

**RESOLUTION NO. 2153**

**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING ACQUISITION OF PROPERTY INTEREST RELATED TO THE CONSTRUCTION OF A WATER REVENUE VAULT ON TOOZE ROAD**

WHEREAS, under and by virtue of the laws of the State of Oregon the City of Wilsonville is duly authorized and empowered to acquire such real property as may be deemed necessary and proper for identified public water works improvements; and

WHEREAS, the City of Wilsonville and the City of Sherwood are in a multi phase construction project, with some phases completed and others being planned and negotiated, to provide water service to the City of Sherwood from the Willamette River Water Treatment Plant in Wilsonville through City of Wilsonville water pipeline infrastructure; and

WHEREAS, to provide the City of Sherwood with water service, a water revenue vault is needed on the water pipeline alignment to be constructed on Tooze Road in order to meter the water service at or near the connection point with the delivery pipeline being constructed by Sherwood ; and

WHEREAS, this project is identified as Project 1105 Tooze Rd. 18" Waterline and Revenue Vault in the City of Wilsonville 2008-09 Budget document; and

WHEREAS, it is in the public interest that property acquisition for this revenue vault occur expeditiously so as not to impede construction and the provision of water service to the City of Sherwood; and

WHEREAS, the property to be acquired meets engineering specifications and reflects the least amount of property interest to ensure safe, efficient and adequate public improvements; and

WHEREAS, this acquisition and all related activities will follow the City's appraisal and acquisition policies.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. There is needed and required, for the public purpose of providing public improvements known as Tooze Road Revenue Vault, acquisition of property interest of that property identified as Exhibit 1, attached hereto and incorporated herein by this reference.

2. The property interest is required as a result of the aforementioned public improvement, and the improvement has been planned and located in a manner most compatible with the greatest public good and the least private injury.

3. City staff and attorneys are authorized and directed to negotiate with the owners of the real property herein described as to the compensation to be paid for the acquisition of the property and, in the event agreement cannot be reached, return to City Council to recommend the acquisition for condemnation and then, upon authorization from City Council, to commence and prosecute to final determination such condemnation proceedings as may be necessary to acquire the real property or property interest.

4. Upon trial of and action of condemnation, the attorneys for the City are authorized to make such stipulation, agreement or admission as in their judgment may be in the best interests of the City.

5. City staff anticipates it will acquire the above-described property in the spring of 2009 and cause construction to initially begin as soon as property acquisition is complete.

6. This resolution is effective upon adoption.

ADOPTED by the City of Wilsonville at a regular meeting thereof this 1st day of December, 2008 and filed with the Wilsonville City Recorder this date.

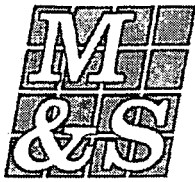
  
CHARLOTTE LEHAN, Mayor

ATTEST:

  
Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Kirk	Yes
Councilor Knapp	Yes
Councilor Ripple	Yes
Councilor Nunez	Yes



MacKay & Sposito, Inc. www.mackaysposito.com

MacKay & Sposito, Inc.  
1325 SE Tech Center Drive, Suite 140  
Vancouver, WA 98683  
Phone: 360-695-3411  
Fax: 360-695-0833

15012LD1B  
11-19-08  
mjf

**LEGAL DESCRIPTION**  
**TOOZE ROAD REVENUE VAULT**  
**RIGHT OF WAY DEDICATION**

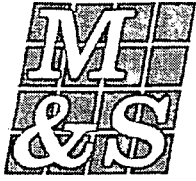
A parcel of land lying in the Southwest quarter of Section 10, Township 3 South, Range 1 West, W.M., Clackamas County, Oregon being a portion of Tax Lot 2800, Assessor's Plat 3 1W 10C, being further described as follows:

Commencing at the Southwest corner of said Section 10; thence South 88°34'04" East along the South line of said Section 10, also being the centerline of Westfall Road (County Road No. 84) and Tooze Road (County Road No. 355), a distance of 1097.99 feet to a point on said South line; thence North 01°25'56" East a distance of 20.00 feet to a point on the Northerly right of way line of said Tooze Road and marking the **True Point of Beginning**; thence continuing North 01°25'56" East a distance of 20.00 feet; thence North 88°34'04" West, parallel with said centerline, a distance of 25.11 feet; thence North 49°27'42" West a distance of 161.86 feet to a point on the Easterly right of way line of said Tooze Road, said point being 20.00 feet Easterly of, when measured at right angles to, the centerline of said Tooze Road; thence South 36°42'04" East, parallel with said centerline, a distance of 155.22 feet to a point on said Northerly right of way; thence South 88°34'04" East along said Northerly right of way line a distance of 54.86 feet to the **True Point of Beginning**.

Containing 0.08 acres or 3,574 sq. ft., more or less.

**TOGETHER WITH** a 10.00 foot wide Public Utility Easement over a parcel of land lying in the Southwest quarter of Section 10, Township 3 South, Range 1 West, W.M., Clackamas County, Oregon being a portion of Tax Lot 2800, Assessor's Plat 3 1W 10C, being further described as follows:

Commencing at the Southwest corner of said Section 10; thence South 88°34'04" East along the South line of said Section 10, also being the centerline of Westfall Road (County Road No. 84) and Tooze Road (County Road No. 355), a distance of 1097.99 feet to a point on said South line; thence North 01°25'56" East a distance of 20.00 feet to a point on the Northerly right of way line of said Tooze Road; thence continuing North 01°25'56" East a distance of 20.00 feet to the **True Point of Beginning**; thence continuing North 01°25'56" East a distance of 10.00 feet; thence North 88°34'04" West, parallel with said centerline, a distance of 21.56 feet; thence North 49°27'42" West a distance of 202.46 feet to a point on the Easterly right of way line of said Tooze Road, said point being 20.00



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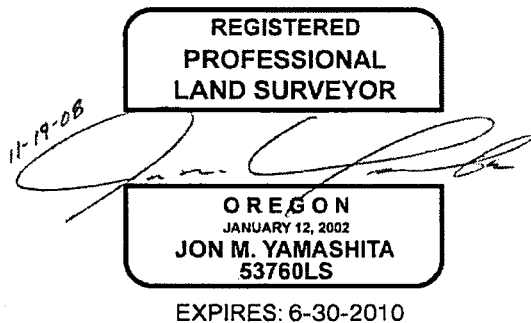
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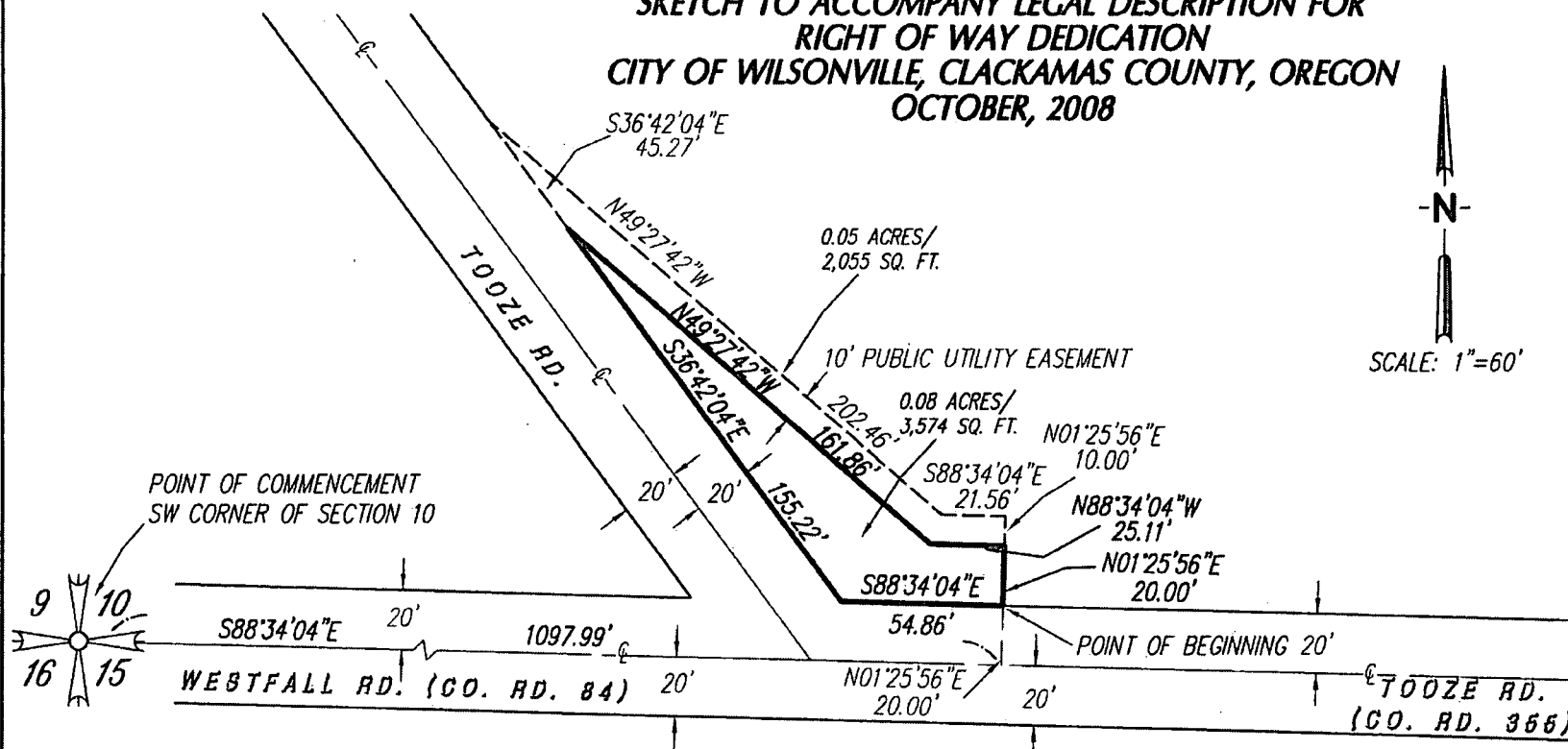
feet Easterly of, when measured at right angles to, the centerline of said Tooze Road; thence South 36°42'04" East, parallel with said centerline, a distance of 45.27 feet; thence South 49°27'42" East a distance of 161.86 feet; thence South 88°34'04" East a distance of 25.11 feet to the **True Point of Beginning.**

Containing 0.05 acres or 2,055 sq. ft., more or less.

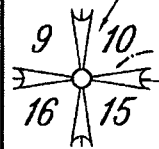
Subject to easements and restrictions of record.



**SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR  
RIGHT OF WAY DEDICATION  
CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON  
OCTOBER, 2008**



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SCALE: 1"=60'



**Mackay & Sposito, Inc.**  
 ENGINEERS SURVEYORS PLANNERS  
 1325 SE TECH CENTER DRIVE, SUITE 140 VANCOUVER, WA 98683  
 (360) 695-3411 (503) 289-6726 PTLD FAX (360) 695-0833

11-19-08  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 JON M. YAMASHITA  
 OREGON  
 JANUARY 12, 2002  
 53760LS



3STW10C #2800

Re: 10

Tooze Road

**COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

DATE: December 1, 2008  
TO: Mayor and City Council Members  
FROM: Kristin Retherford, Urban Renewal Project Manager  
SUBJECT: Acquisition of Property to Construct a Water Revenue Vault on Tooze Road

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**Summary:** The City's 2008-09 Budget identifies capital project number 1105 (Tooze Rd. 18" Waterline and Revenue Vault) as necessary to provide water supply and looping from a proposed new west side reservoir and to meet water demand from the City of Sherwood. In order to construct this revenue vault and meter water supply to Sherwood, the City needs to acquire 3,574 square feet of right-of-way and a ten foot wide public utility easement from tax lot 3S1W10C, 02800 on Tooze Road. A map indicating the location of this tax lot is attached for reference. Tax records indicate this property is owned by Cynthia Satterlund. Staff expects to make initial contact with the property owners during the last two weeks of November to inform them of the project and the need to acquire property.

**Recommendation:** Staff recommends that the City Council adopt a resolution authorizing acquisition of this property. The resolution requires Staff to return to Council in the event that a negotiated settlement cannot be reached to recommend that Council authorize Staff to pursue condemnation action.

It is necessary and appropriate that the City proceed in an expeditious manner to acquire the property interest required to construct this revenue vault.