

**RESOLUTION NO. 2277**

**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING ACQUISITION OF PROPERTY AND PROPERTY INTERESTS RELATED TO THE CONSTRUCTION OF PUBLIC IMPROVEMENTS ON BARBER STREET FROM BOBERG ROAD EAST TO BOONES FERRY ROAD AND AUTHORIZING TITLE TO VEST IN THE CITY OF WILSONVILLE**

WHEREAS, under and by virtue of the laws of the State of Oregon and the Wilsonville West Side Urban Renewal Plan ("Plan"), the City of Wilsonville, and its Urban Renewal Agency are duly authorized and lawfully empowered to construct certain planned public improvement projects, and to acquire real property as may be deemed necessary and proper for such planned public improvements; and

WHEREAS, Plan Section V entitled "*Urban Renewal Projects*" provides for "*A series of major road improvements, including street extensions, widening projects and intersection improvements that will increase accessibility and connectivity to and from the Area and between the east and west sides of the City*"; and

WHEREAS, on July 6, 2009, the Board of the Urban Renewal Agency of the City of Wilsonville adopted Urban Renewal Resolution #187 authorizing acquisition of property and property interests related to the construction of public improvements on Barber Street from Boberg Road east of Boones Ferry Road; and

WHEREAS, the construction contract for this project included streetlight infill identified as capital project (#4969) in the City FY10/11 Budget; and

WHEREAS, during construction of the streetlight infill improvements engineering plan revisions for the project resulted in the need to acquire additional property to install a retaining wall which is needed but not identified in the original construction plans; and

WHEREAS, the attached legal description describes a 101 SF Wall Easement which is necessary to complete Plan objectives authorized by Section V.B.1.s of the Plan; and

WHEREAS, the City acquires real property in accordance with guidelines set forth in its Urban Renewal Agency's adopted "*Appraisal and Acquisition Policies*"; and

WHEREAS, in comparing the cost amount for the aforementioned construction and the property interest along with the existing use of the subject property, the alternative presented herein reflects the least amount of property interest to ensure safe, efficient and adequate public improvements; and

WHEREAS, title to the acquired public property shall vest directly in the name of the City of Wilsonville to provide for necessary care, maintenance and public safety authority.

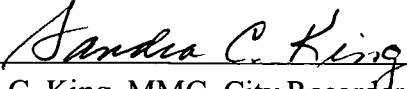
NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. There is needed and required for the public purpose of providing public improvements for the residents of the City of Wilsonville acquisition of real property interest as described on the attached Exhibit A, incorporated herein by this reference.
2. The property interest is acquired as a result of the aforementioned public improvements, and the improvements have 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 including 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 2011.
6. Title to the acquired right of way shall vest directly in the name of the City of Wilsonville.
7. This resolution is effective upon adoption.

ADOPTED by the City Council of the City of Wilsonville at a special meeting thereof this 24<sup>th</sup> day of February, 2011, 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 Núñez	Excused
Councilor Goddard	Yes
Councilor Starr	Yes
Councilor Hurst	Yes

Exhibit A – Legal Description

EXHIBIT "A"

15057LD8  
1/11/11  
btm

www.mackaysposito.com

**MacKay & Sposito, Inc.**

ENGINEERS SURVEYORS PLANNERS  
VANCOUVER KENNEWICK



1325 SE Tech Center Drive, Suite 140, Vancouver, WA 98683 - (360) 695-3411 Fax: (360) 695-0833

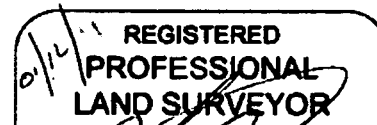
**LEGAL DESCRIPTION  
WALL EASEMENT  
PARCEL 2, PARTITION PLAT NO. 1993-189  
CITY OF WILSONVILLE, CLAKAMAS COUNTY, OREGON**

An easement over real property situated in the City of Wilsonville, Clackamas County, Oregon, being a portion of Parcel 2, Partition Plat No. 1993-189, records of said county, lying in the Southeast quarter of Section 14, Township 3 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

Commencing at the Northeast corner of said Parcel 2, said corner being on the West line of that right of way dedication to the City of Wilsonville by Doc. No. 93-62170, said corner also being on the arc of a 718.00 foot radius curve; thence along the East line of said Parcel 2, the West line of said right of way dedication and said curve to the right, through a central angle of 04° 19' 49", an arc distance of 54.26 feet (the chord of which bears South 23° 47' 46" West a distance of 54.25 feet to the **Point of Beginning**; thence continuing along the East line of said Parcel 2, the West line of said right of way dedication and said curve to the right, through a central angle of 01° 37' 46", an arc distance of 20.42 feet (the chord of which bears South 26° 46' 34" West a distance of 20.42 feet); thence North 62° 00' 37" West a distance of 4.93 feet; thence North 26° 45' 52" East a distance of 20.21 feet; thence South 64° 26' 16" East a distance of 4.93 feet to the **Point of Beginning**.

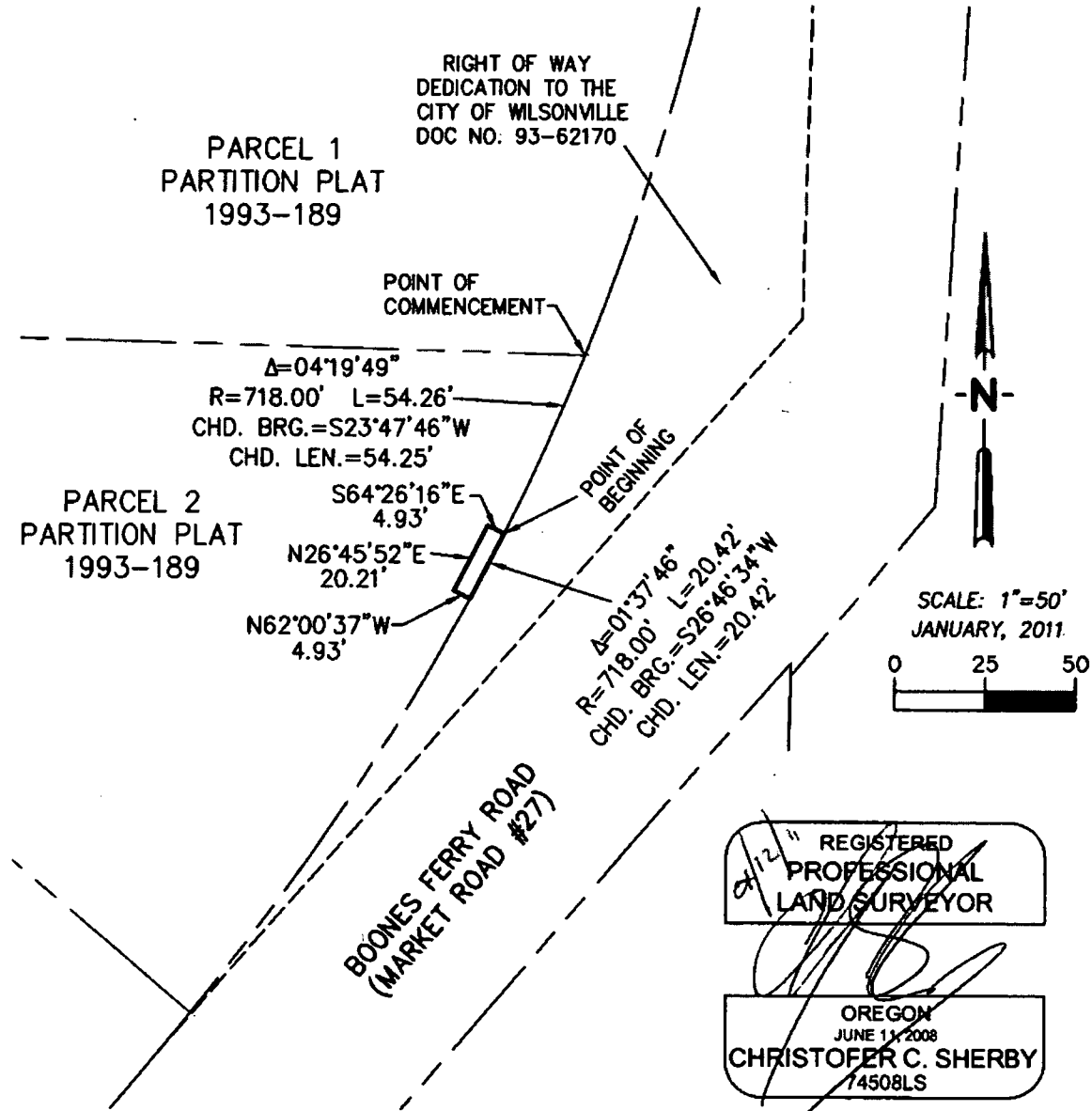
Containing 101 sq. ft., more or less.

Subject to easements and restrictions of record.



EXPIRES 6/30/12

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
WALL EASEMENT  
PARCEL 2, PARTITION PLAT 1993-189  
CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON



9/12 " REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JUNE 11, 2008  
CHRISTOPHER C. SHERBY  
74508LS

RENEW 6/30/12

**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