

RESOLUTION NO. 3098

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING ACQUISITION OF PROPERTY AND PROPERTY INTERESTS RELATED TO CONSTRUCTION OF THE PRIORITY 1B WATER DISTRIBUTION IMPROVEMENTS PROJECT.

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 2022 to 2023 portion of the Priority 1B Water Distributions Improvements Project (the "Project"), as outlined in the Water Distribution System Master Plan updated in 2012, consists of water system upgrades to a 10-inch-loop at Wilsonville Summit Apartments and Canyon Creek Apartments and an 8-inch-loop at Sundial Apartments; and

WHEREAS, these two water system upgrades are identified in the Fiscal Year 2022/2023 Capital Improvement Project Budget; and

WHEREAS, the total project cost estimate for the Project, including design, land acquisition, construction and project management, is \$ 965,135; and

WHEREAS, the Project will receive funding through the Water Operating fund; and

WHEREAS, construction is anticipated to begin in the second quarter of 2024; and

WHEREAS, in order to construct the Project, the City needs to acquire waterline easements at two properties; and

WHEREAS, the properties consist of approximately 4,958 square feet (SF) of waterline easements; and

WHEREAS, the property interests to be acquired for the Project include those legally described in **EXHIBIT A**, attached hereto and incorporated herein; and

WHEREAS, although the attached legal descriptions and estimated areas of taking are considered to be reasonably accurate at this time, modifications may need to occur depending on final design details and site conditions, to be approved and verified by the City Engineer; and

WHEREAS, the acquisition of the properties 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 by law;
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 are estimated to reflect the least amount of property interest to be acquired to ensure safe, efficient and adequate public improvements.

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

Section 1. The Wilsonville City Council finds that:

- a) There is a public necessity for the construction of the aforementioned water improvements;
- b) The legal descriptions for the land set forth in **EXHIBIT A** are necessary for the construction of said public improvements but may be modified as set forth in Section 3 below, as design is refined; and
- c) The proposed water system improvements are planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 2. The City's project consultant, Common Street Consulting, City staff, and the City Attorney are authorized and directed to:

- a) Negotiate with the owners of the real property herein described as to the compensation to be paid for the acquisition of the property.
- b) 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** in order to meet the right-of-way certification deadline necessary to begin construction in the second quarter of 2024 or after and complete Project construction in a timely and efficient manner.

Section 3. In the event that there are required modifications to the legal descriptions as the Project moves forward, the City Engineer is authorized to modify the attached legal descriptions, as necessary, to conform to final engineering design for the Project.

Section 4. Effective Date. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 4th day of December, 2023, and filed with the Wilsonville City Recorder this date.

DocuSigned by:
Julie Fitzgerald
8A974AF3ADE042E...

JULIE FITZGERALD, MAYOR

ATTEST:

DocuSigned by:
Kimberly Veliz
E781DE10276B498...

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Linville	Excused
Councilor Berry	Yes
Councilor Dunwell	Yes

EXHIBIT:

A. Priority 1B Water Improvements Property Acquisition Legal Descriptions

EXHIBIT A



901 NW Carlon Ave. Ste 3 Bend, OR 97703
(541) 797-0954 – www.sflands.com

2023-059-25
NOV. 9, 2023
MJF

EXHIBIT A

PARCEL 1

PERMANENT WATERLINE EASEMENT

A TRACT OF LAND BEING A PORTION OF LOT 21, SUNDIAL, RECORDED IN BOOK 95, PAGE 2, CLACKAMAS COUNTY PLAT RECORDS, SAID TRACT BEING A PORTION OF THAT PROPERTY CONVEYED TO TIMBERLAND-SUNDIAL, LLC, IN WARRANTY DEED RECORDED UNDER DOCUMENT NUMBER 95-051895, CLACKAMAS COUNTY DEED RECORDS, LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 21, MARKED BY A 5/8" IRON ROD WITH NO CAP, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF CANYON CREEK ROAD SOUTH, SAID POINT LIES SOUTH 88°59'20" EAST, 50.01 FEET FROM A 5/8" IRON ROD WITH NO CAP ON THE NORTH LINE OF SAID LOT 21 AND BEING ON THE WEST RIGHT-OF-WAY LINE OF SAID CANYON CREEK ROAD SOUTH; THENCE SOUTH 46°00'40" WEST, 7.07 FEET TO THE INTERSECTION OF THE SOUTH AND WEST LINE OF A 5.00 FOOT WIDE PUBLIC UTILITY EASEMENT AS DEDICATED ACCORDING TO SAID PLAT OF SUNDIAL AND THE **POINT OF BEGINNING**; THENCE ALONG SAID WEST EASEMENT LINE SOUTH 01°00'40" WEST, 20.34 FEET; THENCE DEPARTING SAID WEST LINE NORTH 88°59'20" WEST, 2.44 FEET; THENCE SOUTH 45°02'23" WEST 127.16 FEET; THENCE SOUTH 41°46'57" EAST, 3.05 FEET; THENCE SOUTH 45°01'09" WEST, 10.75 FEET TO THE NORTH LINE OF A WATERLINE EASEMENT RECORDED UNDER DOCUMENT NO. 2013-076457, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG SAID NORTH LINE NORTH 44°52'46" WEST, 18.05 FEET; THENCE DEPARTING SAID NORTH LINE NORTH 45°02'23" EAST, 131.88 FEET; THENCE NORTH 00°20'03" EAST, 14.35 FEET TO SAID SOUTH EASEMENT LINE, ACCORDING TO THE PLAT OF SUNDIAL; THENCE ALONG SAID SOUTH LINE SOUTH 88°59'20" EAST, 17.68 FEET TO THE **POINT OF BEGINNING**.

SAID DESCRIPTION OF LAND CONTAINS 2,370 SQUARE FEET OF LAND, MORE OR LESS.

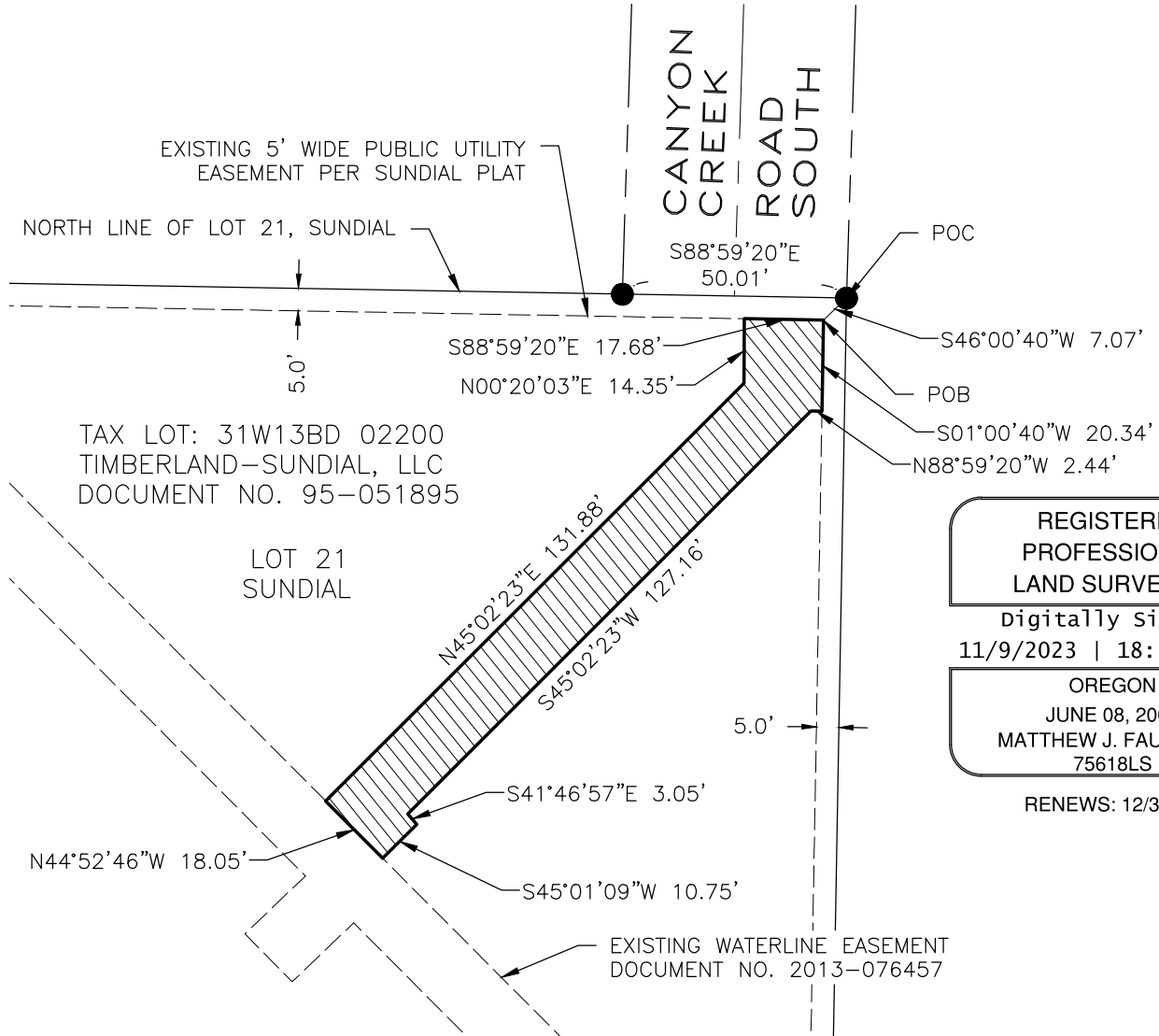
BEARINGS BASED ON OREGON STATE PLANE COORDINATE SYSTEM, NORTH ZONE.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Digitally Signed
11/9/2023 | 18:53:14 PST
OREGON
JUNE 08, 2009
MATTHEW J. FAULKNER
75618LS

RENEWS: 12/31/23

EXHIBIT B



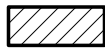
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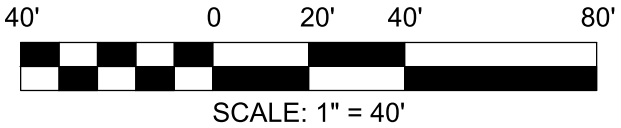
OREGON
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MATTHEW J. FAULKNER
75618LS

RENEWS: 12/31/23

POC = POINT OF COMMENCEMENT
POB = POINT OF BEGINNING



PARCEL 1 - PERMANENT WATERLINE EASEMENT ACQUISITION
AREA: 2,370 SQ. FT.



ACQUISITION MAP
PAGE 1 OF 1
SE1/4NW1/4 S13, T3S R1W - TAX LOT 2200

WILSONVILLE
OREGON
CITY OF WILSONVILLE - PUBLIC WORKS
30000 SW Town Center Loop E
Wilsonville, Oregon 97070
Phone: (503) 682-4092

S&F Land Services

Date: 11/9/2023 4905 SW SCHOLLS FERRY RD.
PORTLAND, OR 97225 www.sflands.com
Proj No: 22-059-25 (503) 345-0328 info@sflands.com



901 NW Carlon Ave. Ste 3 Bend, OR 97703
(541) 797-0954 – www.sflands.com

2023-059-25
NOV. 9, 2023
MJF

EXHIBIT A
PARCEL 1
PERMANENT WATERLINE EASEMENT

A TRACT OF LAND BEING A PORTION OF THAT PROPERTY AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED UNDER DOCUMENT NO. 2015-024920, CLACKAMAS COUNTY DEED RECORDS, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 12; THENCE ALONG THE NORTH LINE THEREOF NORTH 89°05'04" WEST, 145.94 FEET TO THE **POINT OF BEGINNING**; THENCE DEPARTING SAID NORTH LINE SOUTH 03°05'32" WEST, 55.53 FEET; THENCE SOUTH 25°35'32" WEST, 11.51 FEET TO THE BEGINNING OF A 295.50 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 19°33'06", AN ARC LENGTH OF 100.84 FEET, WITH LONG CHORD BEARING SOUTH 35°22'05" WEST, 100.35 FEET; THENCE SOUTH 45°02'21" WEST 11.64 FEET TO THE EASTERLY LINE OF A WATERLINE EASEMENT DESCRIBED IN DOCUMENT NO. 2001-048916, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG SAID EASTERLY LINE THE FOLLOWING THREE COURSES:

1. NORTH 00°57'10" EAST, 5.01 FEET;
2. NORTH 72°51'38" WEST, 10.47 FEET;
3. NORTH 12°28'47" EAST 4.18 FEET;

THENCE DEPARTING SAID EASTERLY LINE NORTH 44°58'48" EAST, 9.44 FEET TO THE BEGINNING OF A 280.50 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 19°33'06", AN ARC LENGTH OF 95.72 FEET, WITH LONG CHORD BEARING NORTH 35°22'05" EAST, 95.25 FEET; THENCE NORTH 25°35'32" EAST, 8.52 FEET; THENCE NORTH 03°05'32" EAST, 51.97 FEET TO SAID NORTH LINE OF SECTION 12; THENCE ALONG SAID NORTH LINE SOUTH 89°05'04" EAST, 15.01 FEET TO THE **POINT OF BEGINNING**.

SAID DESCRIPTION OF LAND CONTAINS 2,588 SQUARE FEET OF LAND, MORE OR LESS.

BEARINGS BASED ON OREGON STATE PLANE COORDINATE SYSTEM, NORTH ZONE.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Digitally Signed

11/9/2023 | 18:56:11 PST

OREGON
JUNE 08, 2009
MATTHEW J. FAULKNER
75618LS

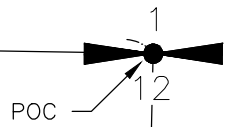
RENEWS: 12/31/23

EXHIBIT B

NORTH LINE OF SECTION 12

POB

N89°05'04"W 145.94'



POC

TAX LOT: 31W12 00300
 AUKUM-CANYON CREEK APARTMENTS
 DOCUMENT NO. 2015-024920

L=95.72', R=280.50'
 $\Delta=19^{\circ}33'06''$
 CHORD=95.25'
 N35°22'05"E

N25°35'32"E 8.52'

N03°05'32"E 51.97'

15.01'

S03°05'32"W 55.53'

S25°35'32"W 11.51'

L=100.84', R=295.50'
 $\Delta=19^{\circ}33'06''$
 CHORD=100.35'
 S35°22'05"W

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 LAND SURVEYOR

Digitally signed
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RENEWS: 12/31/23

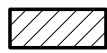
N44°58'48"E
 9.44'

N12°28'47"E
 4.18'

N72°51'38"W
 10.47'

N00°57'10"E
 5.01'

EXISTING WATERLINE EASEMENT
 DOCUMENT NO. 2001-048916



PARCEL 1 - PERMANENT WATERLINE EASEMENT ACQUISITION
 AREA: 2,588 SQ. FT.

POC = POINT OF COMMENCEMENT
 POB = POINT OF BEGINNING

40' 0 20' 40' 80'



SCALE: 1" = 40'

ACQUISITION MAP

PAGE 1 OF 1

NE1/4NW1/4 S12, T3S R1W - TAX LOT 300

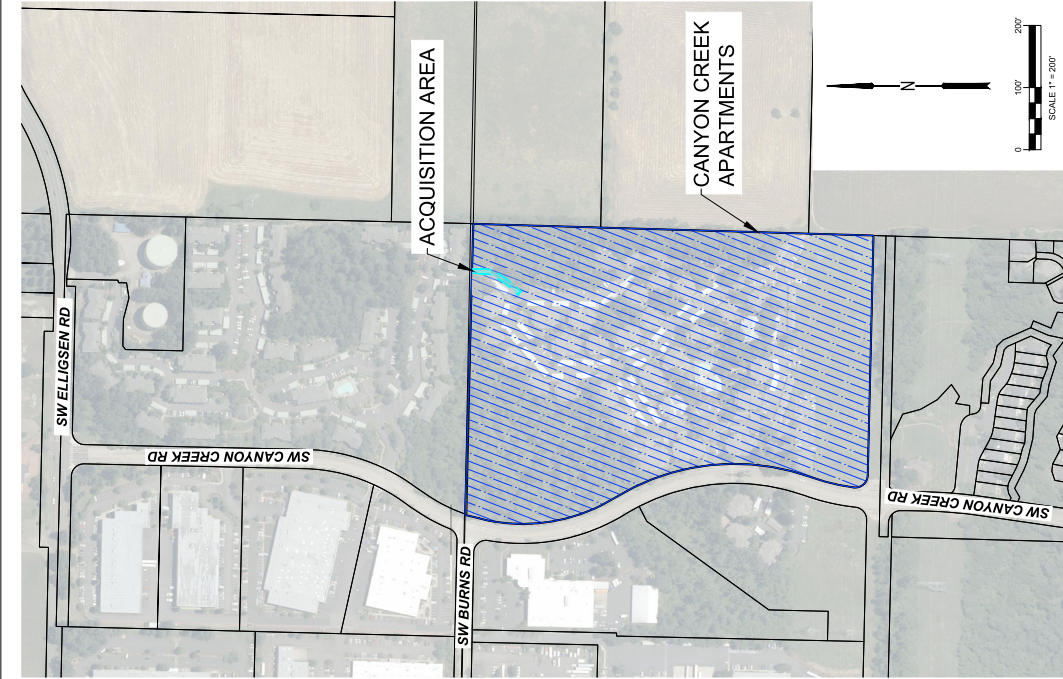
S&F Land Services



WILSONVILLE
 OREGON
 CITY OF WILSONVILLE - PUBLIC WORKS
 30000 SW Town Center Loop E
 Wilsonville, Oregon 97070
 Phone: (503) 682-4092

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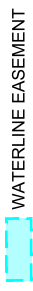


LEGEND

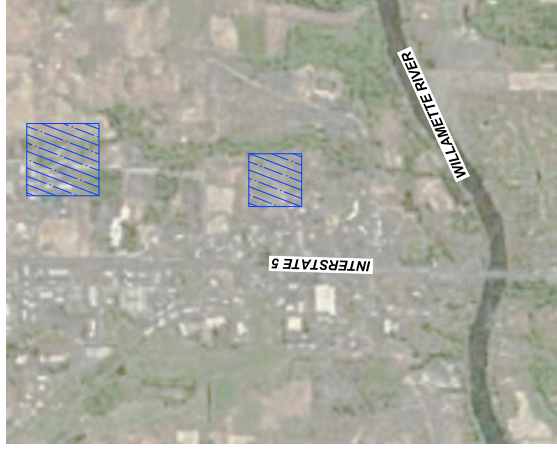


PARCEL IMPACTED BY WATERLINE EASEMENT*

*HIGHLIGHTED AREA REPRESENTS THE IMPACTED PARCELS, NOT THE AREA TO BE ACQUIRED.



WATERLINE EASEMENT



VICINITY MAP
H: 1"=2000'