

**RESOLUTION NO. 2448**

**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING ACQUISITION OF PROPERTY AND PROPERTY INTERESTS RELATED TO THE INSTALLATION OF STREETLIGHTS ON BURNS WAY (STREETLIGHT INFILL PROJECT 4696).**

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

WHEREAS, Burns Way was constructed without streetlights; and

WHEREAS, the City's fiscal year 2013-14 budget includes Streetlight Infill Project 4696; and

WHEREAS, in order to install the needed streetlights the City needs to acquire two separate 50 square-foot areas of property from tax lots 31S12 402 and 3S1W1 1510, both owned by Sysco/Continental Food Services of Portland, Inc.; and

WHEREAS, the property interests to be acquired for the Project are legally described in Exhibits A and B, attached hereto and incorporated herein by reference; and

WHEREAS, the acquisition of the properties described in Exhibits A and B are necessary and will benefit the general public and will be used for public purposes; 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 the ODOT Right of Way Manual; and

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

WHEREAS, construction of the project will begin in the spring or summer of 2014 after needed property interests have been acquired; and

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

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

1. The City Council finds that there is a public necessity for the construction of the aforementioned streetlights, that the property described in Exhibits A and B is necessary for the construction of said public improvements, and that the proposed street improvements are planned and located in a manner which will be most compatible with the greatest public good and the least private injury.

2. City staff and the City Attorney are authorized and directed to negotiate with the owners of the real property herein described as to the compensation be paid for the acquisition of the property, and in the event agreement cannot be reached, to return to the City Council to seek final authorization to commence and prosecute to final determination such proceedings as may be necessary, including condemnation of the property, to acquire the real property and interest therein, and that upon the filing of such proceeding may seek immediate possession of the real property described in Exhibits A and B in order to complete construction of the Project in a timely and efficient manner.

3. Title to the acquired right of way shall vest directly in the name of the City of Wilsonville.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 6<sup>th</sup> day of January, 2014, 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 Starr  
Councilor Goddard  
Councilor Fitzgerald  
Councilor Stevens

**Exhibits**

Exhibit A – Sysco acquisition no. 1  
Exhibit B – Sysco acquisition no. 2

# EXHIBIT A

**ENGINEERING PLANNING  
FORESTRY**

13910 S.W. Galbreath Dr., Suite 100  
Sherwood, Oregon 97140  
Phone: (503) 925-8799  
Fax: (503) 925-8969



**LANDSCAPE ARCHITECTURE  
SURVEYING**

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

AKS Job #3847

## LEGAL DESCRIPTION

*Public Right-of-Way Dedication  
Burns Way Street Lighting  
Tax Map 3S 1 1, Tax Lot 1510*

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

Beginning at the northwest corner of Parcel 1 of Partition Plat 1991-159, also being the southerly right-of-way line of SW Burns Way (30.00 feet from centerline); thence along said right-of-way line along a curve to the right with a Radius of 630.00 feet, a Delta of 28°48'32", a Length of 316.77 feet, and a Chord of North 73°18'22" West 313.44 feet to a point; thence North 58°54'06" West 7.76 feet to the **True Point of Beginning**; thence South 31°05'54" West 5.00 feet to a point; thence North 58°54'06" West 10.00 feet to a point; thence North 31°05'54" East 5.00 feet to a point on said right-of-way line; thence along said right-of-way line South 58°54'06" East 10.00 feet to the **True Point of Beginning**.

The above described tract of land contains 50 square feet, more or less.

Property Vested In:

*Sysco/Continental Food Services of Portland, Inc.  
Tax Map 3S 1 1, Tax Lot 1510*

12/06/2013



RENEWS: 6/30/14

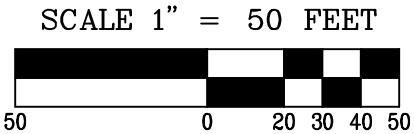
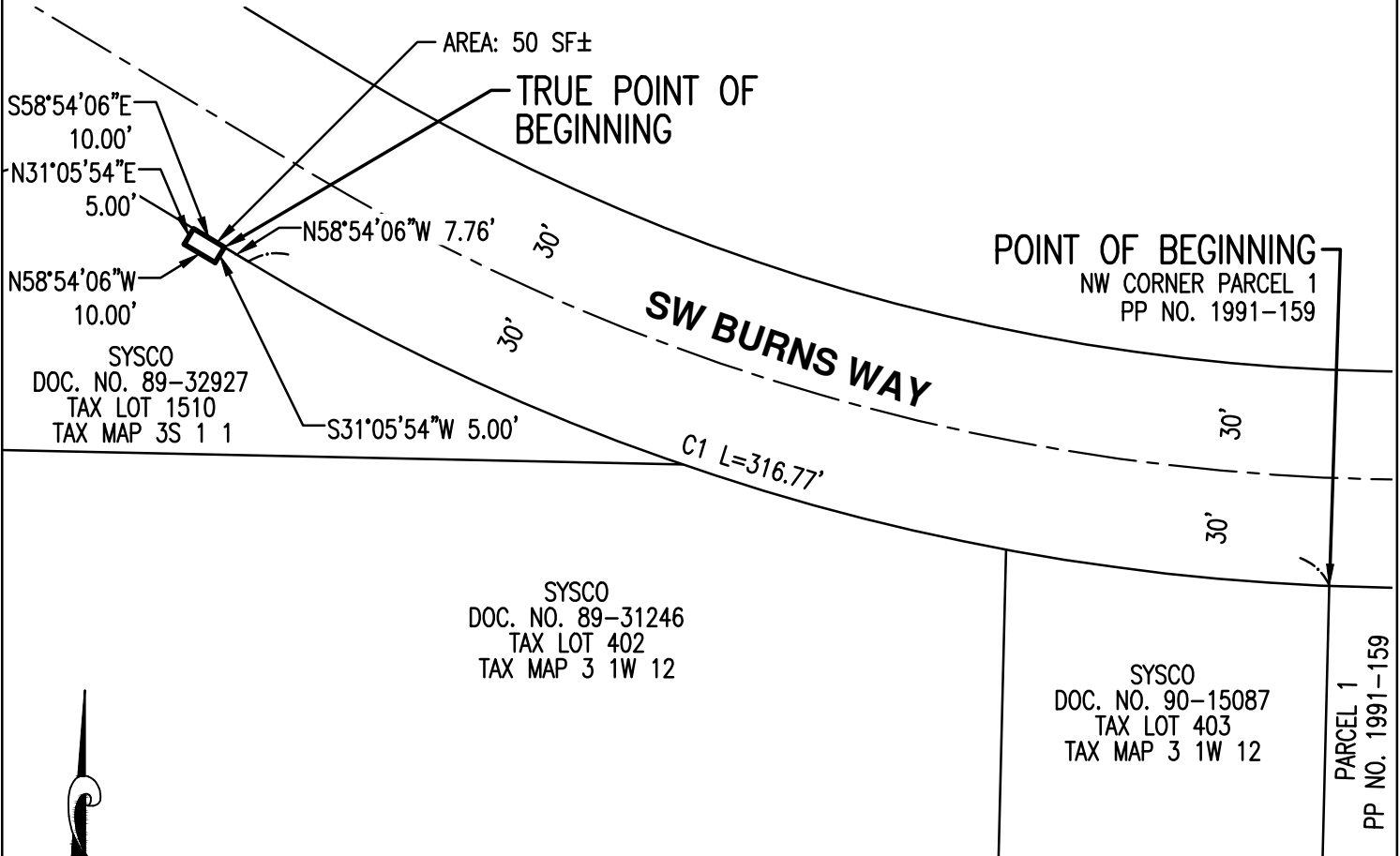
# EXHIBIT B

## LEGAL MAP

### PUBLIC RIGHT-OF-WAY DEDICATION

#### BURNS WAY STREET LIGHTING

#### TAX MAP 3S 1 1, TAX LOT 1510



CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	630.00'	28°48'32"	316.77'	N73°18'22"W 313.44'

12/06/2013

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Nick White*

OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6/30/14

JOB NAME: BURNS WAY

JOB NUMBER: 3847

DRAWN BY: MSK/WCB

CHECKED BY: NSW/RDR

DWG NO.: 3847EXHIBITS

AKS ENGINEERING AND FORESTRY, LLC  
13910 SW GALBREATH DR  
SUITE 100  
SHERWOOD, OR 97140  
PHONE: 503.925.8799  
FAX: 503.925.8969



**ENGINEERING · PLANNING · SURVEYING  
FORESTRY · LANDSCAPE ARCHITECTURE**

**EXHIBIT A**

**ENGINEERING PLANNING  
FORESTRY**

13910 S.W. Galbreath Dr., Suite 100  
Sherwood, Oregon 97140  
Phone: (503) 925-8799  
Fax: (503) 925-8969



**LANDSCAPE ARCHITECTURE  
SURVEYING**

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

AKS Job #3847

**LEGAL DESCRIPTION**

*Public Right-of-Way Dedication  
Burns Way Street Lighting  
Tax Map 3 1W 12, Tax Lot 402*

Real property being a tract of land situated 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 the northwest corner of Parcel 1 of Partition Plat 1991-159, also being the southerly right-of-way line of SW Burns Way (30.00 feet from centerline); thence along said right-of-way line along a curve to the right with a Radius of 630.00 feet, a Delta of 08°28'10", a Length of 93.13 feet, and a Chord of North 83°28'33" West 93.04 feet to the **True Point of Beginning**; thence South 11°12'49" West 5.02 feet to a point; thence North 78°47'11" West 10.00 feet to a point; thence North 11°12'49" East 5.02 feet to a point on said right-of-way line; thence along said right-of-way line along a non-tangent curve to the left with a Radius of 630.00 feet, a Delta of 00°54'34", a Length of 10.00 feet, and a Chord of South 78°47'11" East 10.00 feet to the **True Point of Beginning**.

The above described tract of land contains 50 square feet, more or less.

Property Vested In:

*Sysco/Continental Food Services of Portland, Inc.  
Tax Map 3 1W 12, Tax Lot 402*

12/06/2013



RENEWS: 6/30/14

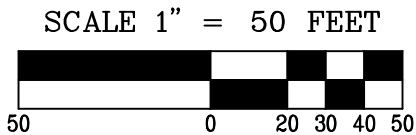
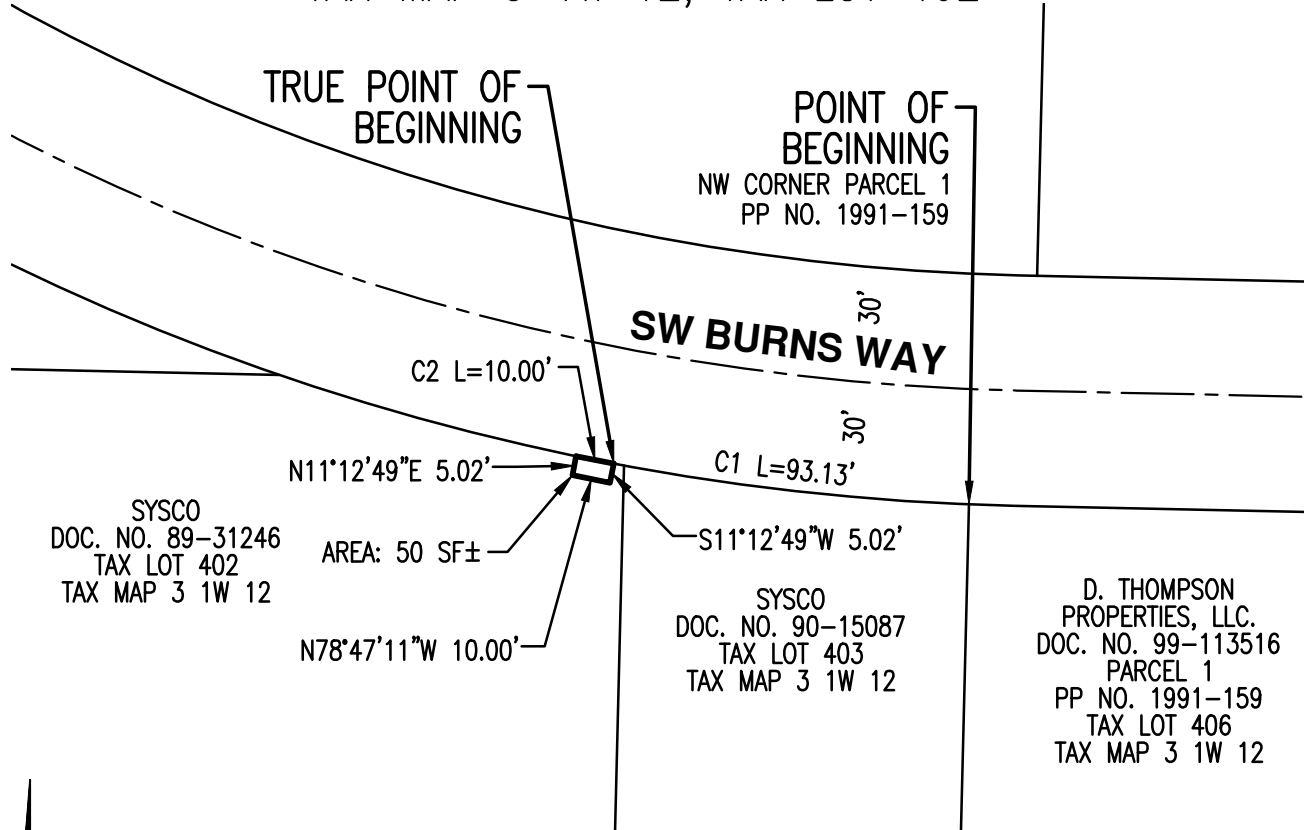
# EXHIBIT B

## LEGAL MAP

### PUBLIC RIGHT-OF-WAY DEDICATION

#### BURNS WAY STREET LIGHTING

#### TAX MAP 3 1W 12, TAX LOT 402



CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	630.00'	08°28'10"	93.13'	N83°28'33"W 93.04'
C2	630.00'	00°54'34"	10.00'	S78°47'11"E 10.00'

12/06/2013

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

OREGON  
JANUARY 9, 2007  
NICK WHITE  
70652LS

RENEWS: 6/30/14

JOB NAME: BURNS WAY JOB NUMBER: 3847 DRAWN BY: MSK/WCB CHECKED BY: NSW/RDR DWG NO.: 3847EXHIBITS	AKS ENGINEERING AND FORESTRY, LLC 13910 SW GALBREATH DR SUITE 100 SHERWOOD, OR 97140 PHONE: 503.925.8799 FAX: 503.925.8969	
<b>ENGINEERING · PLANNING · SURVEYING</b> <b>FORESTRY · LANDSCAPE ARCHITECTURE</b>		



Project Area

Scale 1:4,000  
1 in = 333 ft