

RESOLUTION NO. 2219

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, On November 2, 2009, Council adopted Resolution 2122 authorizing staff to acquire property interest needed for the construction of Grahams Ferry Road, and, due to the critical timeline of the project, to proceed with the exercise of eminent domain should settlement not be reached; and

WHEREAS, Staff subsequently met with property owners and as a result of these meetings learned that to make the owners' "whole" in replacing their existing driveway functionality, the acquisition of additional easement area would be necessary; and

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, 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, 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 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.

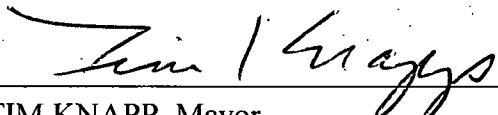
3. City staff and attorneys are authorized and directed to negotiate with the owners of the real property herein described as to the compensation to be paid for the acquisition of the property and, in the event agreement cannot be reached, to commence and prosecute to final determination such condemnation 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.

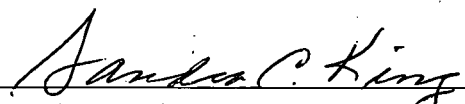
5. City staff anticipates it will acquire the above-described property in the winter of 2010 and cause construction to initially begin as soon as property acquisition is complete.

6. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 21st day of December, 2009, and filed with the Wilsonville City Recorder this date.


TIM KNAPP, Mayor

ATTEST:


Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp	Yes
Councilor Kirk	Yes
Councilor Núñez	Yes
Councilor Ripple	Yes
Councilor Hurst	Yes

List of Exhibits

Exhibit A ~ Tollefson Property

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EXHIBIT "A"

www.mackaysposito.com



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

LEGAL DESCRIPTION
INGRESS/EGRESS 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:

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 that 60 foot road and utility easement reserved in said Moffitt Drive vacation recorded in Document No. 2004-083383 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 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;

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EXHIBIT "A"

thence South 14°33'33" West a distance of 20.12 feet to the **Point of Beginning**; thence continuing South 14°33'33" West a distance of 3.69 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 04°49'26", an arc distance of 4.76 feet (having a chord bearing of South 00°06'00" East, a distance of 4.76 feet); thence North 60°26'27" West a distance of 96.14 feet to the South line of that 60 foot road and utility easement reserved in said Moffitt Drive vacation recorded in Document No. 2004-083383; thence South 78°35'55" East along said South line a distance of 70.80 feet to the **Point of Beginning**.

Containing 1,142 square feet, more or less.

Subject to easements and restrictions of record.

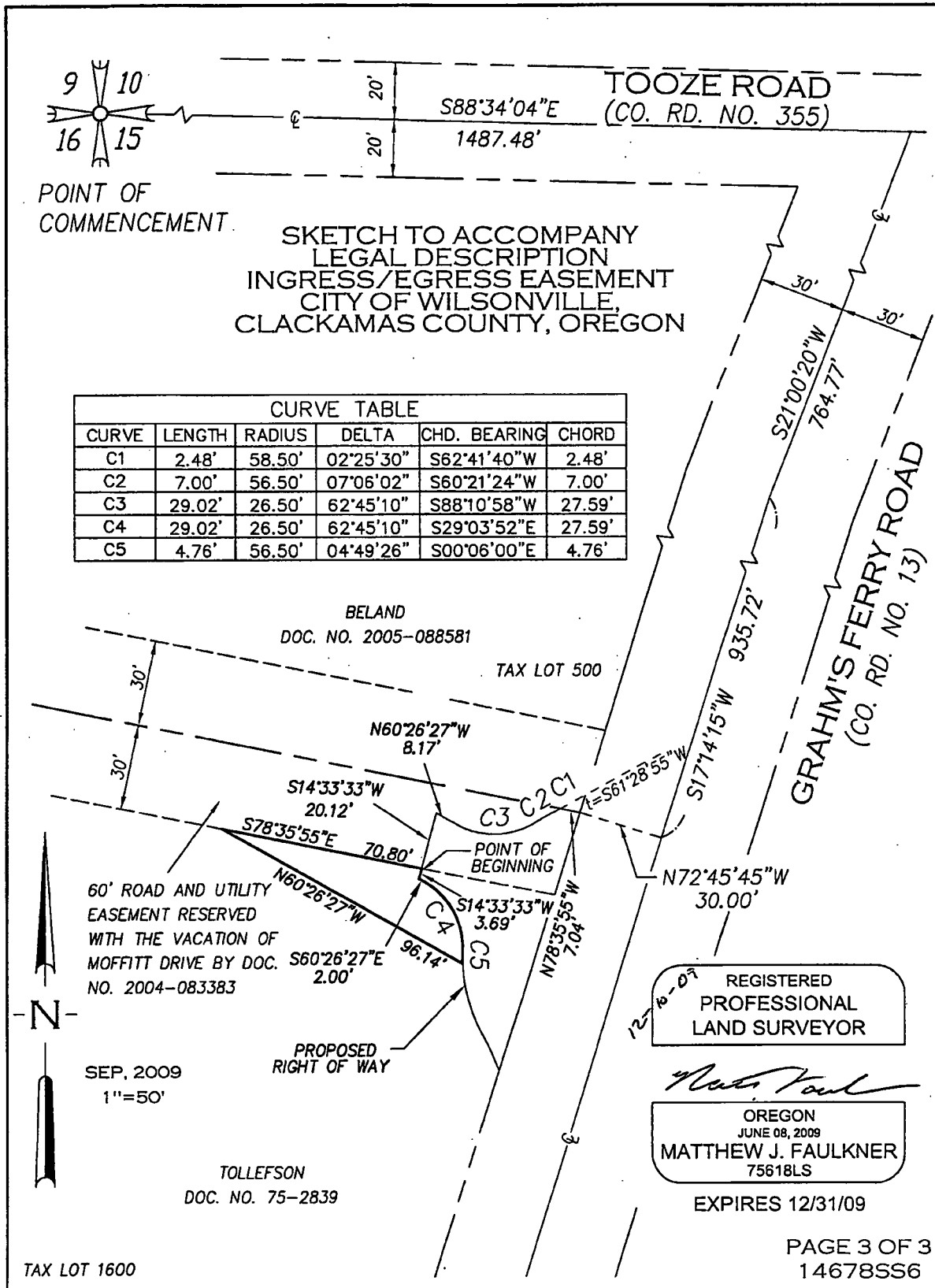
12-10-09
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Matthew J. Faulkner

OREGON
JUNE 08, 2009
MATTHEW J. FAULKNER
75618LS

EXPIRES 12/31/09

EXHIBIT "B"



**COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

DATE: December 21, 2009
 TO: Honorable Mayor and Councilors
 FROM: Kristin Retherford, Urban Renewal Project Manager
 SUBJECT: Revised Legal Description Related to Public Improvements on
 Grahams Ferry Road

Summary: Legal description and map related to property acquisition necessary to construct public improvements on Grahams Ferry Road. 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>
Tollefson	3S 1W 15BC #01600	1,142	A	Ingress/Egress Easement

Recommendation: On November 2, 2009, Council adopted Resolution 2122 authorizing staff to acquire property interest needed for the construction of Grahams Ferry Road, and, due to the critical timeline of the project, to proceed with the exercise of eminent domain should settlement not be reached. Staff subsequently met with property owners and as a result of these meetings, learned that to make the owners' "whole" in replacing their existing driveway functionality, the acquisition of additional easement area would be necessary. Staff recommends the City of Wilsonville adopt a resolution approving the acquisition of this additional easement area as Exhibit "A" to the attached resolution.