

RESOLUTION NO. 511

A RESOLUTION DECLARING CITY OF WILSONVILLE'S INTENTION AND DETERMINATION OF NECESSITY TO ENTER UPON AND APPROPRIATE LAND AND PROPERTY FOR WILSONVILLE ROAD IMPROVEMENT PROJECT, 4+00 WEST 12+50 EAST AND RELATED SANITARY SEWER, STORM DRAINAGE AND WATER UTILITY SYSTEMS.

WHEREAS, under and by virtue of the laws of the State of Oregon, the City of Wilsonville is duly authorized and empowered to establish, locate, construct, lay out, widen, maintain, and repair roads, streets, and highways and to establish, construct, lay out, extend, replace, operate, maintain and repair sanitary sewer, storm drain sewer and water utility systems as in the judgment of City Council are necessary and proper for the City, and

WHEREAS, under and by virtue of the laws of the State of Oregon, the City of Wilsonville is duly authorized and may acquire, purchase, enter upon and appropriate land for and in connection with establishing, locating, constructing, laying out, widening, maintaining, and repairing roads, streets, and highways the City of Wilsonville and may acquire, purchase, enter upon and appropriate land and property for or in connection with establishing, constructing, laying out, extending, replacing, operating, maintaining and repairing

sanitary sewer, storm drain sewer and water utility systems as in the judgment of City Council are necessary and proper to exercise its powers; and

WHEREAS, for the health, safety, benefit, and general welfare of the public, the City of Wilsonville plans to locate, lay out, widen, construct, maintain and repair Wilsonville Road and to locate, lay out, construct, extend, operate, maintain, and repair the City's sanitary sewer, storm drainage sewer and water utility systems in conjunction with Wilsonville Road from Station 4+00 west to 12+50 east in the City of Wilsonville, and

WHEREAS, the City Council, at its January 7, 1985 meeting authorized the City's public works staff, pursuant to the Public Works Director, Blanchard's memo of January 3, 1985, received and adopted by the City Council at said January 7, 1985 council meeting, in conjunction with the City's attorney, to proceed forward with condemnation proceedings for Tax Lot 100 3 1 west section 23-24 owned by members of the Tuefel family and located adjacent to Wilsonville Road Improvement Project 4+00 west 12+50 east, and

WHEREAS, pursuant to the January 7, 1985 authorization, the Public Works Director and City Attorney reported that the Tuefels were willing to give a voluntary right of entry while still negotiating the price and the Public

Works Director and City Attorney now report that the Tuefels are no longer willing to give a voluntary right of entry which necessitates the City seeking relief from a court of law;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY OF WILSONVILLE AS FOLLOWS:

1. The City of Wilsonville does hereby find and declare that it is needed and required for the location, construction, laying out, widening, maintaining and repairing of Wilsonville Road and for the construction, laying out, extension, replacement, operation, maintenance and repair of the City's sanitary sewer, storm drainage sewer and water utilities systems, to enter upon and appropriate the land and property and interest therein, more particularly set forth and described in Exhibit "A", attached herein, and by reference incorporated herein.

2. The location, laying out, widening, construction, maintaining and repairing of Wilsonville Road and the location, construction, laying out, extension, replacement, operation, maintenance and repair of the City's sanitary sewer, storm drainage sewer and water utilities system for which the land and property and interest therein as described in Exhibit "A", attached hereto and by reference incorporated herein, is required, and is being taken, if necessary, in the public interest, is necessary to protect the full use and enjoyment by

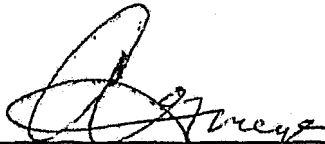
the public of Wilsonville Road, and the road and the aforementioned utility systems have been planned, designed, located and will be constructed in a manner that will be most compatible with the greatest public benefit and the least private injury or damage.

3. The City of Wilsonville and its attorneys be, and they are hereby authorized, to attempt to agree with the owners and other persons and interest in the land, property and interest therein described in Exhibit "A" attached hereto and by reference incorporated herein, as to the compensation to be paid for the appropriation of the property and, in the event that no satisfactory agreement can be reached, then the attorneys for the City of Wilsonville be, and the same are hereby, directed and authorized to commence and prosecute to the final determination of such proceedings as may be necessary to acquire the land and property and interest therein and that, upon the filing of such proceeding, possession of the land and property and interest therein may be taken immediately.

4. Upon the trial of any suit or action instituted to acquire the land and property or any interests therein, the attorneys acting for and on behalf of the City of Wilsonville be and hereby are authorized to make such stipulation, agreement or admission as in their judgment may be for the best interest for the City of Wilsonville.

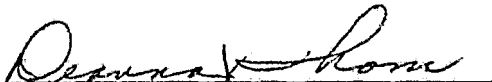
5. In order to protect the health, safety and welfare of the public, an emergency exists, and it is necessary that no undue delay be encountered in obtaining access to and possession of the land, property and interests therein described in Exhibit "A" in order to establish and implement the aforementioned Wilsonville Road and utility systems and improvements and therefore, this resolution shall be in force and effect from and after its passage by the City Council.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 19th day of August, 1985, and filed with the Wilsonville City Recorder this same day.



A.G. Meyer, Mayor

ATTEST:



Deanna J. Thom
City Recorder

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CB-R-168-85

Owners: Thomas M. Teufel, George R. Teufel & Christina M. Teufel

Tax Lot 100, Map 3-1W-23

Tax Lot 100, Map 3-1W-24

Deed Reference: Fee No. 80-50020

Exhibit "A"

A tract of land in the N.E. 1/4, N.E. 1/4 of Section 23 and in the N.W. 1/4, N.W. 1/4 of Section 24, Township 3 South, Range 1 West, City of Wilsonville, Clackamas County, Oregon, being that portion of those tracts of land described in Clackamas County Recorders Fee. No. 80-50020 more particularly described as follows:

Beginning at the northwest corner of Section 24, T3S, R1W, W.M.; thence easterly along the north line of said section 660 feet more or less to the east line of that tract of land described in said Fee No. 80-50020, thence southerly on said east line to a point that is 54 feet southerly at right angles to the said north line of Section 24; thence westerly parallel to said north line of said section, 300 feet to a point; thence westerly in a straight line 300 feet to a point that is 45 feet southerly at right angles to the north line of said Section 24; thence westerly parallel to the said north line of the section 60 feet more or less to the west line of Section 24 also being the east line of Section 23; thence continuing westerly along a line that is 45 feet southerly at right angles and parallel to the northerly line of Section 23, to the easterly line of that tract of land conveyed to the State of Oregon, thence northeasterly along the easterly line of the State of Oregon tract to a point on the south line of Market Road 12 that is southerly 30 feet at right angles to the north line of said Section 23, thence northerly at right angles to the north line of said section 30 feet to a point on the north line of said Section 23; thence easterly along said northerly line of Section 23 to the northeast corner of said Section 23 also being the Point of Beginning.

cc: 84.405.192

6/25/84