

RESOLUTION NO. 2161

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING ACQUISITION OF PROPERTY INTEREST RELATED TO THE CONSTRUCTION OF ROAD IMPROVEMENTS ON BOONES FERRY ROAD AND 95TH STREET

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 road improvements; and

WHEREAS, the City of Wilsonville will be constructing road improvements at the intersection of Boones Ferry Road and 95th Street to improve capacity in the area; and

WHEREAS, these road improvements were identified as project 4041 95th @ Boones Ferry Road in the City's 2008/2009 Budget document; and

WHEREAS, 8,131 square feet of additional right of way is needed from parcel 3s1W2DB00302 in order to construct the needed improvements; and

WHEREAS, in addition to this right of way acquisition the property owner will be dedicating to the City a Public Utility Easement, a Slope Easement, and a Sewer Line Easement to accommodate the relocation of an existing sewer line on the property which shall be vacated as a part of the project; and

WHEREAS, it is in the public interest that property acquisition for this needed right of way occur expeditiously so as not to impede construction; and

WHEREAS, the property to be acquired meets engineering specifications and reflects the least amount of property interest to ensure safe, efficient and adequate public improvements; and

WHEREAS, this acquisition and all related activities will follow the City's appraisal and acquisition policies.

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

1. There is needed and required, for the public purpose of providing public improvements known as 95th at Boones Ferry Rd., acquisition of property interest of that property identified as Exhibits 1, 2, 3, and 4, 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.

3. City 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, return to City Council to recommend the 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.

4. Upon trial of and 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.

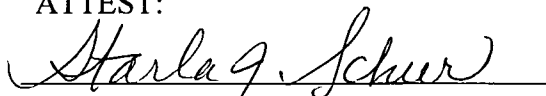
5. City staff anticipates it will acquire the above-described property in the spring of 2009 and cause construction to initially begin as soon as property acquisition is complete.

6. This resolution is effective upon adoption.

ADOPTED by the City of Wilsonville at a special meeting thereof this 18th day of February, 2009 and filed with the Wilsonville City Recorder this date.


TIM KNAPP, Mayor

ATTEST:


Starla J. Schur, Deputy City Recorder,
CMC

SUMMARY OF VOTES:

Mayor Knapp	Yes
Councilor Kirk	Excused
Councilor Ripple	Excused
Councilor Nunez	Yes
Councilor Hurst	Yes

Attachments:

Exhibit 1 – Legal Description Boones Ferry Road/95th Avenue Intersection Improvements Right of Way Dedication

Exhibit 2 – Legal Description Boones Ferry Road/95th Avenue Intersection Improvements Public Utility and Slope Easement

Exhibit 3 – Legal Description Sewer Easement Boones Ferry Road/95th Avenue Intersection Improvements

Exhibit 4 – Legal Description Sewer Easement Quitclaim Deed Boones Ferry Road/95th Avenue Intersection Improvements

EXHIBIT "A"

14582LD1C
1-28-09
mjf

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MacKay & Sposito, Inc.

ENGINEERS SURVEYORS PLANNERS

VANCOUVER KENNEWICK



1325 SE Tech Center Drive, Suite 140, Vancouver, WA 98683 - (360) 695-3411 Fax: (360) 695-0833

LEGAL DESCRIPTION
BOONES FERRY ROAD/95TH AVE INTERSECTION IMPROVEMENTS
RIGHT OF WAY DEDICATION
CITY OF WILSONVILLE

A parcel of land lying in Lot 7, "Edwards Business Industrial Park" in the Southeast quarter of Section 2, Township 3 South, Range 1 West, W.M., Washington County, Oregon and being a portion of that property described in that deed to South Sea, LLC, an Oregon Limited Liability Company, recorded as Document No. 2000-058349, Film Records of Washington County, being further described as follows:

Commencing at the centerline intersection of SW 95th Avenue and SW Commerce Circle being Station 65+77.83 as surveyed and shown in Washington County Survey Number 31128; thence North 01°48'08" East along the centerline of SW 95th Avenue as shown on said survey a distance of 530.75 feet; thence South 88°42'44" East a distance of 43.00 feet to the Easterly right of way line of said SW 95th Avenue, being the East line of that Tract of land described in Document No. 2003-34138; thence along said Easterly right of way line, the Southerly right of way line of SW Commerce Circle and the Westerly right of way line of Boones Ferry Road the following courses:

North 01°48'08" East a distance of 109.96 feet to the **True Point of Beginning**; thence continuing North 01°48'08" East a distance of 249.21 feet to the point of curvature of a 116.16 foot radius curve; thence along said curve to the right, through a central angle of 48°47'35", an arc distance of 98.92 feet (having a chord bearing of North 26°11'55" East, a distance of 95.96 feet) to a point of compound curvature with a 45.00 foot radius curve, also being a point on the Southerly right of way line of SW Commerce Circle; thence along said curve to the right, through a central angle of 67°27'08", an arc distance of 52.98 feet (having a chord bearing of North 84°19'17" East, a distance of 49.97 feet) to a point of compound curvature with a 100.00 foot radius curve; thence along said curve to the right, through a central angle of 37°15'00", an arc distance of 65.01 feet (having a chord bearing of South 43°19'39" East, a distance of 63.87 feet) to the point of reverse curvature with a 595.65 foot radius curve, also being a point on the Westerly right of way

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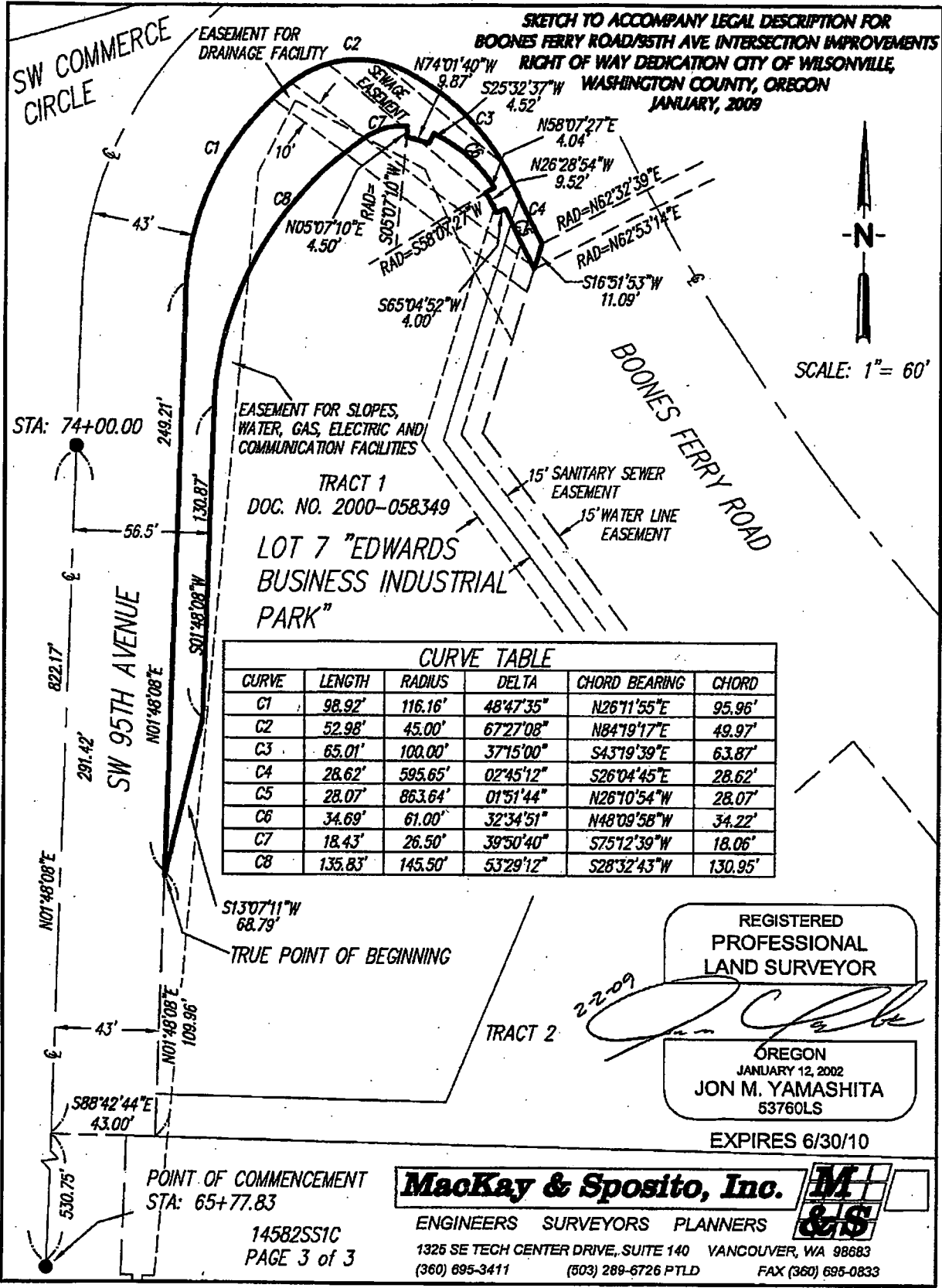
line of Boones Ferry Road as surveyed and shown in Washington County Survey Number 26,108; thence along said curve to the left, through a central angle of $02^{\circ}45'12''$, an arc distance of 28.62 feet (having a chord bearing of South $26^{\circ}04'45''$ East, a distance of 28.62 feet); thence South $16^{\circ}51'53''$ West, a distance of 11.09 feet to a point on an arc of a 863.64 foot radius non-tangent curve having a radial bearing of North $62^{\circ}53'14''$ East;

thence leaving said Westerly right of way line along said curve to the right, through a central angle of $01^{\circ}51'44''$, an arc distance of 28.07 feet (having a chord bearing of North $26^{\circ}10'54''$ West, a distance of 28.07 feet); thence South $65^{\circ}04'52''$ West a distance of 4.00 feet; thence North $26^{\circ}28'54''$ West a distance of 9.52 feet; thence North $58^{\circ}07'27''$ East a distance of 4.04 feet to a point on an arc of a 61.00 foot radius non-tangent curve having a radial bearing of South $58^{\circ}07'27''$ West; thence along said curve to the left, through a central angle of $32^{\circ}34'51''$, an arc distance of 34.69 feet (having a chord bearing of North $48^{\circ}09'58''$ West, a distance of 34.22 feet); thence South $25^{\circ}32'37''$ West a distance of 4.52 feet; thence North $74^{\circ}01'40''$ West a distance of 9.87 feet; thence North $05^{\circ}07'10''$ East a distance of 4.50 feet to a point on an arc of a 26.50 foot radius non-tangent curve having a radial bearing of South $05^{\circ}07'10''$ West; thence along said curve to the left, through a central angle of $39^{\circ}50'40''$, an arc distance of 18.43 feet (having a chord bearing of South $75^{\circ}12'39''$ West, a distance of 18.06 feet to a point of compound curvature with a 145.50 foot radius curve; thence along said curve to the left, through a central angle $53^{\circ}29'12''$, an arc distance of 135.83 feet (having a chord bearing of South $28^{\circ}32'43''$ West, a distance of 130.95 feet) to a point 56.50 feet easterly of, when measured at right angles to, the centerline of said SW 95th Avenue; thence South $01^{\circ}48'08''$ West parallel with said centerline a distance of 130.87 feet; thence South $13^{\circ}07'11''$ West a distance of 68.79 feet to the **True Point of Beginning**.

Containing 8,131 sq. ft., more or less.

Subject to easements and restrictions of record.





CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	98.92'	116.16'	48°47'35"	N26°11'55"E	95.96'
C2	52.98'	45.00'	67°27'08"	N84°19'17"E	49.97'
C3	65.01'	100.00'	37°15'00"	S43°19'39"E	63.87'
C4	28.62'	595.65'	02°45'12"	S26°04'45"E	28.62'
C5	28.07'	863.64'	01°51'44"	N26°10'54"W	28.07'
C6	34.69'	61.00'	32°34'51"	N48°09'58"W	34.22'
C7	18.43'	26.50'	39°50'40"	S75°12'39"W	18.06'
C8	135.83'	145.50'	53°29'12"	S28°32'43"W	130.95'

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(360) 695-3411 (503) 289-6726 PTLD FAX (360) 695-0833

POINT OF COMMENCEMENT
STA: 65+77.83
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PAGE 3 of 3

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LEGAL DESCRIPTION
BOONES FERRY ROAD/95TH AVE INTERSECTION IMPROVEMENTS
PUBLIC UTILITY AND SLOPE EASEMENT
CITY OF WILSONVILLE

An easement lying in Lot 7, "Edwards Business Industrial Park" in the Southeast quarter of Section 2, Township 3 South, Range 1 West, W.M., Washington County, Oregon and being a portion of that property described in that deed to South Sea, LLC, an Oregon Limited Liability Company, recorded as Document No. 2000-058349, Film Records of Washington County, the centerline being further described as follows:

A strip of land 9.00 feet wide, lying 4.50 feet on each side of the following described centerline:

Commencing at the centerline intersection of SW 95th Avenue and SW Commerce Circle being Station 65+77.83 as surveyed and shown in Washington County Survey Number 31128; thence North 01°48'08" East along the centerline of SW 95th Avenue as shown on said survey a distance of 530.75 feet; thence South 88°42'44" East a distance of 43.00 feet to the Easterly right of way line of said SW 95th Avenue, being the East line of that Tract of land described in Document No. 2003-34138; thence North 01°48'08" East along said Easterly right of way line a distance of 109.96 feet; thence North 22°02'56" East a distance of 28.99 feet to a point on the East line of that permanent easement for slopes described in Document No. 95-027726 and marking the **Point of Beginning** of the centerline of the easement to be described; thence North 13°07'11" East a distance of 40.60 feet; thence North 01°48'08" East a distance of 131.31 feet to the point of curvature of a 141.00 foot radius curve; thence along said curve to the right, through a central angle of 53°29'12", an arc distance of 131.63 feet (having a chord bearing of North 28°32'43" East, a distance of 126.90 feet) to a point of compound curvature with a 22.00 foot radius curve; thence along said curve to the right through a central angle of 05°05'59", an arc distance of 1.96 feet (having a chord bearing of North 57°50'18" East, a distance of 1.96 feet) to the **Terminus** of said centerline.

The sidelines of this easement shall be lengthened or shortened to terminate at the Easterly and Westerly lines of said Document No. 95-027726.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

2-2-09
[Signature]

OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

EXPIRES: 6-30-2010

EXHIBIT "B"

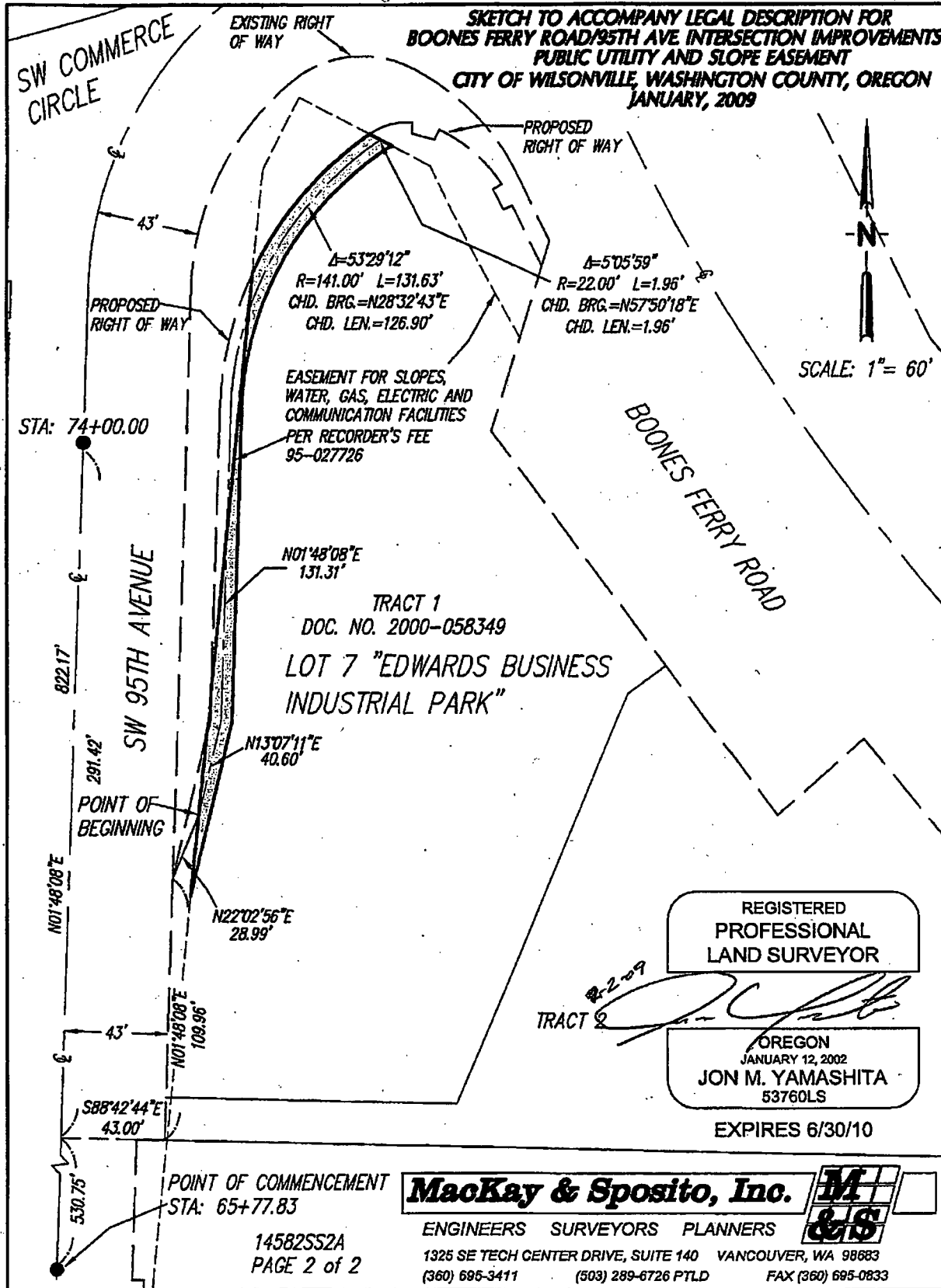


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ENGINEERS SURVEYORS PLANNERS

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LEGAL DESCRIPTION
SEWER EASEMENT
BOONES FERRY ROAD/95TH AVE INTERSECTION IMPROVEMENTS
CITY OF WILSONVILLE

An easement lying in Lot 7, "Edwards Business Industrial Park" in the Southeast quarter of Section 2, Township 3 South, Range 1 West, W.M., Washington County, Oregon and being a portion of that property described in that deed to South Sea, LLC, an Oregon Limited Liability Company, recorded as Document No. 2000-058349, Film Records of Washington County, being further described as follows:

A strip of land 15.00 feet wide, lying 7.50 feet on each side of the following described centerline:

Commencing at the centerline intersection of SW 95th Avenue and SW Commerce Circle being Station 65+77.83 as surveyed and shown in Washington County Survey Number 31128; thence North 01°48'08" East along the centerline of SW 95th Avenue as shown on said survey a distance of 530.75 feet; thence South 88°42'44" East a distance of 43.00 feet to the Easterly right of way line of said SW 95th Avenue, being the East line of that Tract of land described in Document No. 2003-34138; thence North 01°48'08" East along said Easterly right of way line a distance of 109.96 feet; thence North 13°07'11" East a distance of 68.79 feet to a point 56.50 feet easterly of, when measured at right angles to, the centerline of said SW 95th Avenue; thence North 01°48'08" East parallel with said centerline a distance of 130.87 feet to the point of curvature of a 145.50 foot radius curve; thence along said curve to the right, through a central angle of 51°47'27", an arc distance of 131.52 feet (having a chord bearing of North 27°41'51" East, a distance of 127.09 feet) to the **Point of Beginning** of the centerline of the easement to be described; thence South 17°49'29" East a distance of 15.89 feet; thence South 52°45'24" East a distance of 57.59 feet to the **Terminus** of said centerline.

The sidelines of this easement shall be lengthened or shortened to terminate at the Southerly proposed right of way line of SW Commerce Circle and at the West line of that sewer line easement described in Document No. 2002-51320.

**REGISTERED
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LAND SURVEYOR**

2-2-09
[Signature]

**OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS**

EXPIRES: 6-30-2010

EXHIBIT "B"

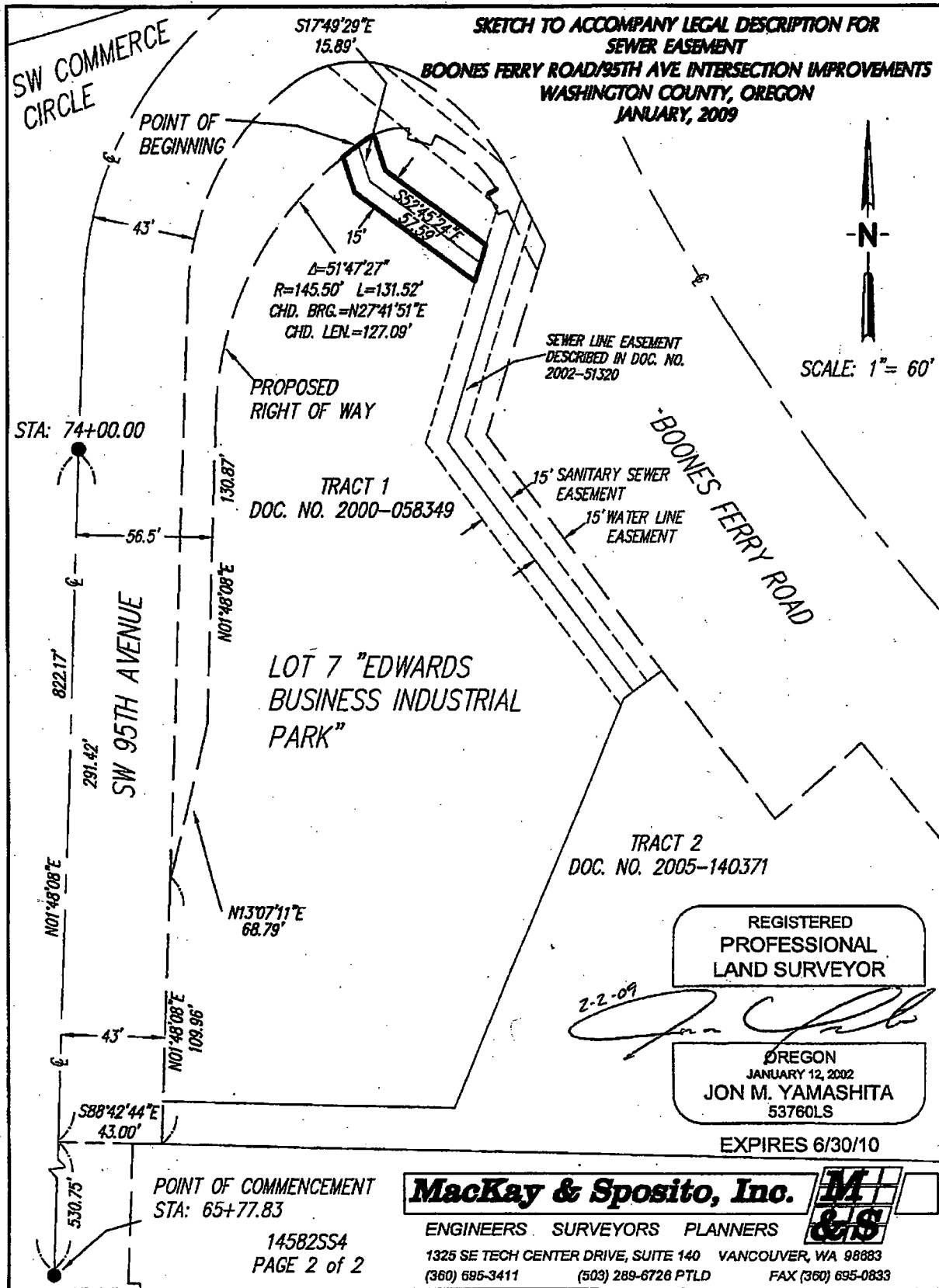


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**LEGAL DESCRIPTION
SEWER EASEMENT QUITCLAIM DEED
BOONES FERRY ROAD/95TH AVE INTERSECTION IMPROVEMENTS
CITY OF WILSONVILLE**

A portion of that 15 foot private sewer line easement conveyed from South Sea, LLC, an Oregon Limited Liability Company to Exxon of Wilsonville, LLC, an Oregon Limited Liability Company in Document No. 2002-51320, more particularly described as follows:

Commencing at the centerline intersection of SW 95th Avenue and SW Commerce Circle being Station 65+77.83 as surveyed and shown in Washington County Survey Number 31128; thence North 01°48'08" East along the centerline of SW 95th Avenue as shown on said survey a distance of 530.75 feet; thence South 88°42'44" East a distance of 43.00 feet to the Easterly right of way line of said SW 95th Avenue, being the East line of that Tract of land described in Document No. 2003-34138; thence along said Easterly right of way line and the Southerly right of way line of SW Commerce Circle the following courses:

North 01°48'08" East a distance of 359.17 feet to the point of curvature of a 116.16 foot radius curve; thence along said curve to the right, through a central angle of 48°47'35", an arc distance of 98.92 feet (having a chord bearing of North 26°11'55" East, a distance of 95.96 feet) to a point of compound curvature with a 45.00 foot radius curve, also being a point on the Southerly right of way line of SW Commerce Circle; thence along said curve to the right, through a central angle of 23°25'38", an arc distance of 18.40 feet (having a chord bearing of North 62°18'31" East, a distance of 18.27 feet) to a point on the South line of said Document No. 2002-51320, and marking the **Point of Beginning**;

thence South 49°51'26" East along said South line a distance of 92.09 feet to an angle point therein; thence South 16°51'53" West along the West line of said Document No. 2002-51320 a distance of 17.04 feet; thence South 52°45'24" East a distance of 16.00 feet to the East line of said Document No. 2002-51320; thence North 16°51'53" East along said East line a distance of 21.49 feet to a point on an arc of a 595.65 foot radius non-tangent curve having a radial bearing of North 63°43'18" East, also being a point on the

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Westerly right of way of Boones Ferry Road; thence along said curve to the right, through a central angle of $01^{\circ}34'32''$, an arc distance of 16.38 feet (having a chord bearing of North $25^{\circ}29'25''$ West, a distance of 16.38 feet) to a point of reverse curvature with a 100.00 foot radius curve; thence along said curve to the left, through a central angle of $04^{\circ}58'45''$, an arc distance of 8.69 feet (having a chord bearing of North $27^{\circ}11'32''$ West, a distance of 8.69 feet) to a point on the North line of said Document No. 2002-51320; thence leaving said right of way line North $49^{\circ}51'26''$ West along said North line a distance 66.46 feet to a point on an arc of a 45.00 foot radius non-tangent curve having a radial bearing of South $13^{\circ}06'52''$ West, also being a point on the Southerly right of way line of SW Commerce Circle; thence along said curve to the left, through a central angle of $29^{\circ}05'32''$, an arc distance of 22.85 feet (having a chord bearing of South $88^{\circ}34'06''$ West, a distance of 22.60 feet) to the **Point of Beginning**;

Containing 1,630 sq. ft., more or less.

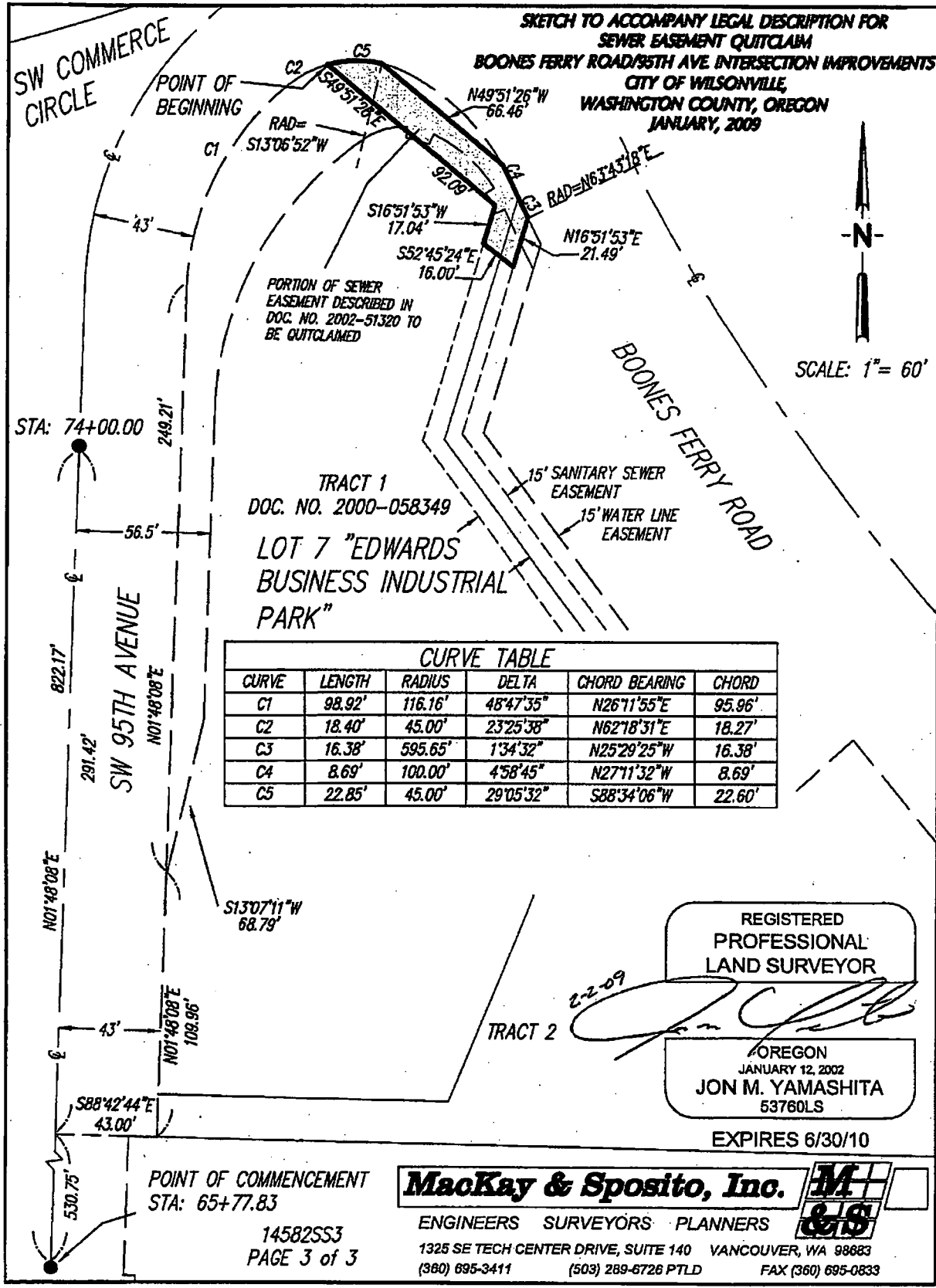
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**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Jon M. Yamashita

OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

EXPIRES: 6-30-2010



SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR
SEWER EASEMENT QUITCLAIM
BOONES FERRY ROAD/95TH AVE INTERSECTION IMPROVEMENTS
CITY OF WILSONVILLE,
WASHINGTON COUNTY, OREGON
JANUARY, 2009

PORTION OF SEWER
EASEMENT DESCRIBED IN
DOC. NO. 2002-51320 TO
BE QUITCLAIMED

TRACT 1
DOC. NO. 2000-058349

LOT 7 "EDWARDS
BUSINESS INDUSTRIAL
PARK"

15' SANITARY SEWER
EASEMENT
15' WATER LINE
EASEMENT

SCALE: 1" = 60'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	98.92'	116.16'	48°47'35"	N26°11'55"E	95.96'
C2	18.40'	45.00'	23°25'38"	N62°18'31"E	18.27'
C3	16.38'	595.65'	1°34'32"	N25°29'25"W	16.38'
C4	8.69'	100.00'	4°58'45"	N27°11'32"W	8.69'
C5	22.85'	45.00'	29°05'32"	S88°34'06"W	22.60'

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OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

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POINT OF COMMENCEMENT
STA: 65+77.83

14582SS3
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**COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

DATE: February 18th, 2009
TO: Honorable Mayor and City Council
FROM: Kristin Retherford, Urban Renewal Project Manager
SUBJECT: Acquisition Of Property Interest Related To The Construction Of Road
Improvements On Boones Ferry Road And 95th Street.

Summary: The City's 2008-09 Budget identifies capital project number 4041 as a needed project to provide intersection improvements and improve traffic flow at 95th and Boones Ferry Road. In order to construct these improvements and additional 8,131 square feet of right of way is needed from parcel 3S1W2DB00302 (the Brice parcel). Staff has been in communication with Mr. Brice and he is aware of the upcoming right of way acquisition. In addition to the right of way, the City will receive in the form of a dedication a Public Utility Easement, a Slope Easement, and a Sewer Line Easement to accommodate the relocation of an existing sewer line on the property which shall be vacated as a part of the project.

A map indicating the location of this tax lot is attached for reference.

Recommendation: Staff recommends that the City Council adopt a resolution authorizing acquisition of this property. The resolution requires Staff to return to the Council in the event that a negotiated settlement cannot be reached to recommend that the Council authorize Staff to pursue condemnation action.

It is necessary and appropriate that the Council proceed in an expeditious manner to acquire the property interest required to construct these road improvements.

