

RESOLUTION NO. 2165

A RESOLUTION OF THE CITY WILSONVILLE AUTHORIZING ACQUISITION OF PROPERTY INTEREST RELATED TO THE CONSTRUCTION OF ROAD IMPROVEMENTS ON BOONES FERRY ROAD BETWEEN WILSONVILLE ROAD AND BAILEY STREET AND AUTHORIZING TITLE TO VEST IN THE CITY OF WILSONVILLE

WHEREAS, under and by virtue of the laws of the State of Oregon and The Wilsonville Year 2000 Urban Renewal Plan ("Plan"), the City of Wilsonville Urban Renewal Agency 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 will be constructing road improvements on Boones Ferry Road between Wilsonville Road and Fifth Street as a part of a larger project to construct capacity improvements on Wilsonville Road and the I-5 Interchange; and

WHEREAS, these road improvements were identified in the first Substantial Amendment to the City's Year 2000 Urban Renewal Plan; and

WHEREAS, these road improvements are included in the City's 2008/2009 Budget document as Boones Ferry Road (Wilsonville Road to 5th) with East Side (Year 2000 Plan) Urban Renewal revenue identified as the designated funding source; and

WHEREAS, the City is partnering in these improvement projects to Boones Ferry Road, Wilsonville Road, and the I-5 Interchange with ODOT and Fred Meyers; and

WHEREAS, the City is signatory to an Intergovernmental Agreement with ODOT addressing the proposed improvements and is collaborating on a Development Agreement with Fred Meyers regarding the proposed improvements; and

WHEREAS, Fred Meyers will be developing the parcel of land located at the southeast corner of Wilsonville Road and Boones Ferry Road and will be reconstructing Bailey Street between its east end near I-5 and Boones Ferry Road; and

WHEREAS, to allow safe turning movements from Boones Ferry Road east onto Bailey Street additional right of way is needed to construct the necessary improvements; 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 Boones Ferry Road (Wilsonville Road to 5th), acquisition of property interest of that property identified in the legal description contained in Exhibit A, attached hereto and incorporated herein by this reference, with a sketch of the acquisition area contained in Exhibit B, 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. Agency 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 the Urban Renewal Agency Board to recommend the acquisition for condemnation and then, upon authorization from the Agency Board, to commence and prosecute to final determination such condemnation proceedings as may be necessary to acquire the real property or property interest.

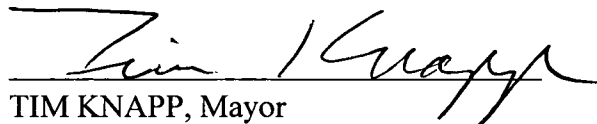
4. Upon trial of and action of condemnation, the attorneys for the Agency are authorized to make such stipulation, agreement or admission as in their judgment may be in the best interests of the Agency.

5. Agency 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.

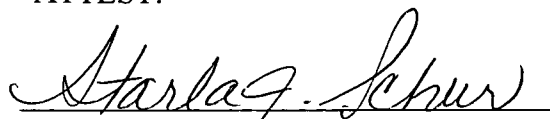
6. In accordance with the above recitals, the City Manager acting as the Agency's Executive Director is authorized to transfer title of identified properties to the City of Wilsonville by deed or directly through negotiation.

7. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council 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

Attachment:

Exhibit "A" – Legal Description Right of Way Dedication Wilsonville Road/SW Boones Ferry Road Improvements.

EXHIBIT "A"

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MacKay & Sposito, Inc.

ENGINEERS SURVEYORS PLANNERS

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LEGAL DESCRIPTION
RIGHT OF WAY DEDICATION
WILSONVILLE ROAD/SW BOONES FERRY ROAD IMPROVEMENTS
CITY OF WILSONVILLE

Real property situated in the City of Wilsonville, Clackamas County, Oregon, being a portion of that tract of land conveyed to KWDS LLC, an Oregon Limited Liability Company, by Statutory Bargain and Sale Deed recorded under Document No. 2004-118582, records of said county, lying in the Northeast quarter of Section 23, Township 3 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter corner of Section 23; thence South 88°24'44" East along the North line of said section, also being the centerline of Wilsonville Road (Market Road No. 6), a distance of 501.90 feet to the intersection with the centerline of SW Boones Ferry Road (Market Road No. 27); thence South 14°49'19" West along the centerline of said SW Boones Ferry Road a distance of 1358.36 feet to the westerly projection of the South line of said Document No. 2004-118582; thence South 87°03'28" East along said westerly projection a distance of 30.66 feet to a point on the Easterly right of way line of said SW Boones Ferry Road, said point being the **Point of Beginning**; thence continuing South 87°03'28" East along said South line a distance of 9.20 feet to a point 39.00 feet easterly of, when measured at right angles to, the centerline of said SW Boones Ferry Road; thence North 14°49'19" East, parallel with said centerline, a distance of 113.84 feet; thence South 75°10'41" East a distance of 4.25 feet to a point 43.25 feet easterly of, when measured at right angles to, the centerline of said SW Boones Ferry Road; thence North 14°49'19" East, parallel with said centerline, a distance 17.57 feet; thence North 64°19'29" East a distance of 20.74 feet to a point 33.00 feet southerly of, when measured at right angles to, the centerline of Bailey Street; thence South 88°35'59" East, parallel with said centerline, a distance of 7.50 feet; thence North 01°24'01" East a distance of 8.00 feet to the southerly right of way line of said Bailey Street; thence North 88°35'59" West, along said southerly right of way line, a distance of 15.69 to the point of curvature of a 25.00 foot radius curve; thence along said curve to the left, through a central angle of 76°34'42", an arc distance of 33.41 feet (having a chord

EXHIBIT "A"

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bearing of South 53°06'40" West a distance of 30.98 feet) to a point 30.00 feet easterly of, when measured at right angles to, the centerline of said SW Boones Ferry Road, said point also being on the Easterly right of way line of said SW Boones Ferry Road; thence South 14°49'19" West along said Easterly right of way line a distance of 128.33 feet to the **Point of Beginning**.

Bearings based on said Clackamas County Survey No. 2006-435.

Containing 1,665 square feet, more or less.

Subject to easements and restrictions of record.

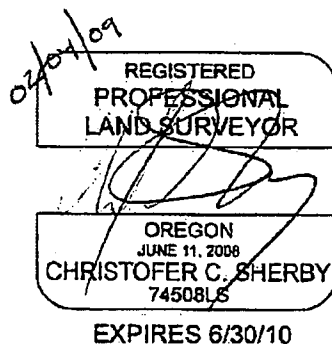
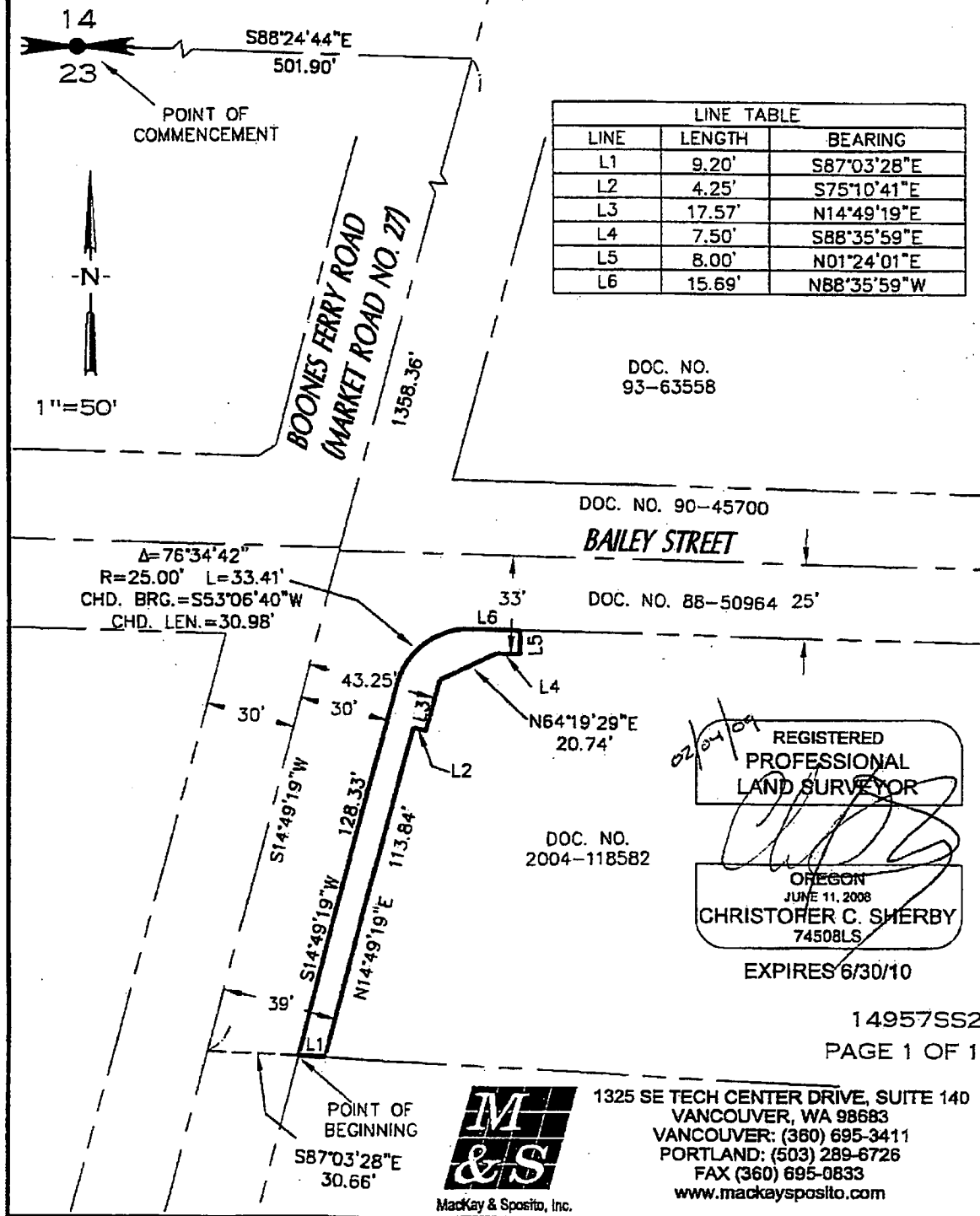


EXHIBIT "B"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR
RIGHT OF WAY DEDICATION
WILSONVILLE ROAD/SW BOONES FERRY ROAD IMPROVEMENTS
CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON
FEBRUARY, 2009



**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 for improvements on Boones Ferry Road between
Wilsonville Road and 5th Street

Summary: The City's 2008-09 Budget identifies capital project number 4141 (Boones Ferry Road – Wilsonville Rd. to 5th) as necessary to augment capacity improvements to occur on Wilsonville Road and the Wilsonville Road/I-5 interchange. In order to construct these improvements, and specifically to allow safe turning movements from Boones Ferry Road east onto Bailey Street, the Agency needs to acquire 1,655 square feet of right-of-way from tax lot 3S1W23AB 2100 at the southeast corner of Bailey Street and Boones Ferry Road. This parcel is owned by KWDS LLC and is developed as multi-family housing. A map indicating the location of this tax lot is attached for reference. Staff expects to make initial contact with the property owners during the last two weeks of February to inform them of the project and the need to acquire property.

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

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

