

**RESOLUTION NO. 2404**

**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING ACQUISITION OF PROPERTY INTERESTS RELATED TO THE RECONSTRUCTION OF BOECKMAN ROAD ADJACENT TO THE BOECKMAN ROAD BRIDGE.**

WHEREAS, subsequent to the construction of Boeckman Road, the road adjacent to the newly-constructed bridge began settling as the underlying soils continued to compress; and

WHEREAS, it was determined that the soils required additional surcharging and that the road would need to be rebuilt once sufficient soil compression had been achieved; and

WHEREAS, the City pursued litigation and received a financial settlement to fund this reconstruction effort; and

WHEREAS, Boeckman Road was closed in 2012 so that surcharge materials could be added to the road to provide additional weight to further compress the soils; and

WHEREAS, compression levels will be sufficient in 2013 to allow reconstruction of the road to begin; and

WHEREAS, the City's proposed budget for FY 2013/14 includes funding under project #4177 to rebuild Boeckman Road adjacent to the bridge; and

WHEREAS, in order to construct these improvements, the City needs to acquire two temporary construction easements for a two year period or the duration of the project, whichever is shorter, which are described in legal descriptions attached hereto and fully incorporated herein as Exhibits A and B; and

WHEREAS, construction is scheduled to occur as soon as the City's geotechnical engineers have determined that the surcharging is complete, and once necessary property rights have been obtained and a construction contract has been awarded; and

WHEREAS, the funding sources for this project are the litigation settlement proceeds and Urban Renewal Program Income; 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 property will remain with the property owner as the construction easements are temporary in nature.

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

1. There is needed and required for the public purpose of providing needed public improvements the acquisition of temporary construction easements as described in the attached Exhibits A and B and 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 temporary construction easements, and in the event agreement cannot be reached, then to commence and prosecute to final determination such condemnation proceedings as may be necessary to acquire the right to these temporary construction easements to allow construction to proceed.
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 summer of 2013.
6. The temporary construction easements shall be granted to the City of Wilsonville and terminate upon completion of the project, or two years, whichever is shorter.
7. This resolution is effective upon adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 18th day of March, 2013, and filed with the Wilsonville City Recorder this date.

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TIM KNAPP, MAYOR

ATTEST:

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Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp	Yes
Councilor Goddard	Yes
Councilor Starr	Yes
Councilor Fitzgerald	Excused
Councilor Stevens	Yes

Attachments:

Exhibit A

Exhibit B

EXHIBIT "A"



15409LD1

VANCOUVER OFFICE

1325 SE Tech Center Drive, Suite 140 • Vancouver, WA 98683  
360.695.3411 • info@mackaysposito.com

**BOECKMAN ROAD**  
**January 21, 2013**  
**Parcel 1**

**Assessors Map: 3 1W 14B**  
**Tax Lot No.: 802**

**PARCEL 1 (TEMPORARY CONSTRUCTION EASEMENT)**

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, AND BEING A PORTION OF THAT TRACT OF LAND CONVEYED TO METROPOLITAN SERVICE DISTRICT IN DOCUMENT NO. 99-065544, CLACKAMAS COUNTY BOOK OF RECORDS, SAID PARCEL BEING ALL THAT PORTION LYING BETWEEN THE SOUTHERLY RIGHT-OF-WAY LINE OF BOECKMAN ROAD AS CURRENTLY DEDICATED AND THE LINES DELINEATED BY FOLLOWING THE BELOW NOTED STATIONS AND OFFSETS OF THE CENTERLINE OF BOECKMAN ROAD, AS SAID CENTERLINE IS DESCRIBED BELOW:

**BOECKMAN ROAD CENTERLINE**

A ROAD CENTERLINE LYING WITHIN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, BEING THE CENTERLINE OF BOECKMAN AS SHOWN IN RECORD OF SURVEY NO. 2012-073, RECORDS OF CLACKAMAS COUNTY.

**STATION TO STATION**

43+75.00 TO 43+75.00

43+75.00 TO 44+88.18

44+88.18 TO 44+88.18

**OFFSET DISTANCE FROM CENTERLINE**

34.00 FEET TO 64.00 FEET

64.00 FEET SOUTHERLY AND PARALLEL WITH SAID CENTERLINE ALONG THE ARC OF A 1064.00 FOOT RADIUS CURVE

64.00 FEET TO 50.00 FEET

EXCEPTING THEREFROM, ALL THAT PORTION OF SAID PARCEL LYING WITHIN THE EXISTING RIGHT-OF-WAY OF BOECKMAN ROAD.

THE PARCEL OF LAND TO WHICH THIS DESCRIPTION APPLIES CONTAINS 1,787 SQUARE FEET,  
MORE OR LESS.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jered McGrath* 1-21-2013

OREGON  
JUNE 13, 2008  
JERED McGRATH  
79419

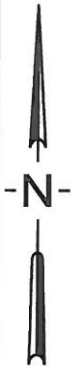
Renews: 12/31/2014

# EXHIBIT "B"

BOECKMAN ROAD  
JANUARY 21, 2013  
Parcel 1

Assessors Map 3 1W 14B  
Tax Lot No.: 802

## Mackay Sposito



1" = 50'

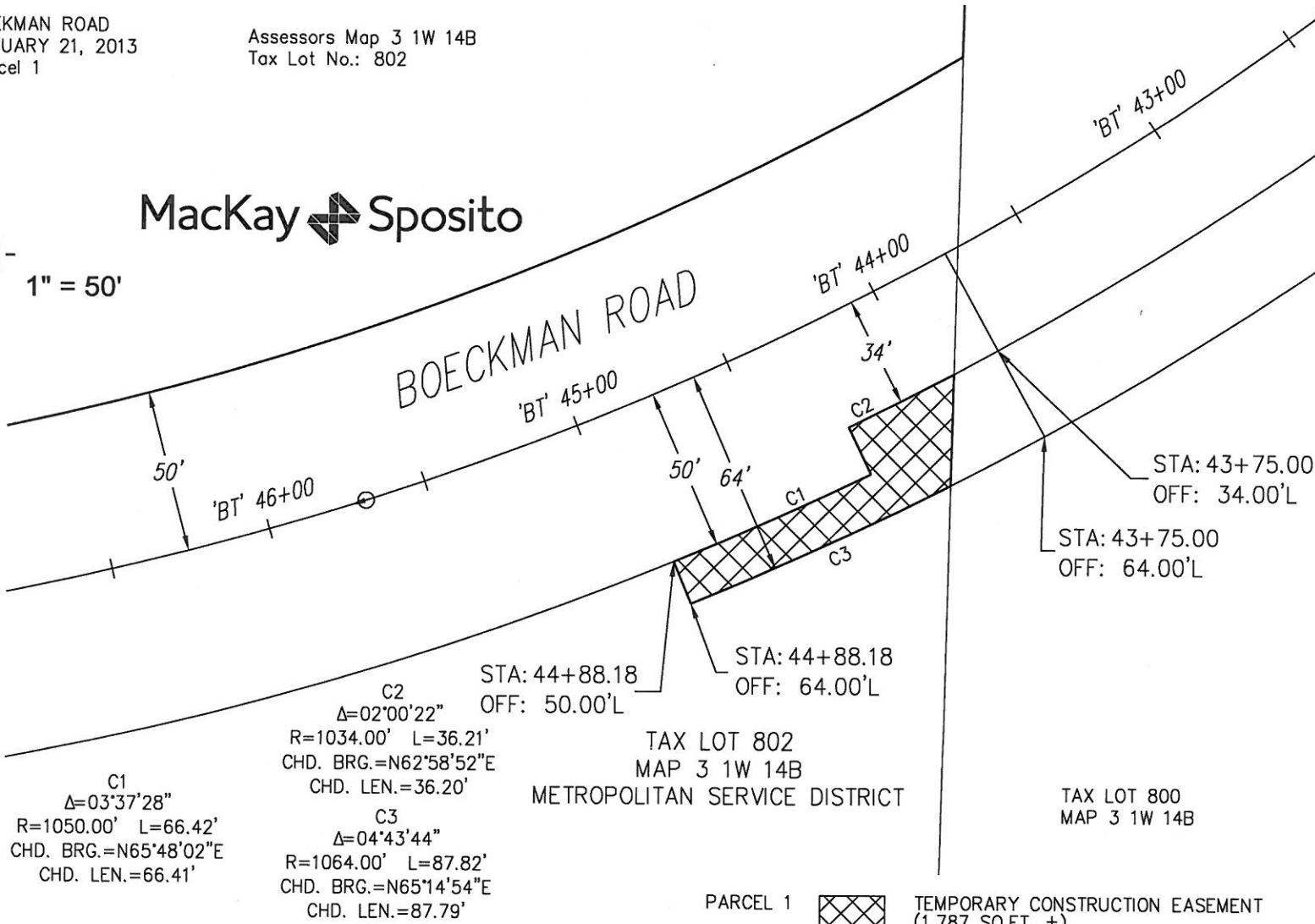


EXHIBIT "A"



15409LD2

VANCOUVER OFFICE

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360.695.3411 • info@mackaysposito.com

**BOECKMAN ROAD**  
**January 21, 2013**  
**Parcel 1**

**Assessors Map: 3 1W 14B**  
**Tax Lot No.: 800**

**PARCEL 1 (TEMPORARY CONSTRUCTION EASEMENT)**

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**BOECKMAN ROAD CENTERLINE**

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**STATION TO STATION**  
40+32.00 TO 40.32.00  
40+32.00 TO 40+40.92  
40+40.92 TO 42+28.28  
  
42+28.28 TO 42+36.19

**OFFSET DISTANCE FROM CENTERLINE**  
34.52 FEET TO 64.59 FEET  
64.59 FEET TO 64.00 FEET  
64.00 FEET SOUTHERLY AND PARALLEL  
WITH SAID CENTERLINE ALONG THE ARC  
OF A 936.00 FOOT RADIUS CURVE  
64.00 FEET TO 64.00 FEET

42+36.19 TO 44+25.00

64.00 FEET SOUTHERLY AND PARALLEL  
WITH SAID CENTERLINE ALONG THE ARC  
OF A 1064.00 FOOT RADIUS CURVE

44+25.00 TO 44+25.00

64.00 FEET TO 34.00 FEET

EXCEPTING THEREFROM, ALL THAT PORTION OF SAID PARCEL LYING WITHIN THE EXISTING  
RIGHT-OF-WAY OF BOECKMAN ROAD.

THE PARCEL OF LAND TO WHICH THIS DESCRIPTION APPLIES CONTAINS 10,924 SQUARE  
FEET, MORE OR LESS.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*J. McGrath* 1-21-2013

OREGON  
JUNE 13, 2008  
JERED McGRATH  
79419

Renews: 12/31/2014

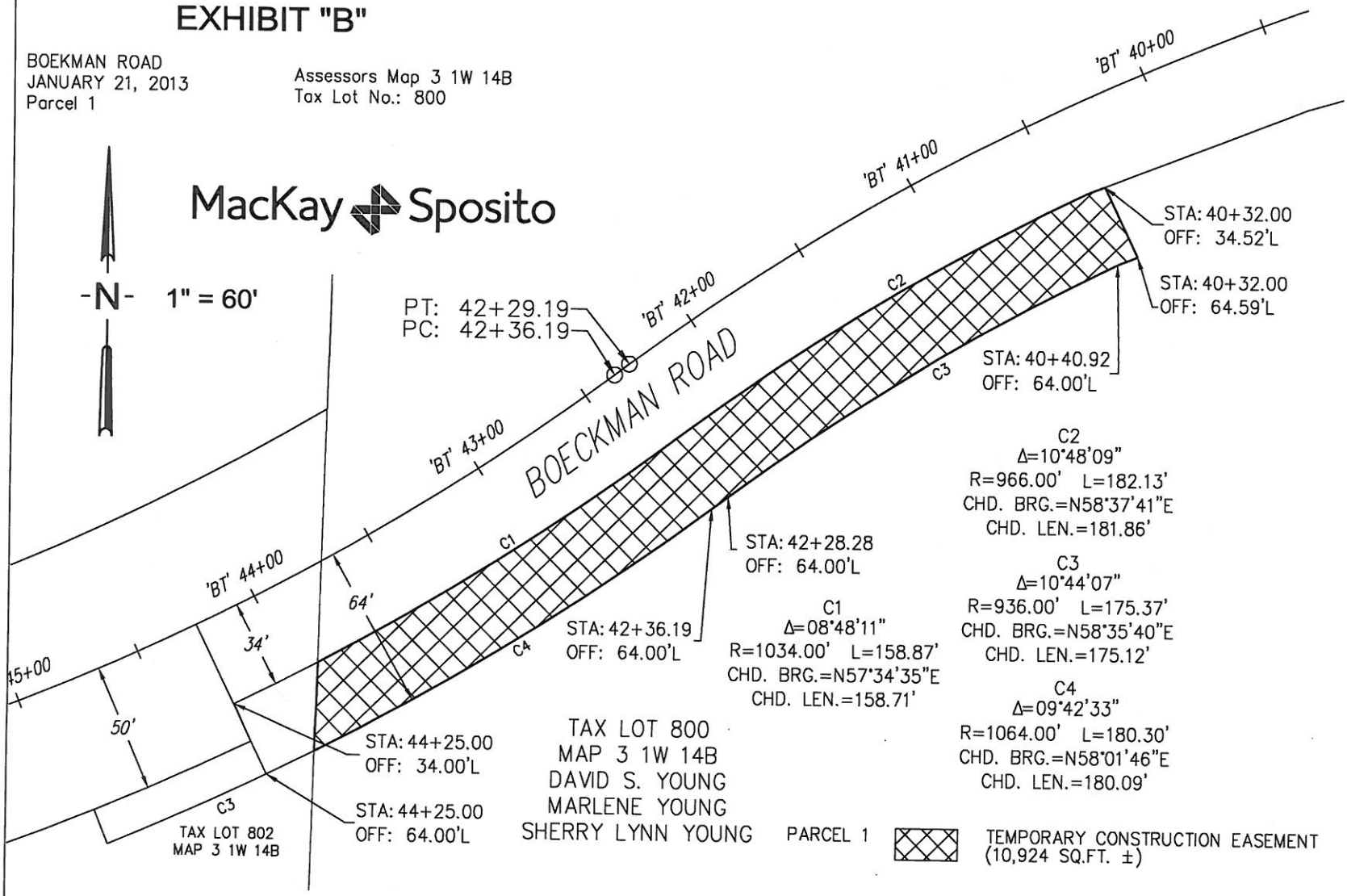
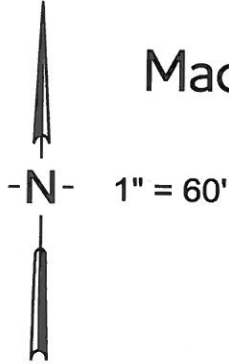


# EXHIBIT "B"

BOECKMAN ROAD  
JANUARY 21, 2013  
Parcel 1

Assessors Map 3 1W 14B  
Tax Lot No.: 800

## MackKay Sposito



TAX LOT 800  
MAP 3 1W 14B  
DAVID S. YOUNG  
MARLENE YOUNG  
SHERRY LYNN YOUNG

PARCEL 1



TEMPORARY CONSTRUCTION EASEMENT  
(10,924 SQ.FT. ±)