

RESOLUTION NO. 2556

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING ACQUISITION OF PROPERTY AND PROPERTY INTERESTS RELATED TO THE IMPROVEMENT OF PARKWAY AVENUE ADJACENT TO XEROX

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, the improvement of Parkway Avenue adjacent to Xerox will bring this road section up to minor arterial standards in conformance with the City's 2013 Transportation System Plan; and

WHEREAS, Xerox Corporation has been working with City staff to partition their property in order sell the remainder to a real estate investment and management firm; and

WHEREAS, a condition of approval to the partition is the dedication of needed right of way to meet future Parkway Avenue improvement requirements under the city's Transportation System Plan; and

WHEREAS, under a typical road widening project, right-of-way would be required from each side of the road; and

WHEREAS, in this instance, the westerly side of Parkway Avenue abuts ODOT right-of-way, which limits the ability to widen Parkway Avenue to the west; and

WHEREAS, in order to provide sufficiently-wide right-of-way to allow full build out of Parkway as planned, the additional needed area will have to come from the Xerox property on the east side of the road; and

WHEREAS, this additional needed right-of-way exceeds the amount of land that can be exacted as a condition of approval, and will need to be purchased from the property owner at a fair market value; and

WHEREAS, this additional land is an approximately 13.5 foot wide strip running north to south on the Xerox property boundary with Parkway Avenue, and totals 18,081 square feet and is further described in Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, the acquisition of the properties described in Exhibits 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 the ODOT Right of Way Manual; and

WHEREAS, the City is authorized to acquire property by any legal means, including eminent domain, to achieve the objectives of the City's Capital Improvement Program and shall conform to all statutory requirements to ensure that property owners' rights are fully respected; and

WHEREAS, ORS Chapter 35 empowers cities and agencies 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, the acquisitions presented herein reflect the least amount of property interest to ensure safe, efficient and adequate public improvements; and

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

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

1. The Wilsonville City Council finds that there is a public necessity for the construction of the aforementioned street improvements, that the property described in Exhibit A is necessary for the construction of said public improvements, and that the proposed street 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 the City Attorney 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 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 any of the real properties described in Exhibit A.

3. This resolution is effective immediately upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 16th day of November, 2015, 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 Starr – Yes

Councilor Fitzgerald – Yes

Councilor Stevens – Excused

Councilor Lehan - Yes

Exhibits:

Exhibit A: Legal Descriptions



**EXHIBIT A
LEGAL DESCRIPTION**

RIGHT OF WAY ACQUISITION
 CIP #4197, XEROX-PARKWAY AVE. ROW ACQUISITION PROJECT
 TAX LOTS 200 AND 290, CLACKAMAS COUNTY ASSESSOR'S MAP 3 1W 11
 PAGE 1 OF 2

A PORTION OF THAT PROPERTY CONVEYED TO XEROX CORPORATION BY DEED RECORDED AS DOCUMENT NUMBER 2000-000158, CLACKAMAS COUNTY DEED RECORDS, BEING LOCATED IN THE NORTHEAST 1/4 OF SECTION 11, T. 3 S., R. 1 W., W.M., CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL 1, PARTITION PLAT NO. 2000-089, CLACKAMAS COUNTY PLAT RECORDS; THENCE ALONG THE EAST LINE OF THE INTERSTATE 5 RIGHT OF WAY NORTH 01°33'53" EAST 1336.46 FEET TO THE SOUTH LINE OF WIEDMANN ROAD, A 70 FOOT WIDE RIGHT OF WAY; THENCE ALONG THE SOUTH LINE OF SAID WIEDMANN ROAD SOUTH 88°46'04" EAST 13.50 FEET; THENCE PARALLEL WITH AND 13.50 FEET FROM THE AFOREMENTIONED EAST LINE OF THE INTERSTATE 5 RIGHT OF WAY SOUTH 01°33'53" WEST 1342.15 FEET TO THE NORTH LINE OF THE AFOREMENTIONED PARTITION PLAT NO. 2000-089; THENCE ALONG SAID NORTH LINE NORTH 65°50'52" WEST 14.62 TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 18,081 SQUARE FEET (0.4251 ACRES), MORE OR LESS.

PROPERTY VESTED IN XEROX CORPORATION
 TAX LOTS 200 AND 290, MAP 3 1W 11

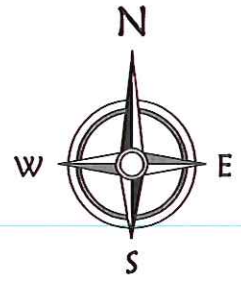
REGISTERED
 PROFESSIONAL
 LAND SURVEYOR



OREGON
 JULY 14, 1978
 DON DEVLAEINCK
 1634

DATE OF SIGNATURE: 8/24/15
 EXPIRES 12/31/2015

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Scale: 1" = 200'

WIEDMANN ROAD

70'

S88°46'04"E
13.50'

13.50' RIGHT OF WAY ACQUISITION
18,081 SQUARE FEET

INTERSTATE 5 RIGHT OF WAY

N01°33'53"E 1336.46'

S01°33'53"W 1342.15'

PROPERTY VESTED IN XEROX
CORPORATION TAX LOTS 200 AND
290, CLACKAMAS COUNTY
ASSESSOR'S MAP NUMBER 3 1W 11

N65°50'52"W
14.62'

POINT OF BEGINNING

NORTHWEST CORNER OF PARCEL 1,
PARTITION PLAT NO. 2000-089

EAST LINE OF PARKWAY AVENUE PER
PARTITION PLAT NO. 2002-047

PARCEL 3
PARTITION PLAT
NO. 2002-047

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1978
DON DEVLAEINCK
1634

DATE OF SIGNATURE: *8/24/15*
EXPIRES 12/31/2015

EXHIBIT "B"

MAP TO ACCOMPANY LEGAL DESCRIPTION

7594 Exh.dwg

COMPASS Land Surveyors
4107 SE International Way, Suite 705
Milwaukie, Oregon 97222 503-653-9093

RIGHT OF WAY ACQUISITION, CIP #4197
XEROX-PARKWAY AVENUE ROW ACQUISITION PROJECT
TAX LOTS 200 AND 290, CLACKAMAS COUNTY
ASSESSOR'S MAP 3 1W 11, PAGE 2 OF 2