

**RESOLUTION NO. 2212**

**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE ACQUISITION OF PROPERTY AND PROPERTY INTERESTS RELATED TO THE CONSTRUCTION OF PUBLIC IMPROVEMENTS ON GRAHAMS FERRY 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 road improvements; and

WHEREAS, Villebois developers in partnership with the City of Wilsonville will be constructing road improvements on Grahams Ferry Road per the terms of the City's development and financing agreements with Villebois developers; and

WHEREAS, right-of-way acquisition for the Grahams Ferry Road improvement project is to be performed by the City; and

WHEREAS, the City's Adopted 2009/2010 budget includes project 4119 – Grahams Ferry Phase I Right of Way to be funded by Street SDCs; and

WHEREAS, it is in the public interest that property acquisition for this needed right of way occur expeditiously so as not to impede construction; 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; and

WHEREAS, Villebois developers intend to begin construction within existing right-of-way in November of 2009 and desire to begin construction on newly acquired right-of-way in February of 2010; and

WHEREAS, staff will work with property owners to negotiate settlement as to the compensation to be paid for the acquisition in an expeditious manner in accordance with federal and state mandated timelines providing property owners with a minimum forty-day timeline for considering an offer.

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 the Grahams Ferry Road Improvement project, acquisition of property interest of that property identified as Exhibit A and Exhibit B 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, 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.

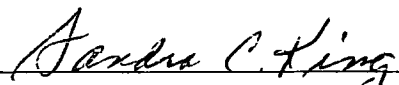
5. City staff anticipates it will acquire the above-described property in the winter of 2010 and cause construction to initially begin as soon as property acquisition is complete.

6. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 2<sup>nd</sup> day of November, 2009, and filed with the Wilsonville City Recorder this date.

  
TIM KNAPP, Mayor

ATTEST:

  
Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

Mayor Knapp	Yes
Councilor Kirk	Yes
Councilor Ripple	Excused
Councilor Nunez	Yes
Councilor Hurst	Yes

Exhibit A – Beland Property

Exhibit B - Toland Property

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9/02/09  
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EXHIBIT "A"

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1325 S.E. Tech Center Drive, Ste. 140, Vancouver, WA 98683 (360) 695-3411 (503) 289-6728 PTLD (360) 695-0833 FAX

**LEGAL DESCRIPTION**  
**RIGHT OF WAY DEDICATION**  
**CITY OF WILSONVILLE**  
**CLACKAMAS COUNTY, OREGON**

Real property being a portion of that tract of land conveyed to John Aaron and Wanda Ann Beland as described in Document No. 2005-088581 and that tract's portion of Moffitt Drive Vacation as described in Document No. 2004-083383, Clackamas County Deed Records, lying in the Northwest quarter of Section 15, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, more particularly described as follows:

Commencing at the Northwest Corner of Section 15; thence South 88°34'04" East along the North line of said section, also being the centerline of Tooze Road (County Road No. 355), a distance of 1487.48 feet to the intersection with the centerline of Graham's Ferry Road (County Road No. 13); thence South 21°00'20" West along said centerline of Graham's Ferry Road a distance of 764.77 feet to an angle point; thence South 17°14'15" West continuing along said centerline a distance of 935.72 feet; thence North 72°45'45" West leaving said centerline a distance of 30.00 feet to the intersection of the centerline of said vacated Moffitt Drive and the West right of way line of said Graham's Ferry Road, said intersection being the **Point of Beginning**; thence North 78°35'55" West along the centerline of said vacated Moffitt Drive a distance of 7.04 feet to a point on the arc of a 58.50 foot radius non-tangent curve; thence from a tangent bearing of North 61°28'55" East, along said curve to the left, through a central angle of 10°58'43", an arc distance of 11.21 feet (having a chord bearing of North 55°59'33" East, a distance of 11.19 feet) to a point on the East line of said "Beland Tract" and the West right of way line of said Graham's Ferry Road; thence South 17°14'15" West along said East and West lines a distance of 8.01 feet to the **Point of Beginning**.

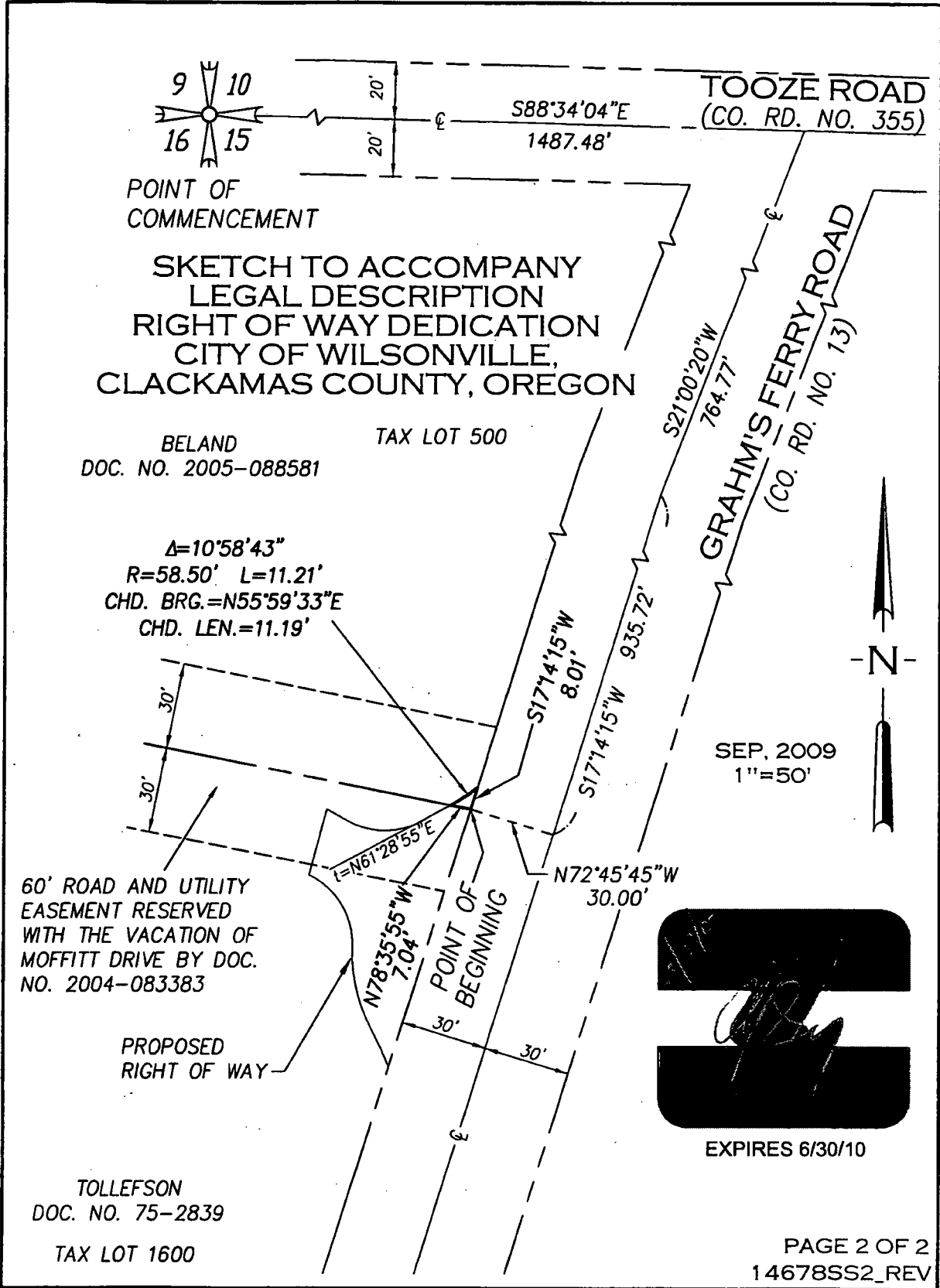
Containing 26 square feet, more or less.

Subject to easements and restrictions of record.



EXPIRES 6/30/10

EXHIBIT "B"



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09/02/09  
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EXHIBIT "A"  
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**MacKay & Sposito, Inc.**

ENGINEERS SURVEYORS PLANNERS

VANCOUVER KENNEWICK



1325 S.E. Tech Center Drive, Ste. 140, Vancouver, WA 98683 (360) 695-3411 (503) 289-6726 PTLD (360) 695-0833 FAX

**LEGAL DESCRIPTION**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**CITY OF WILSONVILLE**  
**CLACKAMAS COUNTY, OREGON**

An easement over real property being a portion of that tract of land conveyed to John Aaron and Wanda Ann Beland as described in Document No. 2005-088581 and that tract's portion of Moffitt Drive Vacation as described in Document No. 2004-083383, Clackamas County Deed Records, lying in the Northwest quarter of Section 15, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, more particularly described as follows:

Commencing at the Northwest Corner of Section 15; thence South 88°34'04" East along the North line of said section, also being the centerline of Tooze Road (County Road No. 355), a distance of 1487.48 feet to the intersection with the centerline of Graham's Ferry Road (County Road No. 13); thence South 21°00'20" West along the centerline of said Graham's Ferry Road a distance of 764.77 feet to an angle point; thence South 17°14'15" West continuing along said centerline a distance of 935.72 feet; thence North 72°45'45" West leaving said centerline a distance of 30.00 feet to the intersection of the centerline of said vacated Moffitt Drive and the West right of way line of said Graham's Ferry Road; thence North 78°35'55" West along the centerline of said vacated Moffitt Drive a distance of 7.04 feet to the **Point of Beginning**; thence North 78°35'55" West continuing along said centerline a distance of 125.37 feet; thence North 11°24'05" East a distance of 7.50 feet; thence South 78°35'55" East a distance of 105.49 feet; thence North 83°25'00" East a distance of 30.11 feet to a point on the East line of said "Beland Tract" and the West line of said Graham's Ferry Road; thence South 17°14'15" West along said East and West lines a distance of 8.87 feet to a point on the arc of a 58.50 foot radius non-tangent curve; thence from a tangent bearing of South 50°30'11" West, along said curve to the right, through a central angle of 10°58'43", an arc distance of 11.21 feet (having a chord bearing of North 55°59'33" East, a distance of 11.19 feet) to the **Point of Beginning**.



Containing 1,099 square feet, more or less.  
 Subject to easements and restrictions of record.

EXPIRES 6/30/10



EXHIBIT "B"

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09/02/09  
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**Mackay & Sposito, Inc.**

ENGINEERS SURVEYORS PLANNERS

VANCOUVER KENNEWICK



1325 S.E. Tech Center Drive, Ste. 140, Vancouver, WA 98683 (360) 695-3411 (503) 289-8726 PTLD (360) 695-0833 FAX

**LEGAL DESCRIPTION**  
**RIGHT OF WAY DEDICATION**  
**CITY OF WILSONVILLE**  
**CLACKAMAS COUNTY, OREGON**

Real property being a portion of that tract of land conveyed to Cleo A. Tollefson and Mary Ellen Tollefson as described in Document No. 75-2839 and that tract's portion of Moffitt Drive Vacation as described in Document No. 2004-083383, Clackamas County Deed Records, lying in the Northwest quarter of Section 15, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, more particularly described as follows:

Commencing at the Northwest Corner of Section 15; thence South 88°34'04" East along the North line of said section, also being the centerline of Tooze Road (County Road No. 355), a distance of 1487.48 feet to the intersection with the centerline of Graham's Ferry Road (County Road No. 13); thence South 21°00'20" West along the centerline of said Graham's Ferry Road a distance of 764.77 feet to an angle point; thence South 17°14'15" West continuing along said centerline a distance of 935.72 feet; thence North 72°45'45" West leaving said centerline a distance of 30.00 feet to the intersection of the centerline of said vacated Moffitt Drive and the West right of way line of said Graham's Ferry Road, said intersection being the **Point of Beginning**; thence North 78°35'55" West along the centerline of said vacated Moffitt Drive a distance of 7.04 feet to a point on the arc of a 58.50 foot radius non-tangent curve; thence leaving said centerline, from a tangent bearing of South 61°28'55" West, along said curve to the right, through a central angle of 02°25'30", an arc distance of 2.48 feet (having a chord bearing of South 62°41'40" West, a distance of 2.48 feet) to a point of reverse curvature with a 56.50 foot radius curve; thence along said curve to the left, through a central angle of 07°06'02", an arc distance of 7.00 feet (having a chord bearing of South 60°21'24" West, a distance of 7.00 feet) to a point of reverse curvature with a 26.50 foot radius curve; thence along said curve to the right, through a central angel of 62°45'10", an arc distance of 29.02 feet (having a chord bearing of South 88°10'58" West, a distance of 27.59 feet) to a point of tangency; thence North 60°26'27" West a distance of 8.17 feet; thence South 14°33'33" West a distance of

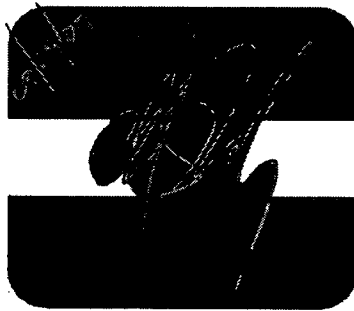


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23.81 feet; thence South 60°26'27" East a distance of 2.00 feet to a point on an arc of a 26.50 foot radius tangent curve; thence along said curve to the right, through a central angle of 62°45'10", an arc distance of 29.02 feet (having a chord bearing of South 29° 03' 52" East, a distance of 27.59 feet) to a point of reverse curvature with a 56.50 foot radius curve; thence along said curve to the left, through a central angle of 30°54'49", an arc distance of 30.48 feet (having a chord bearing of South 13°08'42" East, a distance of 30.12 feet) to a point of reverse curvature with a 98.50 foot radius curve; thence along said curve to the right, through a central angle of 08°11'09", and arc distance of 14.07 feet (having a chord bearing of South 24°30'32" East, a distance of 14.06 feet) to the East line of said "Tollefson Tract" and the West right of way line of said Graham's Ferry Road; thence North 17°14'15" East along said East and West lines a distance of 94.57 feet to the **Point of Beginning**.

Containing 2,419 square feet, more or less.

Subject to easements and restrictions of record.



EXPIRES 6/30/10



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**LEGAL DESCRIPTION**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**CITY OF WILSONVILLE**  
**CLACKAMAS COUNTY, OREGON**

An easement over real property being a portion of that tract of land conveyed to Cleo A. Tollefson and Mary Ellen Tollefson as described in Document No. 75-2839 and that tract's portion of Moffitt Drive Vacation as described in Document No. 2004-083383, Clackamas County Deed Records, lying in the Northwest quarter of Section 15, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, more particularly described as follows:

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EXPIRES 6/30/10

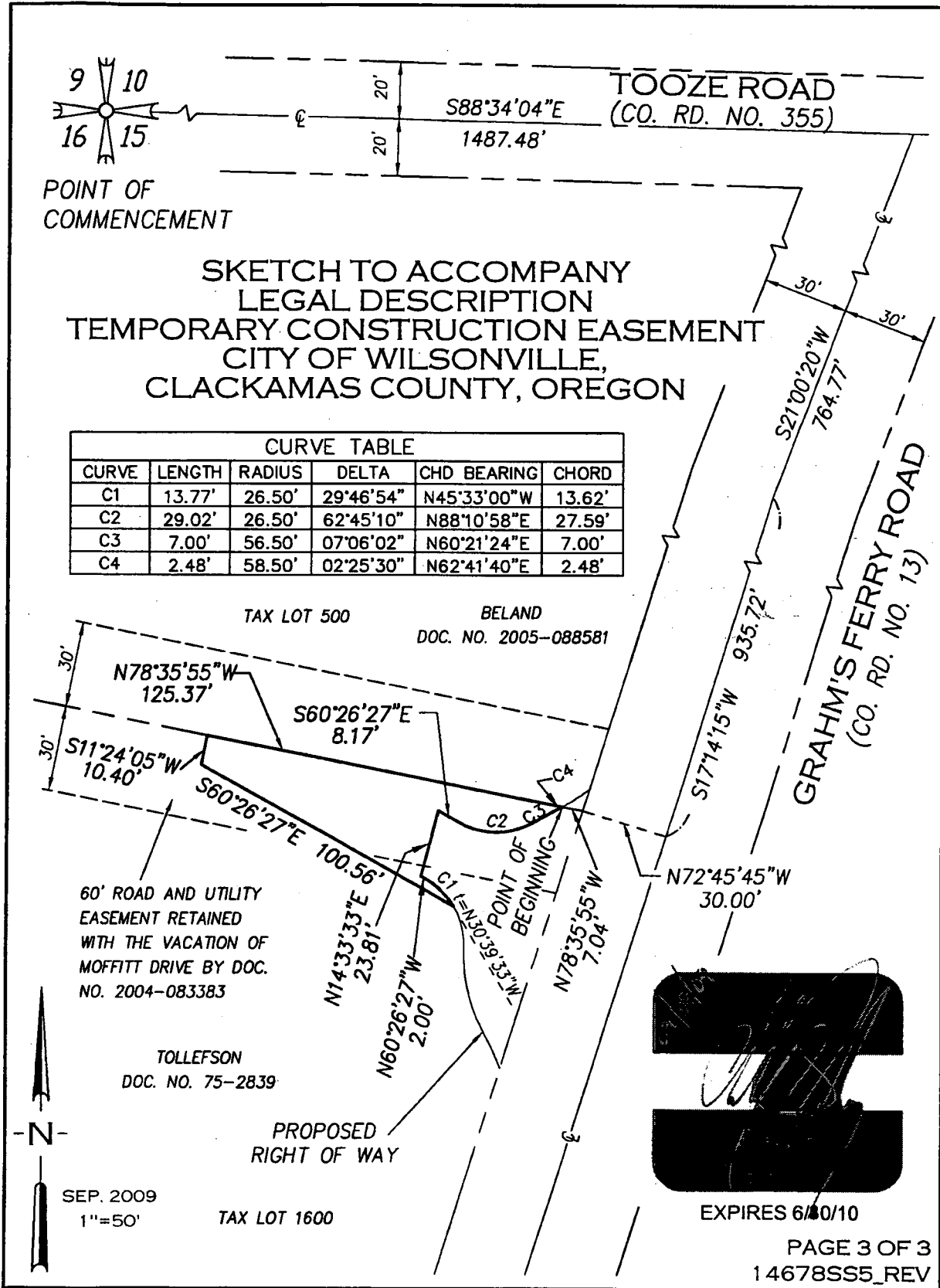
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29.02 feet (having a chord bearing of North 88°10'58" East, a distance of 27.59 feet) to a point of reverse curvature with a 56.50 foot radius curve; thence along said curve to the right, through a central angle of 07°06'02", an arc distance of 7.00 feet (having a chord bearing of North 60° 21' 24" East, a distance of 7.00 feet) to a point of reverse curvature with a 58.50 foot radius curve; thence along said curve to the left, through a central angle of 02°25'30", an arc distance of 2.48 feet (having a chord bearing of North 62°41'40" East, a distance of 2.48 feet) to the **Point of Beginning**.

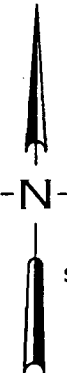
Containing 2,459 square feet, more or less.

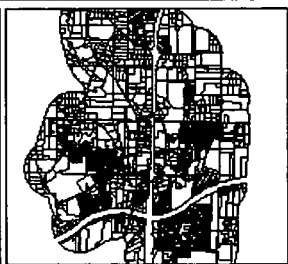
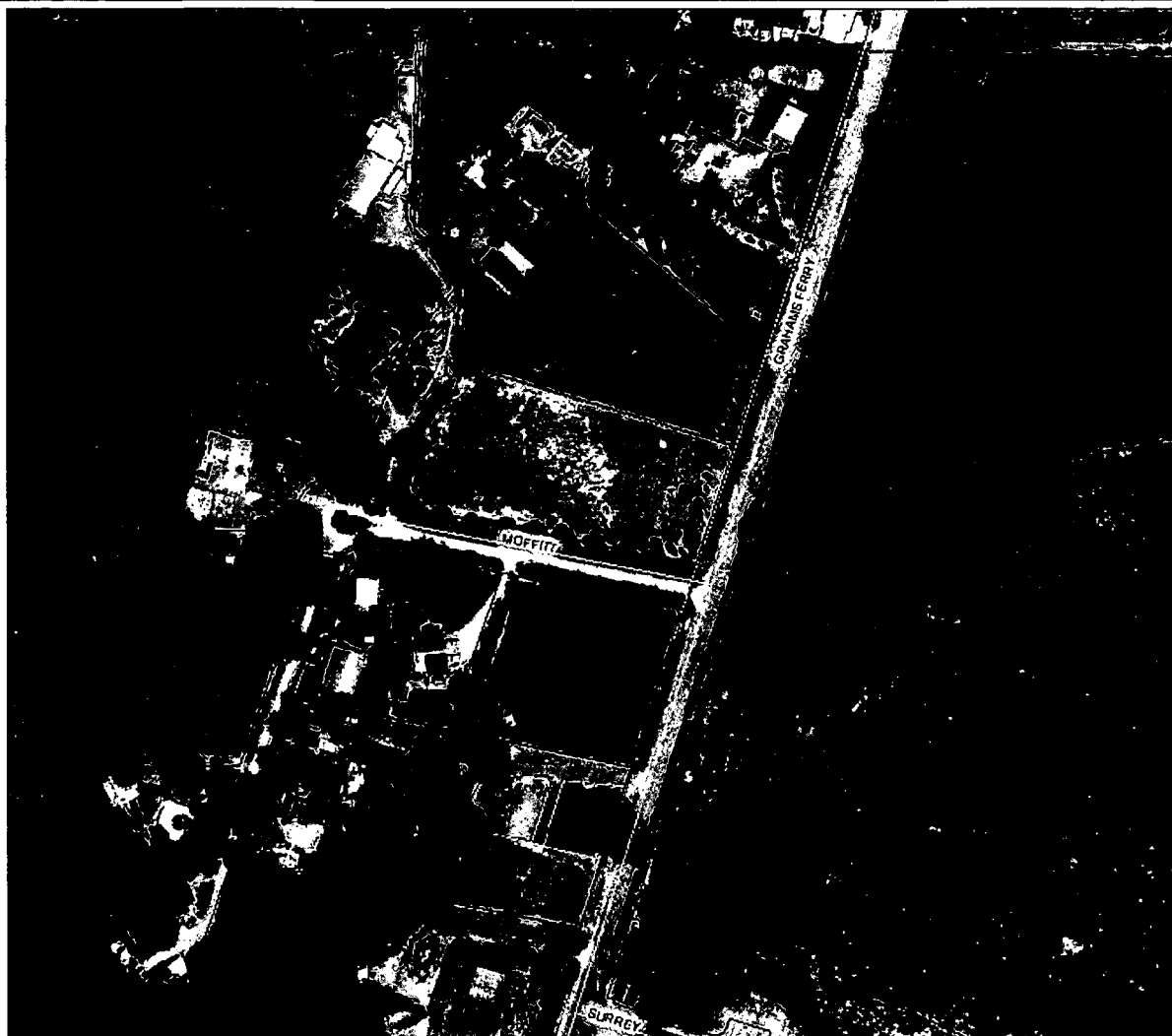
Subject to easements and restrictions of record.

EXHIBIT "B"



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHD BEARING	CHORD
C1	13.77'	26.50'	29°46'54"	N45°33'00"W	13.62'
C2	29.02'	26.50'	62°45'10"	N88°10'58"E	27.59'
C3	7.00'	56.50'	07°06'02"	N60°21'24"E	7.00'
C4	2.48'	58.50'	02°25'30"	N62°41'40"E	2.48'





Scale 1:2,387  
1 in = 199 ft

**COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

DATE: November 2, 2009  
TO: Mayor and City Council Members  
FROM: Kristin Retherford, Urban Renewal Project Manager  
SUBJECT: Acquisition of Property in Association with the Grahams Ferry Road Improvement Project

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**Summary:** Acquisition of property interests on the west side of Grahams Ferry Road is needed to complete construction of road improvements on Grahams Ferry Road including the construction of a roundabout at the intersection with Barber Street. Villebois developers intend to begin construction within existing right-of-way in November of 2009 and desire to start construction of the roundabout in February of 2009. The necessary property acquisitions are identified as follows:

<u>Property Owner</u>	<u>Tax Lot</u>	<u>SF</u>	<u>Exhibit No.</u>	<u>Type of Acquisition</u>
Beland	3S 1W 15BC #00500	26	A	Right of Way
Beland	3S 1W 15BC #00500	1099	A	Temporary Construction Easement
Tollefson	3S 1W 15BC #01600	4,046	B	Right of Way
Tollefson	3S 1W 15BC #01600	1,189	B	Temporary Construction Easement

**Recommendation:** Staff recommends the City Council adopt a resolution authorizing acquisition of real property and property interests associated with this project. Staff recommends that Council authorize staff to proceed with condemnation, should settlement not be achieved after good faith negotiations for the following reasons:

Developer desires to begin construction on the roundabout in February of 2010. Given holiday and Council schedules in January and February, it may delay construction to return to Council for authorization to move forward with condemnation. Further, given staff's knowledge of how title is vested on these two properties, condemnation will likely be necessary even if settlement is reached. Closing may be delayed due to title issues and a "friendly" condemnation, including a deposit of funds with the Court, would be necessary in order to allow construction to proceed as title issues are resolved.