

## **RESOLUTION NO. 2414**

**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY STAFF TO PROCEED WITH CONDEMNATION AS NECESSARY TO ACQUIRE REAL PROPERTY NEEDED FOR PUBLIC IMPROVEMENTS RELATED TO THE KINSMAN TRANSMISSION MAIN SEGMENT 3B FROM BARBER STREET TO BOECKMAN ROAD TO PROVIDE WATER SERVICE TO THE CITY OF SHERWOOD.**

WHEREAS, under and by virtue of the laws of the State of Oregon, the City of Wilsonville is 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, on December 3, 2012, the Wilsonville City Council approved Resolution No. 2386 authorizing acquisition of real property needed from three property owners for the construction of Segment 3b of the Kinsman Transmission Main from Barber Street to Boeckman Road in order to provide water to the City of Sherwood and for the City of Wilsonville, this segment being the final segment of a multi segment transmission line that has been constructed and jointly funded by the City of Sherwood and City of Wilsonville pursuant to intergovernmental agreements between the two cities; and

WHEREAS, construction of this project is scheduled to begin the summer of 2013 in order to complete the transmission line and transmit water to meet contractual requirements between the two cities and property interests in the form of permanent waterline easements and temporary construction easements need to be acquired prior to the onset of construction; and

WHEREAS, staff has extended offers to purchase said real property at the appraised market value and has settled two of the needed acquisitions; and

WHEREAS, staff continues negotiations with the one remaining property owner to reach agreement, and has extended a settlement offer in excess of the appraised value in an attempt to avoid condemnation proceedings; and

WHEREAS, should settlement not be reached, Resolution No 2386 directs staff to return to City Council to recommend an 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; and

WHEREAS, in order to award a construction contract in June of 2013 and ensure legal possession of the needed property in time to begin construction in the fall of 2013, city staff asks City Council to adopt a resolution authorizing the exercise of condemnation to complete this acquisition with the understanding that staff will continue to negotiate a settlement agreement with the property owner with the intent of avoiding condemnation trials; and

WHEREAS, ORS Chapter 35 empowers cities to acquire by condemnation real property whenever in the judgment of the City there is a public necessity for the proposed use of the property, the property is necessary for such proposed use and the proposed use planned is located in a manner which will be most compatible with the greatest public good and the least private injury; and

WHEREAS, new appraisals and new offers will be required in order to comply with statute; and

WHEREAS, the acquisition of the property described in Exhibit “A” is necessary and will benefit the general public and will be used for public purposes; 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.

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

1. Based on the water supply needs of the two cities and facts recited above in the recitals incorporated herein, the City Council finds that there is a public necessity for the construction of the aforementioned waterline improvements, that the property described in Exhibit “A” is necessary for the construction of said improvements, and that the proposed waterline improvements are planned and located in a manner which will be most compatible with the greatest public good and the least private injury.

2. City staff and city attorney are directed and authorized to commence and prosecute to final determination such proceedings as may be necessary, including condemnation of the property, to acquire the real property and interest therein and that upon the filing of such proceeding, may seek immediate possession of the real property described in Exhibit "A" in order to meet the project construction schedule, and to complete construction of the project in a timely and efficient manner.

3. Title to the acquired right of way shall vest directly in the name of the City of Wilsonville.

4. This resolution is effective upon adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 6th day of May, 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	Excused
Councilor Fitzgerald	Yes
Councilor Stevens	Yes

Exhibit A- Inland Pacific Properties Legal Descriptions

## EXHIBIT "A"

LEGAL DESCRIPTION  
 PERMANENT WATER LINE EASEMENT  
 KINSMAN TRANSMISSION MAIN SEGMENT 3B  
 FROM BARBER STREET TO BOECKMAN ROAD  
 CITY OF WILSONVILLE

A parcel of land situated in Section 14, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, and being a portion of that property described in that instrument recorded in Document No. 2006-32934, Clackamas County Deed Records, said parcel being described as follows:

Beginning at the southwest corner of that parcel of land described in that instrument recorded in Document No. 2006-32934, Clackamas County Deed Records, said point recorded as being 999.40 feet South 0°13' East along the North-South 1/16 line from the northwest corner of the northeast one-quarter of the northwest one-quarter of said Section 14; thence South 88°31'36" East 14.12 feet along the south line of said parcel to the TRUE POINT OF BEGINNING of this description; and running thence:

Northeasterly along the arc of a 780.00-foot radius curve to the right (whose radius point bears North 85°02'24" East and the long chord of which bears North 4°26'43" East 254.93 feet) 256.07 feet to a point of reverse curvature;

thence Northeasterly along the arc of a 841.28-foot radius curve to the left (the long chord of which bears North 1°12'52" East 368.07 feet) 371.07 feet to a point on the west line of said parcel;

thence North 1°32'07" East 82.21 feet along said west line;

thence Southeasterly along the arc of a 798.80-foot radius curve to the left (whose radius point bears North 79°05'48" East and the long chord of which bears South 12°25'14" East 42.30 feet) 42.31 feet to a point of reverse curvature;

thence Southerly along the arc of a 861.28-foot radius curve to the right (the long chord of which bears South 0°02'38" East 413.64 feet) 417.72 feet to a point of reverse curvature;

thence Southwesterly along the arc of a 760.00-foot radius curve to the left (the long chord of which bears South 4°21'37" West 250.61 feet) 251.76 feet to a point on the south line of said parcel;

thence North 88°31'36" West 20.13 feet along said south line to the TRUE POINT OF BEGINNING.

Containing 13383 square feet of land, more or less.

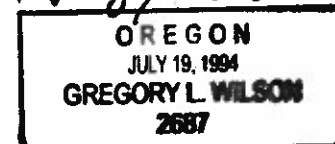
Bearings used herein are based on the Oregon Coordinate System of 1983, North Zone.

Property Vested in:  
 INLAND PACIFIC PROPERTIES LLC  
 Map 3S 1W 14B Tax Lot 202

Resolution No. 2414



*Gregory L. Wilson*



2006-32934-10

# EXHIBIT "B"

## PERMANENT WATERLINE EASEMENT

LOCATED WITHIN THE NW 1/4 OF SECTION 14. TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON




10/29/2012

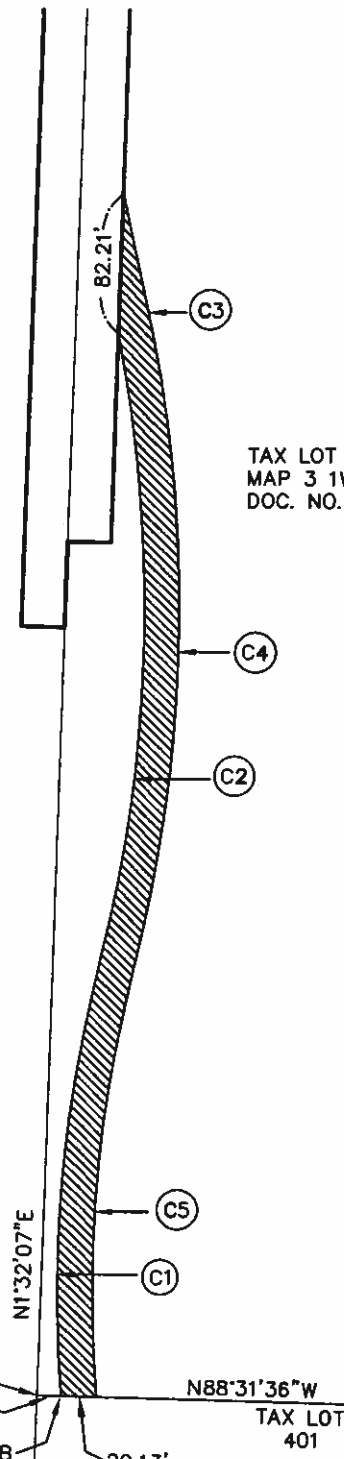
- (C1) LONG CHORD N4°26'43"E - 254.93'  
780.00' RADIUS/256.07' ARC LENGTH
- (C2) LONG CHORD N1°12'52"E - 368.07'  
841.28' RADIUS/371.07' ARC LENGTH
- (C3) LONG CHORD S12°25'14"E - 42.30'  
798.80' RADIUS/42.31' ARC LENGTH
- (C4) LONG CHORD S0°02'38"E - 413.64'  
861.28' RADIUS/417.72' ARC LENGTH
- (C5) LONG CHORD S4°21'37"W - 250.61'  
760.00' RADIUS/251.76' ARC LENGTH

TAX LOT 202  
MAP 3 1W 14B  
DOC. NO. 2006-32934

EASEMENT AREA = 13,383 SQ. FT.

### LEGEND

- TPOB = TRUE POINT OF BEGINNING
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
-  = PERMANENT WATERLINE EASEMENT



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Gregory L. Wilson*

OREGON  
JULY 19, 1994  
GREGORY L. WILSON  
2687

EXPIRATION DATE: 6/30/2014



**BARKER SURVEYING**  
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FAX (503) 363-2469  
EMAIL: INFO@BARKERWILSON.COM

## EXHIBIT "A"

LEGAL DESCRIPTION  
 PERMANENT WATER LINE EASEMENT  
 KINSMAN TRANSMISSION MAIN SEGMENT 3B  
 FROM BARBER STREET TO BOECKMAN ROAD  
 CITY OF WILSONVILLE

A parcel of land situated in Section 14, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, and being a portion of that property described in that instrument recorded in Document No. 2006-32934, Clackamas County Deed Records, said parcel being described as follows:

Beginning at the northwest corner of the northeast one-quarter of the northwest one-quarter of said Section 14; thence South 1°32'07" West 120.93 feet along the North-South 1/16 line; thence South 88°27'53" West 25.00 feet to a point on the west line of that parcel of land described in that instrument recorded in Document No. 2006-32934, Clackamas County Deed Records, and the TRUE POINT OF BEGINNING of this description; and running thence:

North 1°32'07" East 45.77 feet along said west line to an angle point in the south right-of-way line of Boeckman Road;

thence North 46°00'45" East 22.37 feet along said right-of-way line;

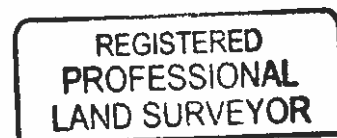
thence South 1°32'07" West 61.73 feet;

thence North 88°27'53" West 15.67 feet to the TRUE POINT OF BEGINNING.

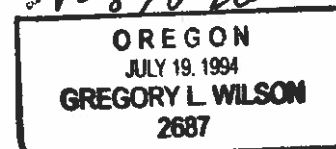
Containing 842 square feet of land, more or less.

Bearings used herein are based on the Oregon Coordinate System of 1983, North Zone.

Property Vested in:  
 INLAND PACIFIC PROPERTIES LLC  
 Map 3S 1W 14B Tax Lot 202



*Gregory L. Wilson*



*EXPIRES: 6-30-14*

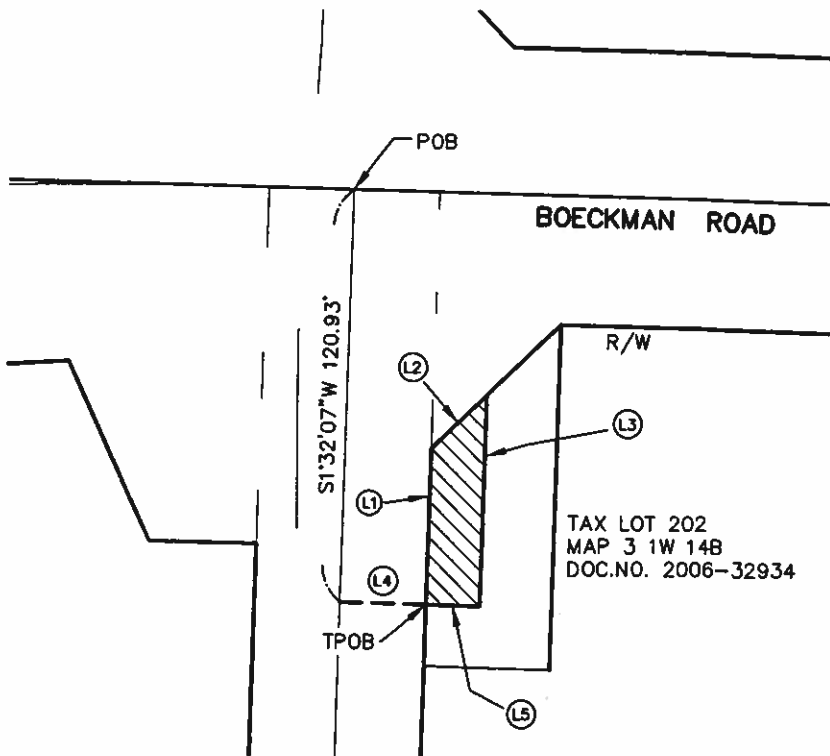
# EXHIBIT "B"

PERMANENT WATERLINE EASEMENT  
LOCATED WITHIN THE NW 1/4 OF SECTION 14, TOWNSHIP 3 SOUTH, RANGE 1  
WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON



10/29/2012

- (L1) N1°32'07"E - 45.77'
- (L2) N46°00'45"E - 22.37'
- (L3) S1°32'07"W - 61.73'
- (L4) N88°27'53"E - 25.00'
- (L5) N88°27'53"E - 15.67'



EASEMENT AREA = 842 SQ. FT.

## LEGEND

- TPOB = TRUE POINT OF BEGINNING
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY



= PERMANENT WATERLINE EASEMENT

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Gregory L. Wilson*

OREGON  
JULY 19, 1994  
GREGORY L. WILSON  
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EXPIRATION DATE: 6/30/2014



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## EXHIBIT "A"

LEGAL DESCRIPTION  
 TEMPORARY CONSTRUCTION EASEMENT  
 KINSMAN TRANSMISSION MAIN SEGMENT 3B  
 FROM BARBER STREET TO BOECKMAN ROAD  
 CITY OF WILSONVILLE

A parcel of land situated in Section 14, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, and being a portion of that property described in that instrument recorded in Document No. 2006-32934, Clackamas County Deed Records, said parcel being described as follows:

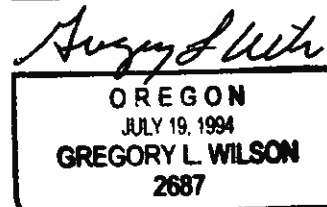
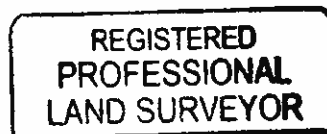
Beginning at the southwest corner of that parcel of land described in that instrument recorded in Document No. 2006-32934, Clackamas County Deed Records, said point recorded as being 999.40 feet South 0°13' East along the North-South 1/16 line from the northwest corner of the northeast one-quarter of the northwest one-quarter of said Section 14; and running thence:

North 1°32'07" East 184.81 feet along the west line of said parcel;  
 thence Northeasterly along the arc of a 795.00-foot radius curve to the right (whose radius point bears South 81°29'17" East and the long chord of which bears North 11°10'52" East 74.04 feet) 74.07 feet to a point of reverse curvature;  
 thence Northeasterly along the arc of a 826.28-foot radius curve to the left (the long chord of which bears North 4°07'10" East 279.32 feet) 280.67 feet to a point on the west line of said parcel;  
 thence North 1°32'07" East 85.83 feet along said west line;  
 thence Southwesterly along the arc of a 841.28-foot radius curve to the right (whose radius point bears South 78°34'42" West and the long chord of which bears South 1°12'52" West 368.07 feet) 371.07 feet to a point of reverse curvature;  
 thence Southwesterly along the arc of a 780.00-foot radius curve to the left (the long chord of which bears South 4°26'43" West 254.93 feet) 256.07 feet to a point on the south line of said parcel;  
 thence North 88°31'36" West 14.12 feet along said south line to the Point of Beginning.

Containing 8059 square feet of land, more or less.

Bearings used herein are based on the Oregon Coordinate System of 1983, North Zone.

Property Vested in:  
 INLAND PACIFIC PROPERTIES LLC  
 Map 3S 1W 14B Tax Lot 202



*EXPIRES: 6-30-14*



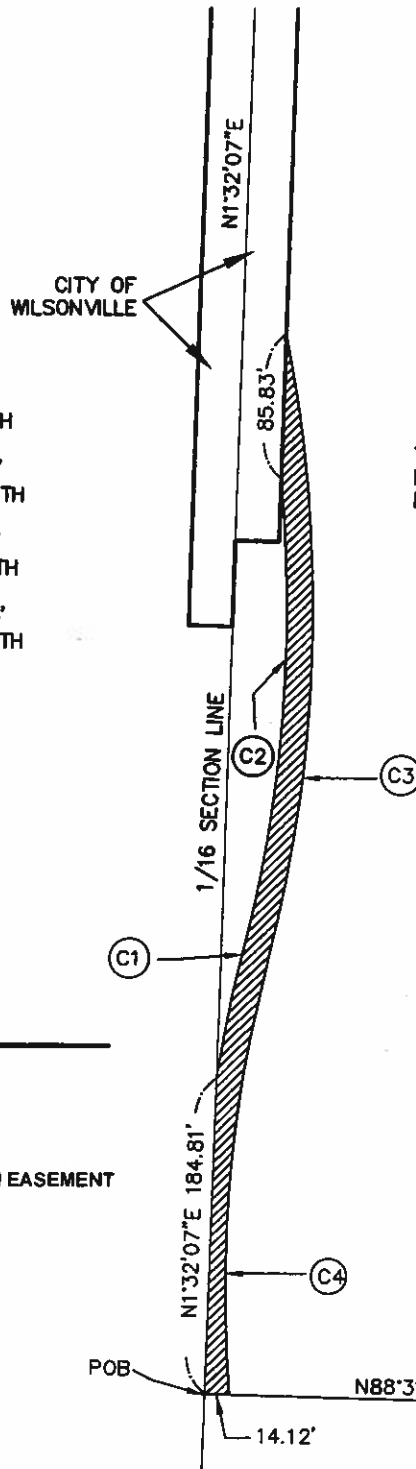
# EXHIBIT "B"

## TEMPORARY CONSTRUCTION EASEMENT

LOCATED WITHIN THE NW 1/4 OF SECTION 14. TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON



10/29/2012



TAX LOT 202  
 MAP 3 1W 14B  
 DOC. NO. 2006-32934

- (C1) LONG CHORD N11°10'52"E - 74.04'  
795.00' RADIUS/74.07' ARC LENGTH
- (C2) LONG CHORD N4°07'10"E - 279.32'  
826.28' RADIUS/280.67' ARC LENGTH
- (C3) LONG CHORD S11°12'52"W - 368.07'  
841.28' RADIUS/371.07' ARC LENGTH
- (C4) LONG CHORD S4°26'43"W - 254.93'  
780.00' RADIUS/256.07' ARC LENGTH

EASEMENT AREA = 8059 SQ. FT.

### LEGEND

- TPOB = TRUE POINT OF BEGINNING
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
- = TEMPORARY CONSTRUCTION EASEMENT



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REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Gregory L. Wilson*

OREGON  
 JULY 19, 1994  
 GREGORY L. WILSON  
 2887

EXPIRATION DATE: 6/30/2014



## EXHIBIT "A"

**LEGAL DESCRIPTION  
 TEMPORARY CONSTRUCTION EASEMENT  
 KINSMAN TRANSMISSION MAIN SEGMENT 3B  
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Beginning at the southwest corner of that parcel of land described in that instrument recorded in Document No. 2006-32934, Clackamas County Deed Records, said point recorded as being 999.40 feet South 0°13' East along the North-South 1/16 line from the northwest corner of the northeast one-quarter of the northwest one-quarter of said Section 14; thence South 88°31'36" East 34.25 feet along the south line of said parcel to the TRUE POINT OF BEGINNING of this description; and running thence:

Northeasterly along the arc of a 760.00-foot radius curve to the right (whose radius point bears North 84°52'12" East and the long chord of which bears North 4°21'37" East 250.61 feet) 251.76 feet to a point of reverse curvature;

thence Northerly along the arc of a 861.28-foot radius curve to the left (the long chord of which bears North 0°02'38" West 413.64 feet) 417.72 feet to a point of reverse curvature;

thence Northwesterly along the arc of a 798.80-foot radius curve to the right (the long chord of which bears North 12°25'14" West 42.30 feet) 42.31 feet to a point on the west line of said parcel;

thence North 1°32'07" East 95.48 feet along said west line;

thence Southeasterly along the arc of a 783.80-foot radius curve to the left (whose radius point bears North 85°52'41" East and the long chord of which bears South 9°00'17" East 134.80 feet) 134.97 feet to a point of reverse curvature;

thence Southeasterly along the arc of a 876.28-foot radius curve to the right (the long chord of which bears South 0°02'38" East 420.84 feet) 424.99 feet to a point of reverse curvature;

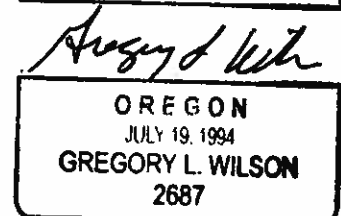
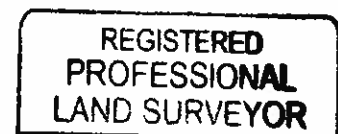
thence Southwesterly along the arc of a 745.00-foot radius curve to the left (the long chord of which bears South 4°17'36" West 247.38 feet) 248.53 feet to a point on the south line of said parcel;

thence North 88°31'36" West 15.10 feet along said south line to the TRUE POINT OF BEGINNING.

Containing 11314 square feet of land, more or less.

Bearings used herein are based on the Oregon Coordinate System of 1983, North Zone.

Property Vested in:  
 INLAND PACIFIC PROPERTIES LLC  
 Map 3S 1W 14B Tax Lot 202



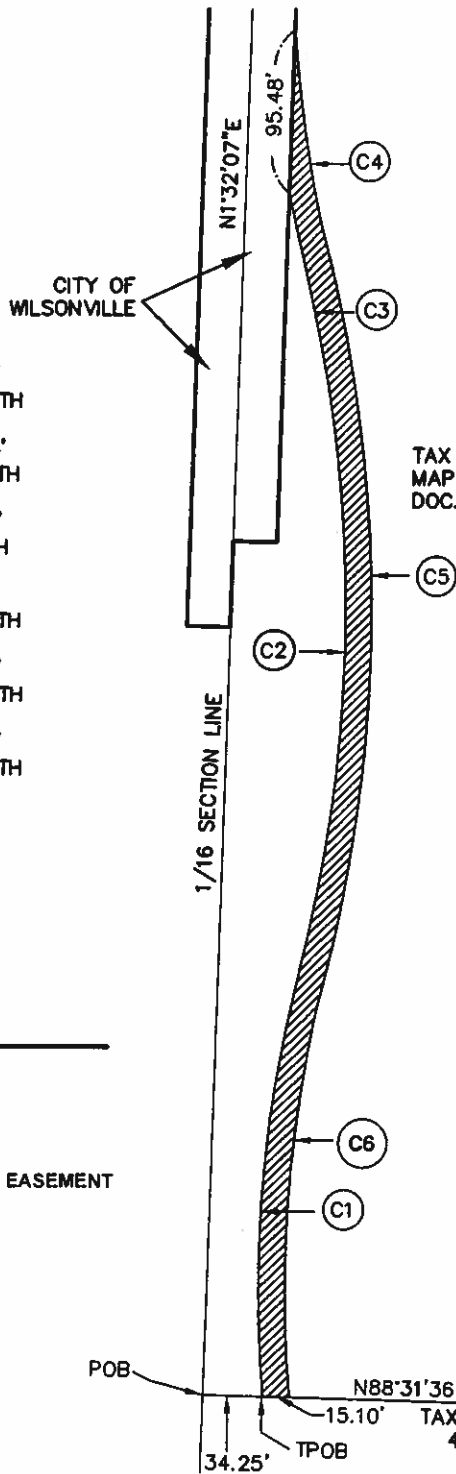
# EXHIBIT "B"

## TEMPORARY CONSTRUCTION EASEMENT

LOCATED WITHIN THE NW 1/4 OF SECTION 14, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON



10/29/2012



- (C1) LONG CHORD N4°21'37"E - 250.61'  
760.00' RADIUS/251.76' ARC LENGTH
- (C2) LONG CHORD N0°02'38"W - 413.64'  
861.28' RADIUS/417.72' ARC LENGTH
- (C3) LONG CHORD N12°25'14"W - 42.30'  
798.80' RADIUS/42.31' ARC LENGTH
- (C4) LONG CHORD S9°00'17"E - 134.80'  
783.80' RADIUS/134.97' ARC LENGTH
- (C5) LONG CHORD S0°02'38"E - 420.84'  
876.28' RADIUS/424.99' ARC LENGTH
- (C6) LONG CHORD S4°17'36"W - 247.38'  
745.00' RADIUS/248.53' ARC LENGTH

EASEMENT AREA = 11314 SQ. FT.

### LEGEND

- TPOB = TRUE POINT OF BEGINNING
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
- = TEMPORARY CONSTRUCTION EASEMENT

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Gregory L. Wilson*

OREGON  
JULY 19, 1994  
GREGORY L. WILSON  
2667

EXPIRATION DATE: 6/30/2014



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Beginning at the northwest corner of the northeast one-quarter of the northwest one-quarter of said Section 14; thence South 1°32'07" West 120.93 feet along the North-South 1/16 line; thence South 88°27'53" East 25.00 feet to a point on the west line of that parcel of land described in that instrument recorded in Document No. 2006-32934, Clackamas County Deed Records, and the TRUE POINT OF BEGINNING of this description; and running thence:

South 88°27'53" East 15.67 feet;

thence North 1°32'07" East 61.73 feet to a point in the south right-of-way line of Boeckman Road;

thence North 46°00'45" East 29.97 feet along said right-of-way line;

thence South 1°32'07" West 101.12 feet;

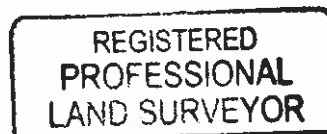
thence North 88°27'53" West 36.67 feet to a point on the aforementioned west line of said parcel;

thence North 1°32'07" East 18.00 feet along said west line to the TRUE POINT OF BEGINNING.

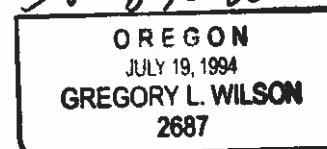
Containing 2181 square feet of land, more or less.

Bearings used herein are based on the Oregon Coordinate System of 1983, North Zone.

Property Vested in:  
 INLAND PACIFIC PROPERTIES LLC  
 Map 3S 1W 14B Tax Lot 202



*Gregory L. Wilson*



*EXPIRES: 6-30-14*

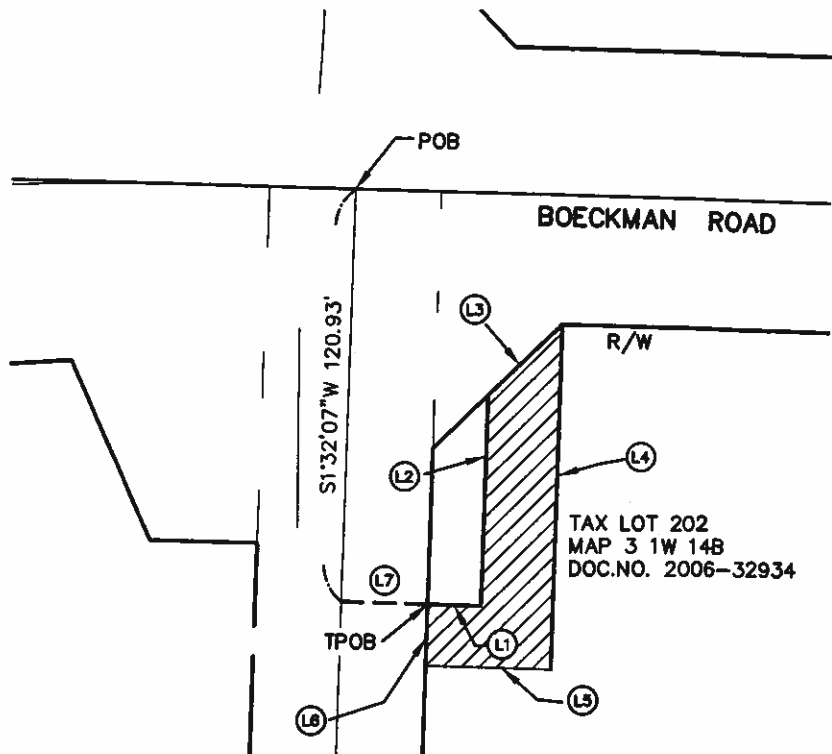
# EXHIBIT "B"

TEMPORARY CONSTRUCTION EASEMENT  
LOCATED WITHIN THE NW 1/4 OF SECTION 14. TOWNSHIP 3 SOUTH, RANGE 1  
WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON




10/29/2012

- (L1) S88°27'53"E - 15.67'
- (L2) N1°32'07"E - 61.73'
- (L3) N46°00'45"E - 29.97'
- (L4) S1°32'07"W - 101.12'
- (L5) N88°27'53"W - 36.67'
- (L6) N1°32'07"E - 18.00'
- (L7) S88°27'53"E - 25.00'



EASEMENT AREA = 2181 SQ. FT.

### LEGEND

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- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
-  = TEMPORARY CONSTRUCTION EASEMENT

REGISTERED  
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