

RESOLUTION NO. 520

A RESOLUTION DECLARING CITY OF WILSONVILLE'S INTENTION AND DETERMINATION OF NECESSITY TO ENTER UPON AND APPROPRIATE LAND AND PROPERTY IN CONNECTION WITH LID #5 TOWN CENTER LOOP ROAD EAST PROJECT FOR THE CONSTRUCTION OF RELATED SANITARY SEWER, STORM DRAINAGE, WATER, ELECTRICAL AND TELECOMMUNICATIONS SYSTEMS.

WHEREAS, under and by virtue of the laws of the State of Oregon, the City of Wilsonville is duly authorized and empowered to establish, locate, construct, lay out, widen, maintain, and repair roads, streets, and highways and to establish, construct, lay out, extend, replace, operate, maintain and repair sanitary sewer, storm drain sewer, water, and provide for electric and telecommunication utility systems as in the judgment of City Council are necessary and proper for the City, and

WHEREAS, under and by virtue of the laws of the State of Oregon, the City of Wilsonville is duly authorized and may acquire, purchase, enter upon and appropriate land for and in connection with establishing, locating, constructing, laying out, widening, maintaining, and repairing roads, streets, and highways in the City of Wilsonville and may acquire, purchase, enter upon and appropriate land and property for or in connection with establishing, constructing, laying out, extending, replacing, operating, maintaining and repairing

sanitary sewer, storm drain sewer, water, electric and telecommunication utility systems as in the judgment of City Council are necessary and proper to exercise its powers; and

WHEREAS, for the health, safety, benefit and general welfare of the public, the City of Wilsonville has established Local Improvement District No. 5 to plan, locate, lay out, construct, operate, maintain and repair a portion of Town Center Loop Road East, and in conjunction with that public improvement, the City plans to locate, lay out, construct, extend, operate, maintain and repair various sanitary and storm drainage sewers and water systems, and provide for electric and telecommunication utility systems; and

WHEREAS, the Council has previously directed the staff to seek right-of-way acquisition on properties adjacent to the area encompassing LID #5 for the purpose of constructing utility installations abutting Wilsonville Road and Town Center Loop East need for the LID, and the staff and City Attorney have reviewed proposals from the affected property owners which requested the construction of streets in the affected areas without cost to the landowners; and

WHEREAS, the City Council has determined that the construction of these improvements in return for the dedication of the land were not in fact in the best interests of the City; and

WHEREAS, it is the recommendation of the Public Works Director and City Attorney that further negotiation for the acquisition of the properties described in Exhibits "A" through "D" attached would best be addressed following a declaration of public necessity for the acquisition of said property;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY OF WILSONVILLE AS FOLLOWS:

1. The City of Wilsonville does hereby find and declare that it is needed and required for the location, construction, operation, maintenance, repair and improvement of Town Center Loop East as provided for in Local Improvement District No. 5 that the City acquire, locate, construct, operate, maintain, repair and improve utility systems, including sanitary and storm drainage sewers, water lines, and provide for electric and telecommunication systems on properties located adjacent thereto, more particularly set forth and described in Exhibits "A" through "D" attached hereto and by reference incorporated herein.

2. The location, construction, laying out, extension, replacement, operation and repair of the sanitary sewer, storm drainage sewer, water, electric and telecommunication systems for which the land, property and interests therein described in Exhibits "A" through "D" attached hereto and by reference

incorporated herein, is required and is being taken, if necessary, in the public interest, to-wit: To facilitate the location, laying out, widening, construction, maintaining and repairing of Town Center Loop Road East by permitting the construction of related utility systems under the auspices of Local Improvement District No. 5, a project necessary to permit the public's full use and enjoyment of the City's streets and utility systems in a manner that will be most compatible with the greatest public benefit and the least private injury or damage.

3. The City of Wilsonville and its attorneys be, and they are hereby authorized, to attempt to agree with the owners and other persons with interests in the land or the property interests herein described in Exhibits "A" through "D", attached hereto and by reference incorporated herein as to the compensation to be paid for the appropriation of the property and, in the event that no satisfactory agreement can be reached, then the attorneys for the City of Wilsonville be, and the same are hereby, directed and authorized to commence and prosecute to a final determination of such proceedings as may be necessary to acquire the land or property interests therein and that, upon the filing of such proceeding, possession of the land and property interests therein may be taken immediately.

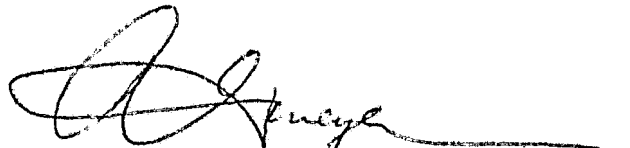
4. Upon the trial of any suit or action instituted to

RESOLUTION NO. 520

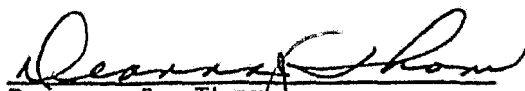
acquire the land and property or any interests therein, the attorneys acting for and on behalf of the City of Wilsonville be and hereby are authorized to make such stipulation, agreement or admission as in their judgment may be for the best interest for the City of Wilsonville.

5. In order to protect the health, safety and welfare of the public, an emergency exists, and it is necessary that no undue delay be encountered in obtaining access to and possession of the land and/or property interests therein described in Exhibits "A" through "D", in order to establish and construct the aforesaid sewer and utility improvements related to the Construction of Town Center Loop East under the auspices of Local Improvement District No. 5, this resolution shall be in force and effect from and after its passage by the City Council.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 7th day of October, 1985, and filed with the Wilsonville City Recorder this same day.


A.G. Meyer, Mayor

ATTEST:


Deanna J. Thom
City Recorder

RESOLUTION NO. 520

Page 5 of 5

CB-R-178-85

EXHIBIT A

Tax Lot 603
Map 3-1W-13
Owner: Oregon K.F.H.P., Oregon Corporation
Deed Reference: Fee No. 81-44359

Exhibit "A"
Page 1 of 2

Right of Way Acquisition Description

A tract of land in the West one-half (1/2) of the Southwest one-quarter (1/4 of Section 13, Township 3 South, Range 1 West, Willamette Meridian, more particularly described as being that portion of Tract II of land conveyed to Oregon K.F.H.P., an Oregon Corporation in Fee No. 81-44359, Clackamas County deed records that is the East 36 feet measured at right angles and parallel to the east line of said Fee No. 81-44359, said east line also being shown as dedicated on the Plat of "Courtside Estates" and by City of Wilsonville Resolution No. 109, dated December 4, 1978.

6/1/85
84.428.194

428Desc.J4

COURTSIDE ESTATES

Block ②
Plat Book Vol 78, Page 18
Plat No. 2416

Courtside Drive

Block ①

Town Center Loop East

N 0°02'53"E 810.87 meas. (Plat No. 14 810.85)

36 foot wide R/W Dedication

Tax Lot 603
Map 3-1W-13
Owner: Oregon K.F.H.P., Oregon Corp.
Deed Ref.: Fee No. 81-44359

Plot Data:
Rad. 323.20
Δ = 51°02'34"
Arc = 287.93

City H

42' wide R/W
Dedicated by
City of W.
Dec. 4, 1978

T.L. 603
Map 3-1W-13

T.L. 604
Map 3-1W-13

Scale: 1" = 100'
Date: 6/4/85

Exhibit "A"
Page 2 of 2

84.420.192

L.I.D. NO. 5
Right of Way Acquisition Map
for the
City of Wilsonville, Oregon

DeHAAS & ASS
CONSULTING ENGINEERS
8450 S.W. Commerce Circle
Wilsonville, Oregon 97070

EXHIBIT B

Tax Lots 600 and 601

Map 3-1W-13

Deed Reference: Fee No. 79-3790 and 79-3789

Exhibit "A"

Page 1

Owners:	John R. Grossman	(1/4 interest)
	E. Jean Young	(1/8 interest)
	David S. Young	(1/24 interest)
	Sherilynn Young	(1/24 interest)
	Marlene A. Young Rifal	(1/24 interest)
	Harold J. Laswell	(1/4 interest)
	Jack L. Lozo	(1/4 interest)

Right of Way Acquisition Description

A tract of land in the Southwest one-quarter (1/4) of the Southwest one-quarter (1/4) of Section 13, Township 3 South, Range 1 West, Willamette Meridian, more particularly described as being that portion of those tracts of land described in Fee No. 79-3789 and Fee No. 79-3790 of the Clackamas County Deed Records, that fall within the following described tract:

Beginning at an aluminum disc in concrete at the Southwest corner of Section 13, T.3 S., R.1 W., W.M.; thence N 0°03'01" E 44.003 along the West line of said Section 13 to a point; thence along a line 44 feet northerly at right angles and parallel to the South line of said Section 13, N 89°22'11" E, 958.763 feet to a point of curvature; thence northeasterly along the arc of a 30 foot radius curve to the left, thru a central angle of 89°19'18", 46.769 feet to a point of tangency (long chord bears N 44°42'32" E, 42.175 feet); thence N 0°02'53" E parallel to and 36 feet westerly at right angles from the westerly right of way of Town Center Loop East as shown on the plat of "Courtside Estates" and dedicated by Resolution No. 109 by the City of Wilsonville, dated December 4, 1978, 42.175 feet to a point of curvature; thence continuing along said parallel line, northeasterly along the arc of a 359.20 foot radius curve to the right, thru a central angle of 51°02'34", 319.999 feet to a point (long chord bears N 25°34'10" E, 309.521 feet) being on the southerly line of that tract of land described in Parcel II Fee No. 81-44359 of the Clackamas County Deed Records; thence S 38°54'33" E along the South line of said tract described in Parcel II Fee No. 81-44359, 36.00 feet to a point, being the point of reverse curvature on the West line of Town Center Loop East as shown on the said Plat of "Courtside Estates"; thence continuing along the westerly side of said Town Center Loop East southwesterly along the arc of a 323.20 foot radius curve to the left, thru a central angle of 51°02'34", 287.927 feet (long chord bears S 25°34'10" W, 278.50 feet) to a point of tangency; thence continuing S 0°02'53" W, 140.03 feet along the said previously dedicated westerly line of Town Center Loop East to the southerly line of said Section 13 also being the center line of Wilsonville Road (Market Road No. 12), thence along the said South line of Section 13, S 89°22'11" W 1024.414 feet to the Point of Beginning.

6/4/85

84.428.194

428Dsc#2.J4

N 0°03'01"E BASIS OF BEARINGS
Clackamas County Survey LP-064

Scale: 1" = 100'
Date: 6/4/85



T.L. 601
Map 3-1W-13

T.L. 600
Map 3-1W-13

36 foot wide R/W

Dedication

Tax Lots 600 & 601
Map 3-1W-13
Deed Ref.: 79-3789 & 79-3790
Owners:

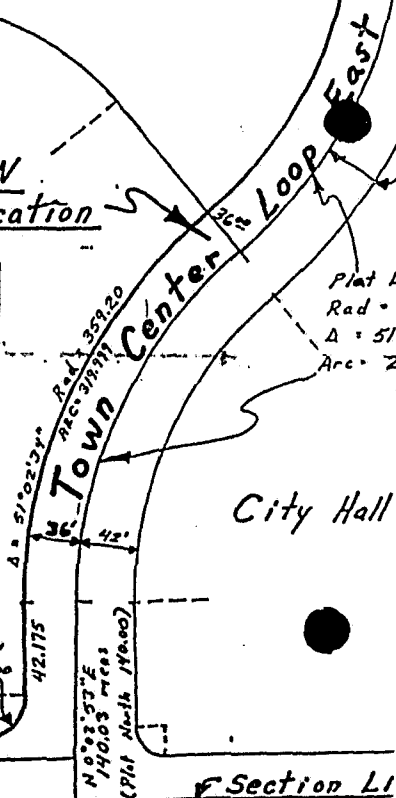
John R. Grossman	(1/4 Int.)
E. Jean Young	(1/8 Int.)
David S. Young	(1/24 Int.)
Sherilynn Young	(1/24 Int.)
Marlene A. Young Rifai	(1/24 Int.)
Harold J. Laswell	(1/4 Int.)
Jack L. Lozo	(1/4 Int.)

14 foot wide R/W
Dedication

958.763

$\Delta = 89^{\circ}19'10"$
Rad = 30.000
Arc = 46.769

N 0°03'01"E
140.03 feet
(Plat 140-00)



Section Corner
14 13
23 24

N 89°22'11"E
1924.416

Wilsonville Road Mkt. Rd. No. 12

Exhibit "A"
Page 2 of 2

L.I.D. NO. 5
Right of Way Acquisition Map
for the
City of Wilsonville, Oregon

DeHAAS & ASS
CONSULTING ENGINEERS
3450 S.W. Commerce Circle
Wilsonville, Oregon 97070

Exhibit A

Page 1 of 2

Tax Lot 500
Map 3-1W-13

Owners: Harold J. Laswell
Jack L. Lozo

Deed Reference: Fee No. 77-47213

Sanitary Sewer Permanent Easement Description:

Across and under a tract of land in the West 1/4 of the Southwest 1/4 of Section 13, T. 3 S., R. 1 W., W.M. more particularly described as follows:

Being over a twenty (20) foot wide strip of land being the westerly 20 feet of that tract of land conveyed to Harold J. Laswell and Jack L. Lozo as described in Fee No. 77-47213 of the Clackamas County Deed Records.

Sanitary Sewer Temporary Easement Description:

Across and under a tract of land in the West 1/4 of the Southwest 1/4 of Section 13, T. 3 S., R. 1 W., W.M. more particularly described as follows:

Being over a thirty foot wide strip of land being the easterly 30 feet of the westerly 50 feet of that tract of land conveyed to Harold J. Laswell and Jack L. Lozo as described in Fee No. 77-47213 of the Clackamas County Deed Records.

6/11/85
84.428.194

T.L. 500

Map 3-1W-13

Tax Lot 500
 Map 3-1W-13
 Deed Ref: Fee No. 77-47213

Owners:
 Harold J. Laswell
 Jack L. Logo

Sanitary Sewer Interceptor
 20' Permanent Sanitary Sewer Easement

30' Temporary Sanitary Sewer Easement

14' Additional Right of Way Dedication

--- N 0° 03' 01" E 1451.91 ---
 (Basis of Bearing = Clackamas County LP-064)

Section Line

14
 13
 14
 13
 Section Corner Rim Co. to Cont.
 445.50' m/c
 24 Mkt. No. 12
 Section Line 7
 Wilsonville Road 23

Scale: 1"=100'
 Date: 6/4/85

84.428.174

Town Center Loop West

Exhibit "A"
 Page 2 of 2

L.I.D. NO. 5
 Right of Way Acquisition Map
 and Easement Map for the
 City of Wilsonville, Oregon

DeHAAS & ASSOCIATES, INC.
 CONSULTING ENGINEERS & SURVEYORS
 8450 S.W. Commerce Circle
 Wilsonville, Oregon 97070
 (503)
 Res

Exhibit A

Page 1 of 2

Tax Lot 500

Map 3-1W-13

Owners: Harold J. Laswell
Jack L. Lozo

DEED REFERENCE: Fee No. 77-47213

Right-of-Way Acquisition Description:

A tract of land in the Southwest one quarter (1/4) of the Southwest one quarter (1/4) of Section 13, Township 3 South, Range 1 West, Willamette Meridian, more particularly described as being that portion of the tract of land conveyed to Harold J. Laswell and Jack L. Lozo described in Fee No. 77-47213 that lies South of a line 44 feet North at right angles and parallel to the South line of said Section 13.

6/10/85
84.428.194

428desc.j10

T.L. 500
Map 3-1W-13

Tax Lot 500
Map 3-1W-13
Deed Ref: Fee No. 77-47213
OWNERS:
Harold J. Laswell
Jack L. LOBO

Sanitary Sewer Interceptor

20' Permanent Sanitary Sewer Easement

30' Temporary Sanitary Sewer Construction Easement

14' Additional Right of Way Dedication

--- N 0° 03' 01" E 1451.91 ---
(Basis of Bearing = Clackamas County LP-069)

Section Line

Wilsonville Road 23
Wilsonville Road 24
24 MAT Rd No. 12

445.53' r/c
Section Sewer Alon Co. In Cont.

Scale: 1" = 100'
Date: 6/4/85

84.428.194

Town Center Loop West

Exhibit "A"
Page 2 of 2
L.I.D. NO. 5
Right of Way Acquisition Map
and Easement Map for the
City of Wilsonville, Oregon

DeHAAS & ASSOCIATES, INC.
CONSULTING ENGINEERS & SURVEYORS
6450 S.W. Commerce Circle
Wilsonville, Oregon 97078
(503) 682-2457
Fax: 636-6186