed by the State of Oregon to be a "significant wetland".
- The WCEHOA neighborhood has no rights or responsibility regarding the wetlands.
- The pole fence bordering the wetland is the property of the City.
- The path adjacent to the wetland is owned by the City of Canby.
- The park land on either side of the WCEHOA tennis court is owned by the City.

The undersigned representing the WCEHOA and the City agree to the following:

- WCEHOA will not enter the wetland, without the express written permission of the Public Works Department of the City of Canby.
- The City of Canby agrees to place signage delineating the protected areas.
- It is incumbent on the City to ensure that permissions the City grants to enter the wetland comply with State rules and regulations.
- Any individual, or homeowner, requesting the permission to enter the wetland for any reason will be referred to the Canby Public Works Department to obtain written permission for right of entry.
- No chemicals, of any kind, no pesticides nor herbicides, will be used or authorized for use in the wetland by the WCEHOA.
- The WCEHOA has the permission of the Canby Public Works department to hire a landscape contractor, licensed and bonded in the State of Oregon, to trim the blackberries in the wetlands, 5 feet back from the pole fence, 1 (one) time per month, May through September.
- The authorized contractor will be instructed to avoid causing any disturbances to native vegetation and to comply with all City and State rules with respect to the wetland.
- WCEHOA will continue to maintain the grass, shrubs and flower beds of the park areas but is under no obligation to do so.

- WCEHOA assumes no liability for the park or trail areas, and the City will hold harmless the WCEHOA for property damage or personal injury incurred or caused by anyone using the park or the wetland area.
- WCEHOA will not be held responsible for violations by the contractor; and the City shall participate in the hiring process of the contractor, be a party to the contract, and follow the City's procurement practice.
- The City agrees to complete any major maintenance in the City owned park areas on either side of the sport court, such as tree trimming or removal when necessary for safety or practicality.
- The City remains responsible for park and wetland infrastructure but will consult with the WCEHOA on fencing and other projects deemed necessary for the continued safe enjoyment of the park areas.
- The City of Canby retains all liability for the park areas.
- This agreement is in effect from the date of signing until revoked in writing by either the City of Canby or the WCEHOA.

Cara Hawkins

HOA Representative

2/25/26

Date

Randy Ealy

Interim City Administrator

2-25-26

Date

State of OREGON)
)ss.
 County of Clackamas

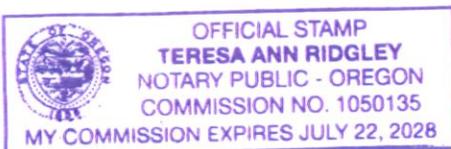
On this 25th day of February, 2026, personally appeared before me, Cara Hawkins, who stated that (s)he is the representative of Willow Creek HOA, and that the instrument was signed in behalf of the said corporation by authority of its board of directors and acknowledged said instrument to be its voluntary act and deed. Before me:



Teresa Ann Ridgley
 Notary Public for Oregon
 My Commission Expires: 7/22/28

State of OREGON)
)ss.
 County of Clackamas

On this 25th day of February, 2026, personally appeared before me, Randy Ealy, who stated that (s)he is the representative of the City of Canby, and that the instrument was signed in behalf of the said corporation by authority of its board of directors and acknowledged said instrument to be its voluntary act and deed. Before me:



Teresa Ann Ridgley
 Notary Public for Oregon
 My Commission Expires: 7/22/28