

**RESOLUTION NO. 2097**

**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING ACQUISITION OF PROPERTY AND PROPERTY INTERESTS RELATED TO THE REPLACEMENT OF SANITARY SEWER LINE FROM KINSMAN TO MONTEBELLO AT THE SEELY DITCH CROSSING**

WHEREAS, under and by virtue of the laws of the State of Oregon the City of Wilsonville is duly authorized and empowered to acquire such real property as may be deemed necessary and proper for identified public improvements; and

WHEREAS, the City of Wilsonville Wastewater Collection System Master Plan dated February 1, 2001, Page 6-3 under Operation and Maintenance Improvements, identifies a problem with the sanitary sewer line under Seely Ditch and states that "The line appears to have a severe belly" which requires frequent cleaning to prevent blockage. This section goes on to identify capital improvement project CIP-UD4 to replace the line under Seely Ditch as the recommended solution to this problem; and

WHEREAS, the City of Wilsonville Adopted Budget for the Fiscal Year ending June 30, 2008 identifies a project to replace the lateral sanitary sewer line through Seely Ditch from Kinsman to Montebello as a funded capital project that is necessary to prevent blockage, improve system reliability and reduce maintenance expenses; and

WHEREAS, the recommended replacement line cannot be constructed entirely within existing sanitary sewer line easements and additional permanent sanitary sewer line easements and temporary construction easements are needed from tax lots 3S1W14CC 5600 owned by Montebello Associates and 3S1W14C 307 and 311 owned by BA Development; and

WHEREAS, the new easement areas will be contiguous to existing sanitary sewer line easements; and

WHEREAS, the City of Wilsonville is authorized to acquire property by legal means, including eminent domain, for a public purpose; and

WHEREAS, the procedures for property acquisition requiring eminent domain shall conform to all statutory requirements to ensure that property owners' rights are fully respected;

WHEREAS, City staff shall make diligent efforts to avoid condemnation by communicating and negotiating with property owners in a manner intended to achieve willing and amicable settlements; and

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WHEREAS, should negotiation efforts fail and agreement cannot be reached, City staff shall return to Council with notice of negotiation failure prior to commencing condemnation proceedings in Court.

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

1. There is needed and required, for the public purpose of providing replacement sanitary sewer between Kinsman and Montebello, acquisition of property interest as identified in Exhibit A, attached hereto and incorporated herein by this reference.

2. The property interest is required as a result of the aforementioned public improvement, and the improvement has been planned and located in a manner most compatible with the greatest public good and the least private injury and in accordance with the recommendations set forth in the Wastewater Collection System Master Plan of January 2001.

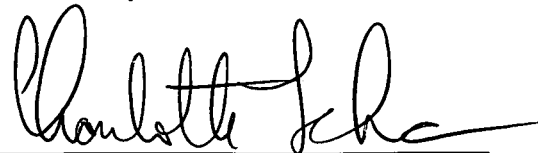
3. City of Wilsonville staff and attorneys are authorized and directed to negotiate with the owners of the real property herein described as to the compensation to be paid for the acquisition of the property and, in the event agreement cannot be reached, then to return to Council for authorization prior to commencing and prosecuting to final determination such condemnation proceedings as may be necessary to acquire the real property or property interest.

4. Upon trial of an 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. The City of Wilsonville anticipates it will acquire the above-described property in the spring of 2008.

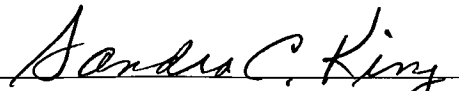
6. This resolution is effective upon adoption.

ADOPTED by the City Council for the City of Wilsonville at a regular meeting thereof this 17th day of March, 2008 and filed with the Wilsonville City Recorder this date.



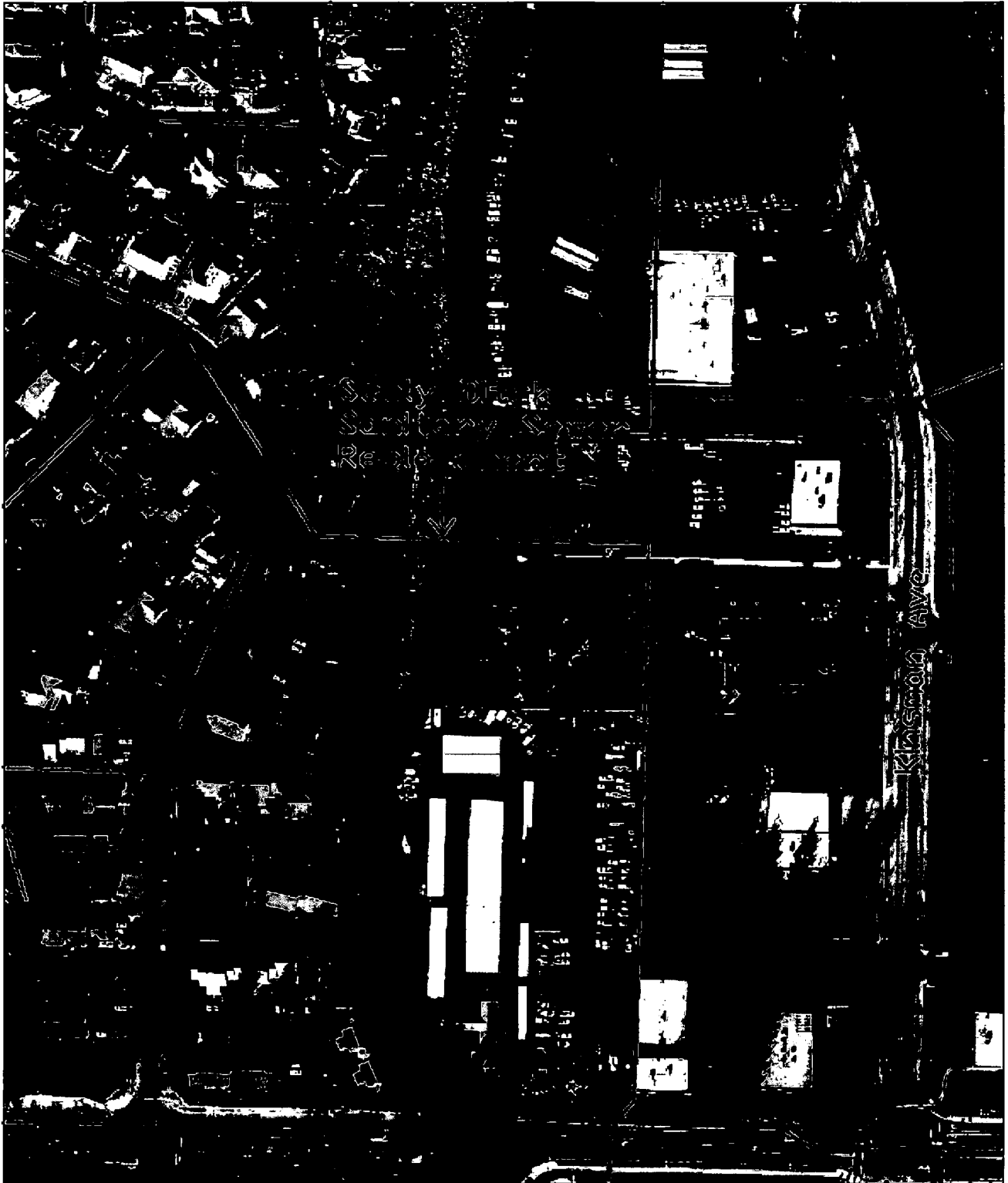
CHARLOTTE LEHAN, Mayor

ATTEST:

  
Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Knapp	Yes
Councilor Ripple	Yes
Councilor Kirk	Yes
Councilor Núñez	Yes



**COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

DATE: March 17, 2008  
TO: Honorable Mayor Lehan and Councilors  
FROM: Kristin Retherford, Urban Renewal Project Manager  
SUBJECT: Acquisition of Property for Sanitary Sewer Line Replacement under Seely Ditch  
between Kinsman and Montebello

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**Summary:** The City's Wastewater Collection System Master Plan identifies a problem with the sanitary sewer line under Seely Ditch and states that the line appears to have a severe belly which requires frequent cleaning to prevent blockage. This line has to be cleaned approximately every six months and each cleaning requires three to four hours of effort from four workers. Consequently, to save on long-term maintenance costs, the Master Plan recommends replacing this line. The adopted 2007/2008 budget for the City includes funds for design, property acquisition and construction of this replacement project.

As the existing sanitary sewer line easements are too narrow to accommodate construction of the replacement line, additional easements are needed. The first easement contains approximately 525 square feet on tax lot 3S1W 14CC 5600 owned by Montebello Associates, together with an approximately 8,466 square foot temporary construction easement. The second and third easements are on tax lots 3S1W14C 307 and 311 owned by BA Development and consist of approximately 2,949 square feet and 3,482 square feet respectively, together with temporary construction easements of 7,853 square feet and 7,246 square feet.

In acquiring these easements staff shall make diligent efforts to avoid condemnation by communicating and negotiating with property owners in a manner intended to achieve willing and amicable settlements. Staff will also ensure that property owners' rights are fully respected by following procedures for property acquisition that conform to all statutory requirements for the exercise of eminent domain in the event that an amicable settlement is not reached and condemnation is necessary. In the event that agreement cannot be reached, Staff will return to Council for authorization prior to commencing condemnation proceedings in Court.

**Recommendation:** Staff recommends the Council adopt a resolution authorizing acquisition of the above-mentioned property interest to allow for construction of this sanitary sewer line replacement.