

**RESOLUTION NO. 2398**

**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING ACQUISITION OF PROPERTY INTERESTS RELATED TO THE INSTALLATION OF ELECTRICAL SHIELDS WITHIN THE BONNEVILLE POWER ADMINISTRATION ELECTRICAL TRANSMISSION CORRIDOR ON CANYON CREEK ROAD NORTH.**

WHEREAS, in order to construct Canyon Creek Road North, the City of Wilsonville had to obtain permission from the Bonneville Power Administration (BPA) to pass through their transmission corridor; and

WHEREAS, BPA's permission to construct Canyon Creek Road North through their transmission corridor included a condition that the City install electrical shields to mitigate the risk of electrical shock to those passing under their transmission lines; and

WHEREAS, these shields were not included in the original construction project; and

WHEREAS, the City has received periodic reports of cyclists receiving electrical shocks while riding on the stretch of Canyon Creek Road North that passes through the BPA corridor; and

WHEREAS, to protect public safety the City has added a capital project to this fiscal year's work plan to install electrical shields in this area; and

WHEREAS, in order to install these electrical shields, the City of Wilsonville needs to acquire a Right of Way permit from BPA and permanent easements for the electrical shields and supporting poles from three separate tax lots owned by Xerox Corporation and Canyon Creek RPO, LLC; and

WHEREAS, these easements are described in legal descriptions attached hereto and fully incorporated herein as Exhibits A, B, and C; and

WHEREAS, construction is scheduled to occur in the spring of 2013 as soon as the necessary property rights have been obtained and a construction contract has been awarded; and

WHEREAS, this project is currently estimated to cost \$187,000 with funding to be provided from the City's Road Operating Fund; and

WHEREAS, this project will be presented to Council for a supplementary budget adjustment in June of 2013 to provide authorization for these expenditures; and

WHEREAS, the City acquires real property in accordance with guidelines set forth in its Urban Renewal Agency's adopted "*Appraisal and Acquisition Policies*"; and

WHEREAS, in comparing the cost amount for the aforementioned construction and the private property interest along with the existing use of the subject property, the alternative presented herein reflects the least amount of private property interest to ensure safe, efficient and adequate public improvements; and

WHEREAS, title to the acquired property interest shall vest directly in the name of the City of Wilsonville in order to provide for necessary care, maintenance and public safety authority.

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

1. There is needed and required for the public purpose of providing needed public improvements the acquisition of real property interest as described on the attached Exhibits A, B and C, incorporated herein by this reference.
2. The property interest is acquired as a result of the aforementioned public improvements, and the 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 including but not limited to, obtaining a negotiated right-of-entry to begin construction while negotiating full acquisition and, in the event agreement cannot be reached, then 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 2013.
6. Title to the acquired right of way shall vest directly in the name of the City of Wilsonville.
7. This resolution is effective upon adoption.

ADOPTED by the City Council of the City of Wilsonville at a special meeting thereof this 21st day of February, 2013, and filed with the Wilsonville City Recorder this date.

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TIM KNAPP, MAYOR

ATTEST:

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Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Starr	Yes
Councilor Goddard	Excused
Councilor Fitzgerald	Yes
Councilor Stevens	Yes

Exhibit A- Legal Description and Map for 3S1W12, TL 590 (Xerox Corporation)

Exhibit B- Legal Description and Map for 3S1W12, TL 410 (Canyon Creek RPO, LLC)

Exhibit C- Legal Description and Map for 3S1W12, TL 300 (Canyon Creek RPO, LLC)

# EXHIBIT A

**ENGINEERING      PLANNING  
                                 FORESTRY**

13910 S.W. Galbreath Dr., Suite 100  
Sherwood, Oregon 97140  
Phone: (503) 925-8799  
Fax: (503) 925-8969  
Job No. 3372



**LANDSCAPE ARCHITECTURE  
                                 SURVEYING**

AKS Group of Companies:  
SHERWOOD, OREGON  
SALEM, OREGON  
VANCOUVER, WASHINGTON  
[www.aks-eng.com](http://www.aks-eng.com)

## LEGAL DESCRIPTION

*Power Easement*

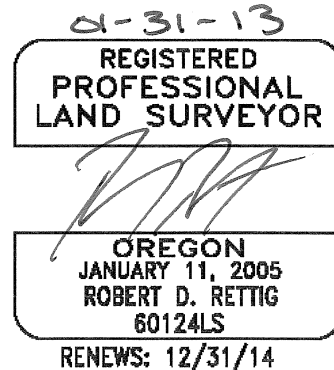
*Canyon Creek Road North E-Shields Design Project  
Tax Map 3S 1W 12, Tax Lot 590*

Real property being a tract of land located in the Northwest One-Quarter of Section 12, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon and being more particularly described as follows:

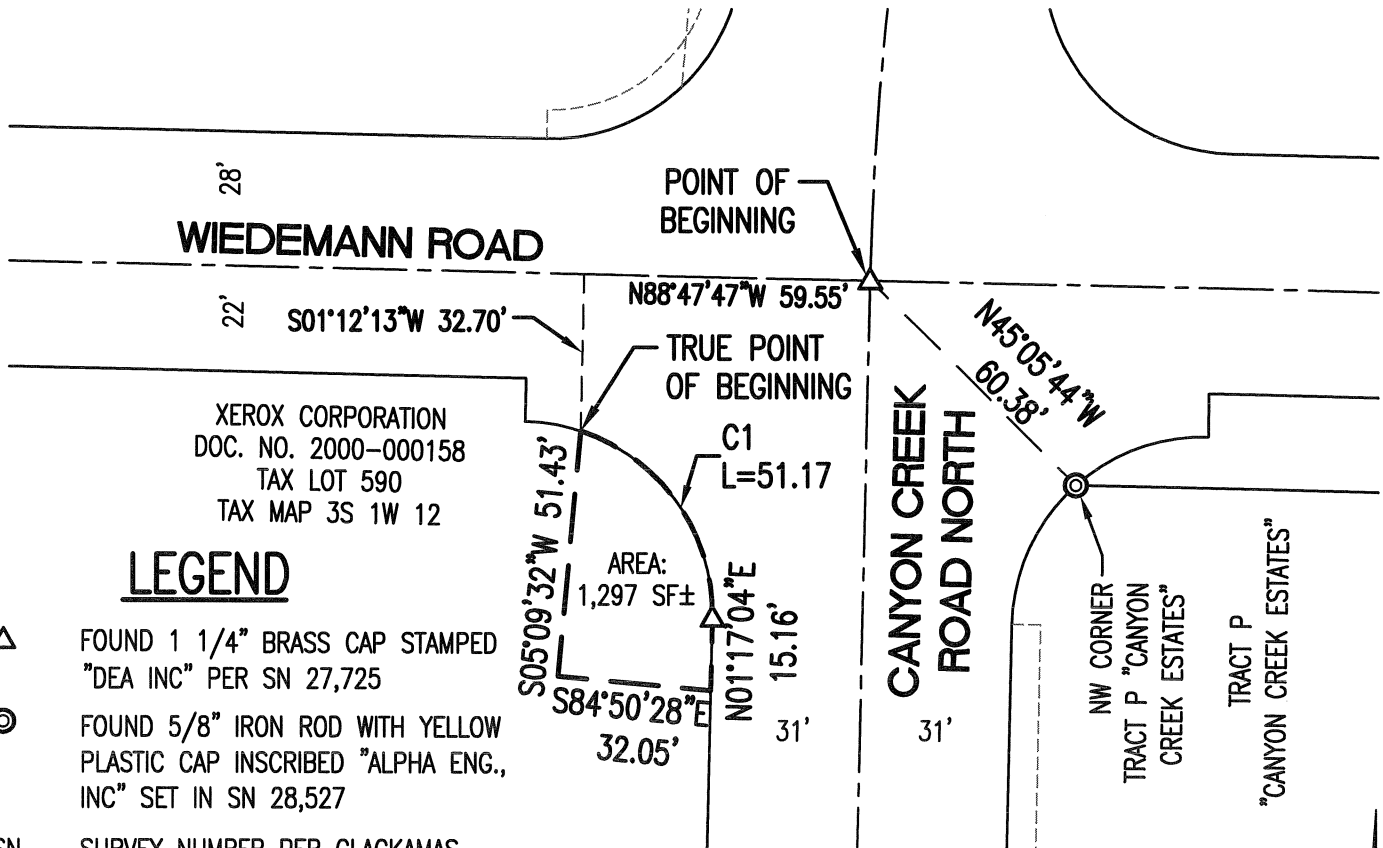
Beginning at a 1-1/4" brass cap stamped "DEA INC" at the centerline intersection of Canyon Creek Road North and Wiedemann Road which bears North 45°05'44" West 60.38 feet from a 5/8" iron rod with yellow plastic cap inscribed "ALPHA ENG., INC" at the Northwest corner of Tract P in "Canyon Creek Estates"; thence along the centerline of said Wiedemann Road, North 88°47'47" West 59.55 feet to a point; thence South 01°12'13" West 32.70 feet to a point on the southerly right-of-way line of said road, being the **True Point of Beginning**; thence South 05°09'32" West 51.43 feet to a point; thence South 84°50'28" East 32.05 feet to a point on the westerly right-of-way line of Canyon Creek Road North (being 31.00 feet from centerline); thence along said westerly right-of-way line, North 01°17'04" East 15.16 feet to a point of curvature; thence along said right-of-way line along a curve to the left with a Radius of 40.00 feet, a Delta of 73°18'06", a Length of 51.17 feet, and a Chord of North 35°21'56" West 47.75 feet to the **True Point of Beginning**.

The above described tract of land contains 1,297 square feet, more or less.

Propoerty Vested in:  
*Xerox Corporation  
Tax Map 3S 1W 12, Tax Lot 590*



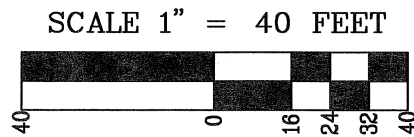
**EXHIBIT B**  
**LEGAL MAP**  
**POWER EASEMENT**  
**CANYON CREEK ROAD NORTH E-SHIELDS DESIGN PROJECT**  
**TAX MAP 3S 1W 12, TAX LOT 590**



**LEGEND**

- △ FOUND 1 1/4" BRASS CAP STAMPED "DEA INC" PER SN 27,725
- ⊙ FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "ALPHA ENG., INC" SET IN SN 28,527
- SN SURVEY NUMBER PER CLACKAMAS COUNTY DEED RECORDS
- DOC. NO. DOCUMENT NUMBER PER CLACKAMAS COUNTY DEED RECORDS
- PP NO. PARTITION PLAT NUMBER PER CLACKAMAS COUNTY SURVEY RECORDS
- SF SQUARE FEET

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	40.00'	73°18'06"	51.17'	N35°21'56"W 47.75'



01-31-13

**REGISTERED PROFESSIONAL LAND SURVEYOR**

*Robert D. Rettig*

**OREGON**  
 JANUARY 11, 2005  
 ROBERT D. RETTIG  
 60124LS  
 RENEWS: 12/31/14

JOB NAME:	E-SHIELD
JOB NUMBER:	3372
DRAWN BY:	KAL
CHECKED BY:	RDR
DWG NO.:	3372 LEGALS

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OFFICES LOCATED IN SALEM, OR & VANCOUVER, WA

# EXHIBIT A

## ENGINEERING PLANNING FORESTRY

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## LANDSCAPE ARCHITECTURE SURVEYING

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### LEGAL DESCRIPTION

#### *Power Easement*

*Canyon Creek Road North E-Shields Design Project  
Tax Map 3S 1W 12, Tax Lot 410*

Real property being a tract of land located in the Northwest One-Quarter of Section 12, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon and being more particularly described as follows.

Beginning at a 1-1/4" brass cap stamped "DEA INC" at the centerline intersection of Canyon Creek Road North and Wiedemann Road which bears North 45°05'44" West 60.38 feet from a 5/8" iron rod with yellow plastic cap inscribed "ALPHA ENG., INC" at the Northwest corner of Tract P in "Canyon Creek Estates"; thence along the centerline of said Wiedemann Road, North 88°47'47" West 55.21 feet to a point; thence North 01°12'13" East 30.08 feet to a point on the northerly right-of-way line of said road, being the **True Point of Beginning**; thence North 05°09'32" East 159.48 feet to a point; thence South 84°50'28" East 37.70 feet to a point on the westerly right-of-way line of Canyon Creek Road North (being 31.00 feet from centerline); thence along said westerly right-of-way line along a curve to the left, being non-tangent to the last described course, with a Radial bearing South 73°57'11" East, a Radius of 731.00 feet, a Delta of 9°43'54", a Length of 124.16 feet, and a Chord of South 11°10'52" West 124.01 feet to a point of reverse curvature; thence continuing along said westerly right-of-way line along a curve to the right with a Radius of 40.00 feet, a Delta of 66°20'43", a Length of 46.32 feet, and a Chord of South 39°29'13" West 43.77 feet to the **True Point of Beginning**.

The above described tract of land contains 5,206 square feet, more or less.

Propoerty Vested in:

*Canyon Creek Rpo LLC*

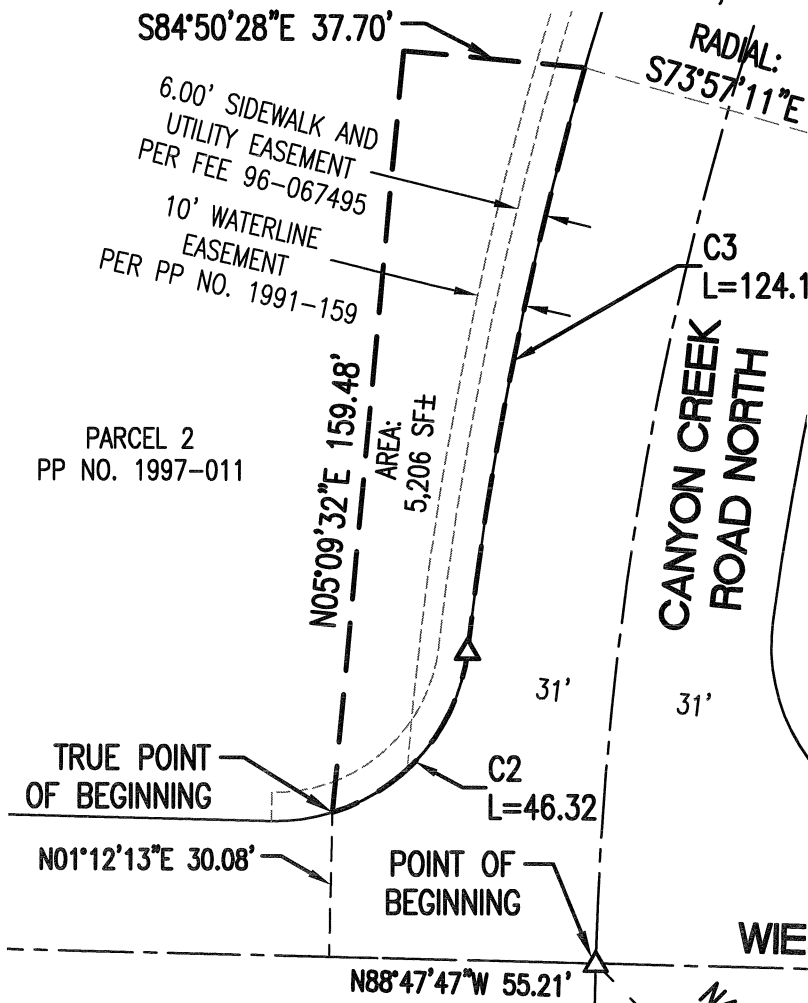
*Tax Map 3S 1W 12, Tax Lot 410*



# EXHIBIT B LEGAL MAP POWER EASEMENT

## CANYON CREEK ROAD NORTH E-SHIELDS DESIGN PROJECT

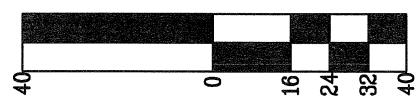
### TAX MAP 3S 1W 12, TAX LOT 410



## LEGEND

- △ FOUND 1 1/4" BRASS CAP STAMPED "DEA INC" PER SN 27,725
- ⊙ FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "ALPHA ENG., INC" SET IN SN 28,527
- SN SURVEY NUMBER PER CLACKAMAS COUNTY DEED RECORDS
- DOC. NO. DOCUMENT NUMBER PER CLACKAMAS COUNTY DEED RECORDS
- PP NO. PARTITION PLAT NUMBER PER CLACKAMAS COUNTY SURVEY RECORDS
- SF SQUARE FEET

SCALE 1" = 40 FEET



CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C2	40.00'	66°20'43"	46.32'	S39°29'13"W 43.77'
C3	731.00'	9°43'54"	124.16'	S11°10'52"W 124.01'

01-31-13

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

OREGON  
JANUARY 11, 2005  
ROBERT D. RETTIG  
60124LS  
RENEWS: 12/31/14

JOB NAME:	E-SHIELD
JOB NUMBER:	3372
DRAWN BY:	KAL
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## LEGAL DESCRIPTION

*Power Easement*

*Canyon Creek Road North E-Shields Design Project  
Tax Map 3S 1W 12, Tax Lot 300*

Real property being a tract of land located in the Southeast One-Quarter of Section 12, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon and being more particularly described as follows.

Beginning at a 1-1/4" brass cap stamped "DEA INC" at the centerline intersection of Canyon Creek Road North and Wiedemann Road which bears North 45°05'44" West 60.38 feet from a 5/8" iron rod with yellow plastic cap inscribed "ALPHA ENG., INC" at the Northwest corner of Tract P in "Canyon Creek Estates"; thence along the centerline of said Wiedemann Road, South 88°47'47" East 70.48 feet to a point; thence North 01°12'13" East 28.23 feet to a point on the northerly right-of-way line of Wiedemann Road, being the **True Point of Beginning**; thence North 05°43'48" East 158.73 feet to a point; thence North 84°16'12" West 24.80 to a point along the easterly right-of-way line of Canyon Creek Road North (being 31.00 feet from centerline); thence along said easterly right-of-way line along a curve to the left being non-tangent to the last described course, with a Radial bearing of South 72°22'36" East, a Radius of 669.00 feet, a Delta of 10°09'00", a Length of 118.51 feet, and a Chord of South 12°32'54" West 118.36 feet to a point of compound curvature; thence along a curve to the left with a Radius of 40.00 feet, Delta of 90°07'46", Length of 62.92 feet, and a Chord of South 37°35'20" East 56.63 feet to the **True Point of Beginning**.

The above described tract of land contains 4,268 square feet, more or less.

Propoerty Vested in:  
*Canyon Creek Rpo LLC  
Tax Map 3S 1W 12, Tax Lot 300*



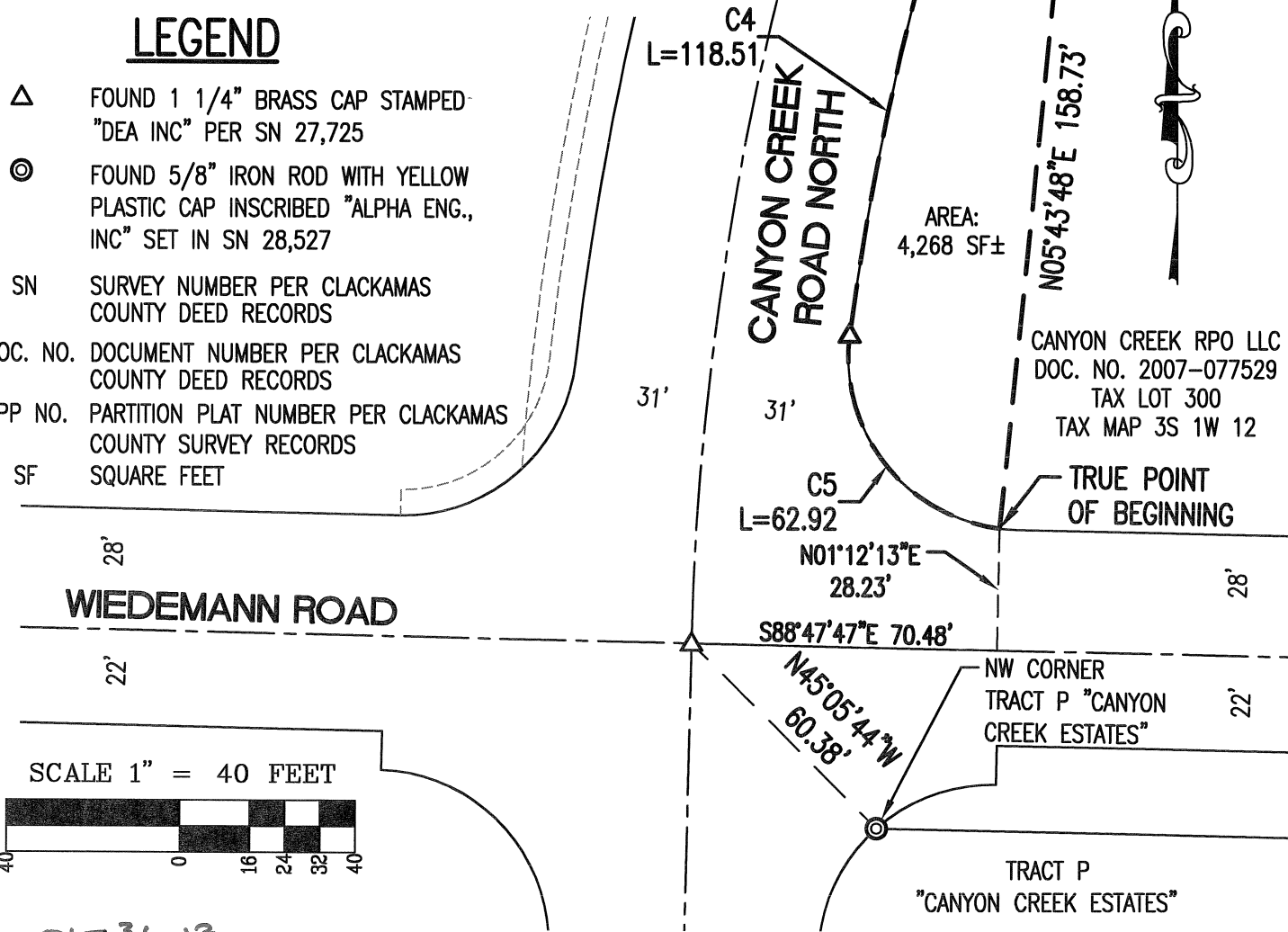


# EXHIBIT B LEGAL MAP POWER EASEMENT CANYON CREEK ROAD NORTH E-SHIELDS DESIGN PROJECT TAX MAP 3S 1W 12, TAX LOT 300

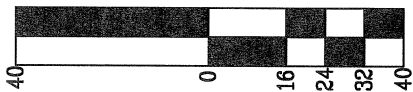
CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C4	669.00'	10°09'00"	118.51'	S12°32'54"W 118.36'
C5	40.00'	90°07'46"	62.92'	S37°35'20"E 56.63'

## LEGEND

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