

*Not Considered
or Adopted
Act.*

RESOLUTION NO. 2227

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING ACQUISITION OF PROPERTY INTEREST RELATED TO THE EXTENSION AND CONNECTION OF THE WATERLINE ON MAGNOLIA AVENUE TO THE WATERLINE ON TAUCHMAN 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 public water works improvements; and

WHEREAS, to better serve the residential community, including the Sanitary Sewer Treatment Plant, public improvements to extend and connect the existing waterline at the south end of Magnolia Avenue to the waterline on Tauchman Street is needed; and

WHEREAS, these improvements will establish a looped waterline which will help minimize service disruptions and provide better water flows to fire hydrants used by TVF&R in the case of an emergency; and

WHEREAS, in order to construct the needed improvements, a 4,374 SF right of way is needed from a portion of the property identified as tax lot 3S-1W-23DB 01002; owned by Fred G. Schmidt and Una Schmidt; 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 as described above, acquisition of that certain property identified in Exhibit A, attached hereto and incorporated herein by this reference.
2. The public improvements have 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 2010 and cause construction to initially begin as soon as property acquisition is complete.

6. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 17th day of February, 2010, and filed with the Wilsonville City Recorder this date.

TIM KNAPP, Mayor

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp _____
Councilor Kirk _____
Councilor Núñez _____
Councilor Ripple _____
Councilor Hurst _____

List of Exhibits

Exhibit A ~ Legal Description for Waterline Easement

Westlake

consultants, inc | PLANNING | ENGINEERING | SURVEYING

Tauchmann Waterline Extension
Waterline Easement
Westlake Project No 1197-09

January 14, 2010

Property Description

A 15 foot wide strip of land in the southeast one-quarter of Section 23, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, being a portion of that tract of land conveyed to Fred G. Schmidt and Una Schmidt by Deed Document No. 2005-093982, Clackamas County Deed Records, said strip of land lying 7.50 feet on either side of the following described centerline:

Commencing at the northwest corner of said Schmidt Tract;

Thence, along the north line thereof, also being the southerly terminus of the Magnolia Avenue right-of-way, South $81^{\circ}36'31''$ East, 7.54 feet to the Point of Beginning;

Thence South $02^{\circ}37'13''$ West, 168.98 feet;

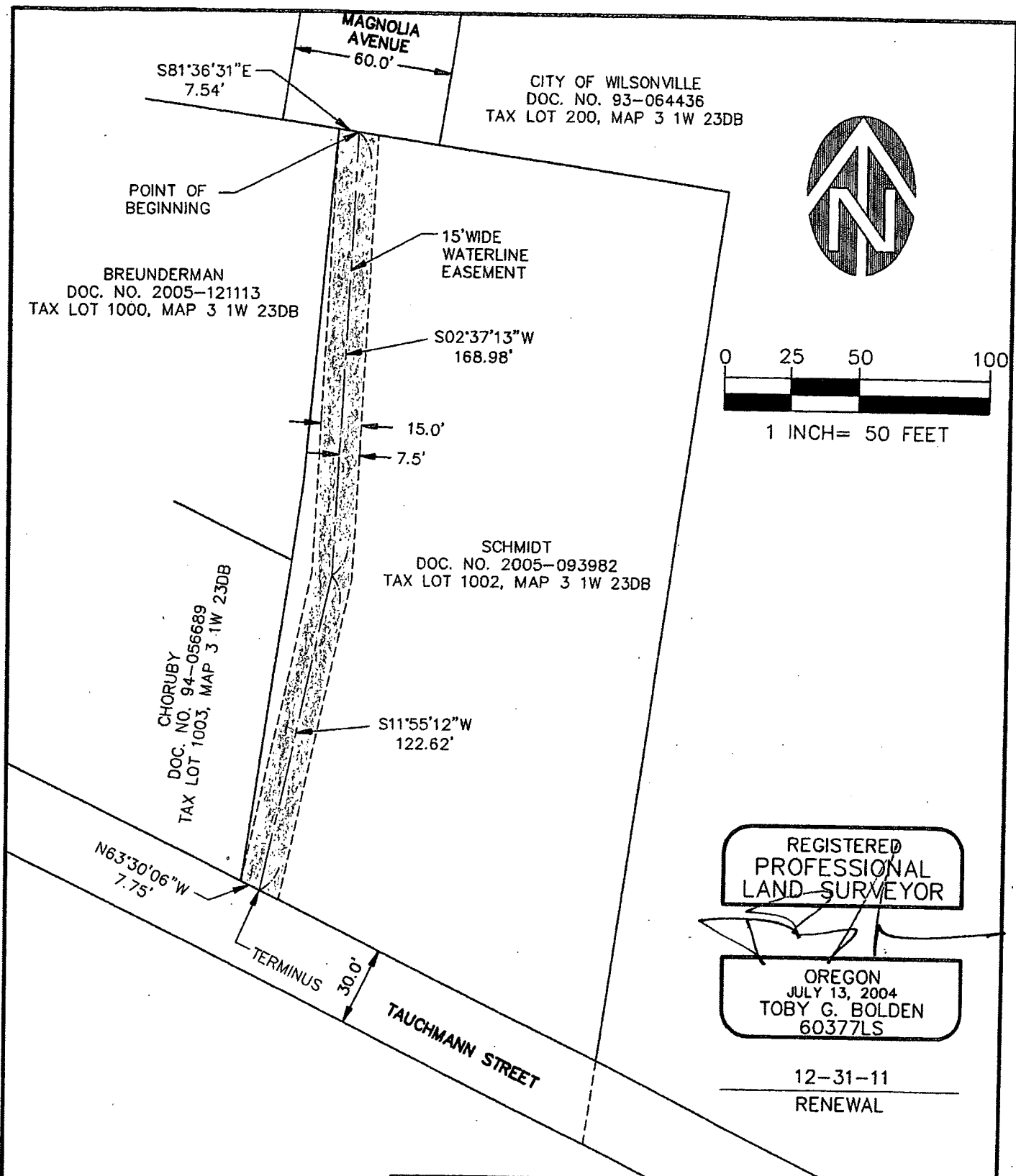
Thence South $11^{\circ}55'12''$ West, 122.62 feet to the northerly right-of-way line of Tauchmann Street (a 30 foot right-of-way) and the Terminus of this centerline., the southwest corner of said Schmidt Tract bearing North $63^{\circ}30'06''$ West, 7.75 feet from said Terminus.

The sidelines of said 15 foot wide strip shall be lengthened and/or shortened so as to meet at angle points and terminate at proper boundaries.

Containing 4,374 square feet, more or less.

Bearings based on Survey No. PS-26702, Clackamas County Survey Records.





REGISTERED
PROFESSIONAL
LAND SURVEYOR

TOBY G. BOLDEN
OREGON
JULY 13, 2004
60377LS

12-31-11
RENEWAL

WATER LINE EASEMENT
MAGNOLIA TO TAUCHMANN
SE 1/4 SEC23, T3S, R1W, WM
CITY OF WILSONVILLE
CLACKAMAS COUNTY, OREGON

| | |
|------------|---------|
| DATE | 14JAN10 |
| DRAWN BY | TGB |
| CHECKED BY | DDL |
| REVISIONS | |
| JOB NO. | 1197-09 |

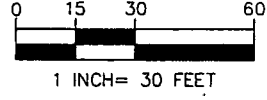
WESTLAKE
CONSULTANTS INC.

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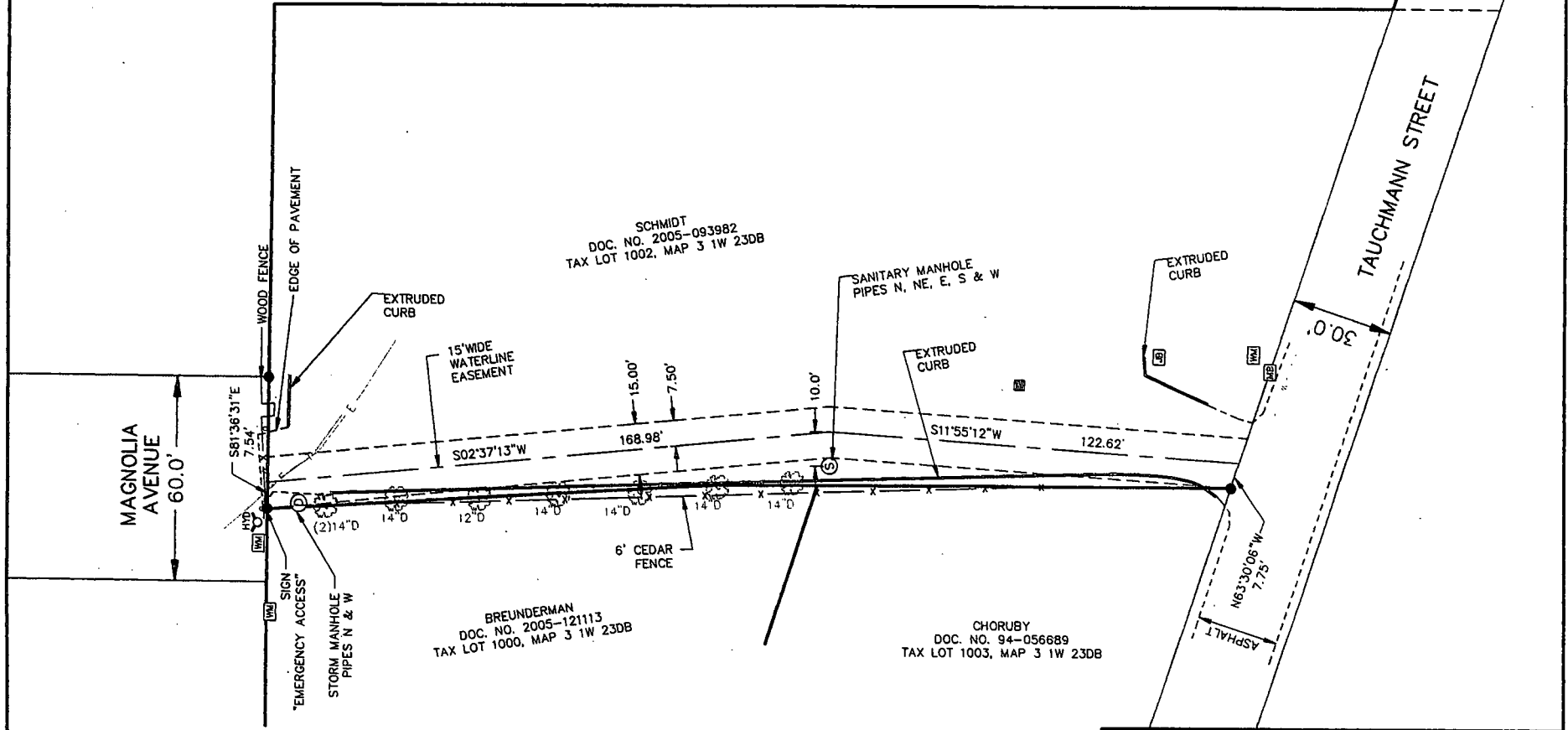
PACIFIC CORPORATE CENTER
15115 S.W. SEQUOIA PARKWAY, SUITE 150 (503) 684-0652
TIGARD, OREGON 97224 FAX (503) 624-0157

119709X.DWG

CITY OF WILSONVILLE
 DOC. NO. 93-064436
 TAX LOT 200, MAP 3 1W 23DB



PROPOSED WATERLINE ALIGNMENT
 MAGNOLIA TO TAUCHMANN
 SE 1/4 SEC23, T3S, R1W, WM
 CITY OF WILSONVILLE
 CLACKAMAS COUNTY, OREGON



BREUNDERMAN
 DOC. NO. 2005-121113
 TAX LOT 1000, MAP 3 1W 23DB

SCHMIDT
 DOC. NO. 2005-093982
 TAX LOT 1002, MAP 3 1W 23DB

CHORUBY
 DOC. NO. 94-056689
 TAX LOT 1003, MAP 3 1W 23DB

| | |
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29799 SW Town Center Loop E
Wilsonville, Oregon 97070
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(503) 682-1015 Fax Administration
(503) 682-7025 Fax Community Development

**COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

DATE: February 1, 2010
TO: Honorable Mayor and Councilors
FROM: Kristin Retherford, Project Manager
SUBJECT: Right-of-Way Acquisition Related to the Waterline Public Improvement Project

Recommendation: Staff recommends City Council adopt a resolution authorizing the acquisition of real property interests located on tax lot 3S1W23DB 01002 to allow construction to begin for the public improvements related to the extension and connection of the waterline on Magnolia Avenue to the waterline on Tauchman Street.

Background: As a result of unanticipated service disruptions to residents in the Magnolia Avenue area, public improvements to the water infrastructure is needed to better serve this community. These improvements will establish a looped waterline which will help minimize the number of citizens potentially affected during instances of waterline breaks. Additionally, this looped waterline will provide better fire flows to area fire-hydrants.

So as not to impede construction efforts for this public improvement project, it is now appropriate to acquire a 4,374 SF right of way for a Waterline Easement from property owned by Fred & Una Schmidt.

