

RESOLUTION NO. 3082

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING ACQUISITION OF PROPERTY AND PROPERTY INTERESTS RELATED TO CONSTRUCTION OF THE WILLAMETTE WATER SUPPLY PROGRAM RIGHT-OF-WAY ENHANCEMENT PROJECTS.

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

WHEREAS, the Willamette Water Supply PLM_1.3 Pipeline Project (the "Project"), to be constructed by the Willamette Water Supply Program (the "Program"), will construct sections of 66-inch diameter raw water pipeline through areas of City rights-of-way, including Kinsman Road from south of Wilsonville Road to Barber Street, Boeckman Road from Kinsman Road to 95th Avenue, 95th Avenue from Boeckman Road to Ridder Road, and Ridder Road from 95th Avenue to east of Garden Acres Road; and improve impacted and other agreed upon City infrastructure including curb ramps, sidewalk, vehicular and pedestrian signals and crossings, underground utilities, and roadway surfaces (the "Enhancement Projects"); and

WHEREAS, the Project is identified in the FY 2023/24 Capital Improvement Project Budget as Project No. 1127; and

WHEREAS, construction began in October 2022; and

WHEREAS, in order to construct the Project, the amount of property the City needs to acquire is approximately 2,150 square feet of right-of-way, 1,209 square feet of permanent easements, and 2,026 square feet of temporary easements; and

WHEREAS, the property interests to be acquired for the Project include, but may not be limited, to those legally described in **Exhibit A** and illustrated in **Exhibit B**, both attached hereto and incorporated herein; and

WHEREAS, although the attached legal descriptions and estimated areas of taking are considered to be reasonably accurate at this time, modifications may need to occur depending on final design details and site conditions, to be approved and verified by the City Engineer; and

WHEREAS, the acquisition of the properties generally described in **Exhibit A**, is 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 by law;
and

WHEREAS, the City is authorized to acquire property by any legal means, including eminent domain, and shall conform to all statutory requirements to ensure that property owners' rights are fully respected; and

WHEREAS, ORS Chapter 35 empowers cities and agencies to acquire by condemnation real property whenever in the judgment of the City there is a public necessity for the proposed use of the property, the property is necessary for such proposed use and the proposed use planned is located in a manner which will be most compatible with the greatest public good and the least private injury; and

WHEREAS, the acquisitions presented herein are estimated to reflect the least amount of property interest to be acquired to ensure safe, efficient and adequate public improvements; and

WHEREAS, title to the acquired property interest shall be acquired using Willamette Water Supply Program funds but title to the acquired land will vest 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:

Section 1. The Wilsonville City Council finds that:

- a. There is a public necessity for the construction of the Enhancement Projects; and
- b. The legal descriptions for the land set forth in **Exhibit A** are necessary for the construction of the Enhancement Projects but may be modified as set forth in Section 3 below, as design is refined; and
- c. The proposed Enhancement Projects are planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 2. The City, Program staff, and Project consultants are authorized and directed to:

- a. Negotiate with the owners of the real property herein described as to the compensation to be paid for the acquisition of the property; and
- b. In the event agreement cannot be reached, to commence and prosecute to final determination such proceeding as may be necessary, including condemnation of the property, to acquire real property and interest therein, and that upon the filing of such proceeding may seek immediate possession of any of the real properties described in **Exhibit A** in order to meet the right-of-way certification deadline necessary to complete the construction of the Enhancement Projects in a timely and efficient manner.

Section 3. The descriptions provided in **Exhibit A** are to the best of the City's knowledge at this time, prior to completion of final design and commencement of construction. Modifications to the legal descriptions may be required for a variety of reasons including, but not limited to, design revisions or construction conditions later discovered. Therefore, in the event that legal descriptions must be reasonably modified, for any reason, as the Project moves forward, the City Engineer is hereby authorized, without further approval from Council, to modify the attached legal descriptions, as necessary, to conform to final engineering design for the Enhancement Projects and/or field conditions.

Section 4. Effective Date. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 2nd day of October, 2023, and filed with the Wilsonville City Recorder this date.

DocuSigned by:
Julie Fitzgerald
8A974AF3ADE042E...

JULIE FITZGERALD, MAYOR

ATTEST:

DocuSigned by:
Kimberly Veliz
E781DE10276B498...

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Linville	Yes
Councilor Berry	Yes
Councilor Dunwell	Excused

EXHIBITS:

- A. Willamette Water Supply Program Right-of-Way Enhancement Projects Property Acquisition Legal Descriptions
- B. Willamette Water Supply Program Right-of-Way Enhancement Projects Property Acquisition Map

Resolution 3082 - Exhibit A
Willamette Water Supply Program Right-of-Way Enhancement
Projects Property Acquisition Legal Descriptions

Exhibit A

City of Wilsonville
August 14, 2023

MCLELLAN ESTATE CO.
Portion of 31W11C 00603

Parcel 1
Right of Way

A tract of land being a portion of Lot 3 of Wilsonville Business Center Phase 3, Clackamas County Plat Records, said tract being a portion of that property conveyed to “McLellan Estate Co.” and described in Document Number 2015-079713, Clackamas County Deed Records; said parcel being described as follows:

Commencing at a 2½” Brass Cap in a monument box marked “City of Wilsonville 2008 PLS 53760” at the centerline-centerline intersection of Boeckman Road and 95th Avenue; thence along the centerline of said 95th Avenue, North 01°34’01” East a distance of 87.63 feet; thence leaving said centerline, North 88°25’59” West a distance of 31.00 feet to the West right of way line of said 95th Avenue as shown on said plat and the **Point of Beginning**; thence along said right of way line and along the north right of way line of said Boeckman Road the following four (4) courses: South 01°34’01” West a distance of 17.18 feet; South 10°40’23” West a distance of 12.45 feet; South 53°25’01” West a distance of 31.54 feet, and North 88°38’55” West a distance of 29.12 feet; thence leaving said Boeckman Road right of way line North 01°21’05” East a distance of 11.77 feet; thence North 74°13’40” East a distance of 47.70 feet; thence North 25°49’56” East a distance of 25.32 feet to the **Point of Beginning**.

Bearings and distances are based on grid, Oregon State Plane Coordinate System of 1983, North Zone.

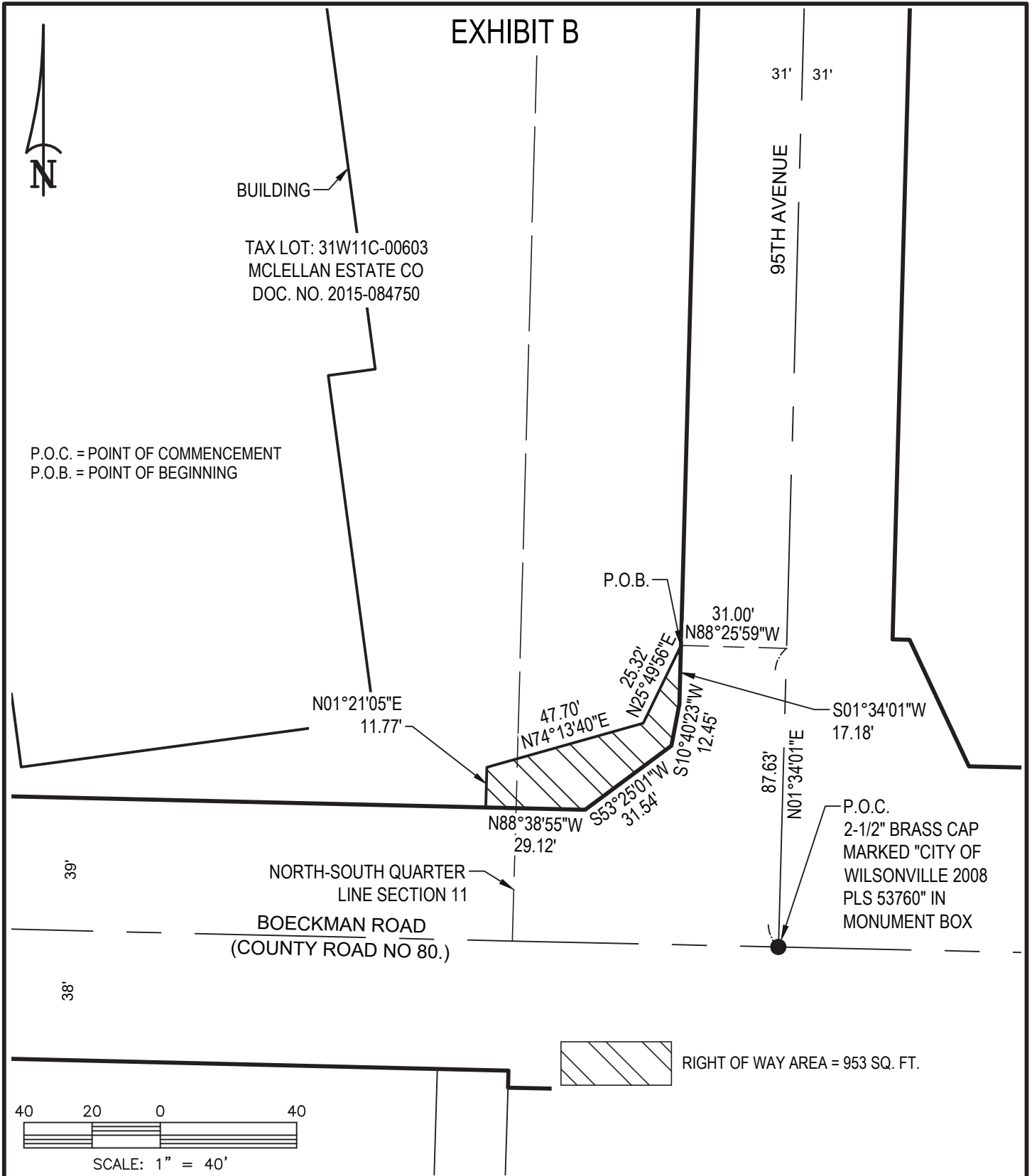
This tract of land contains 953 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Digitally Signed
2023.09.13 09:30:35-07'00'

OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

RENEWS 6/30/2024



WILSONVILLE OREGON
CITY OF WILSONVILLE - PUBLIC WORKS
30000 SW Town Center Loop E
Wilsonville, Oregon 97070
Phone: (503) 682-4092

ACQUISITION MAP
PAGE 1 OF 1
SW1/4 S11 T3S R1W - TAX LOT 603

DATE 08/08/2023	DRAWN BY AJ	CHECKED BY JMY
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Otak
808 SW 3rd Ave., Ste. 800
Portland, Oregon 97204
Phone: (503) 287-6825
www.otak.com
project: 18341

Exhibit A

City of Wilsonville
September 13, 2023

MCLELLAN ESTATE CO.
Portion of 31W11C 00603

Parcel 1 Temporary Construction Easement

A tract of land being a portion of Lot 3 of Wilsonville Business Center Phase 3, Clackamas County Plat Records, said tract being a portion of that property conveyed to “McLellan Estate Co.” and described in Document Number 2015-079713, Clackamas County Deed Records; said parcel being described as follows:

Commencing at a 2½” Brass Cap in a monument box marked “City of Wilsonville 2008 PLS 53760” at the centerline-centerline intersection of Boeckman Road and 95th Avenue; thence along the centerline of said 95th Avenue, North 01°34’01” East a distance of 93.73 feet; thence leaving said centerline, North 88°25’59” West a distance of 31.00 feet to the West right of way line of said 95th Avenue as shown on said plat and the **Point of Beginning**; thence leaving said West right of way line, South 67°38’19” West a distance of 84.74 feet; thence South 01°08’22” East a distance of 20.90 feet to the North right of way line of Boeckman Road; thence along said North right of way line South 88°38’55” East a distance of 20.58 feet; thence leaving said North right of way line North 01°21’05” East a distance of 11.77 feet; thence North 74°13’40” East a distance of 47.70 feet; thence North 25°49’56” East a distance of 25.32 feet to a point on said West right of way line; thence along said West right of way line North 01°34’01” East a distance of 6.10 feet to the **Point of Beginning**.

Bearings and distances are based on grid, Oregon State Plane Coordinate System of 1983, North Zone.

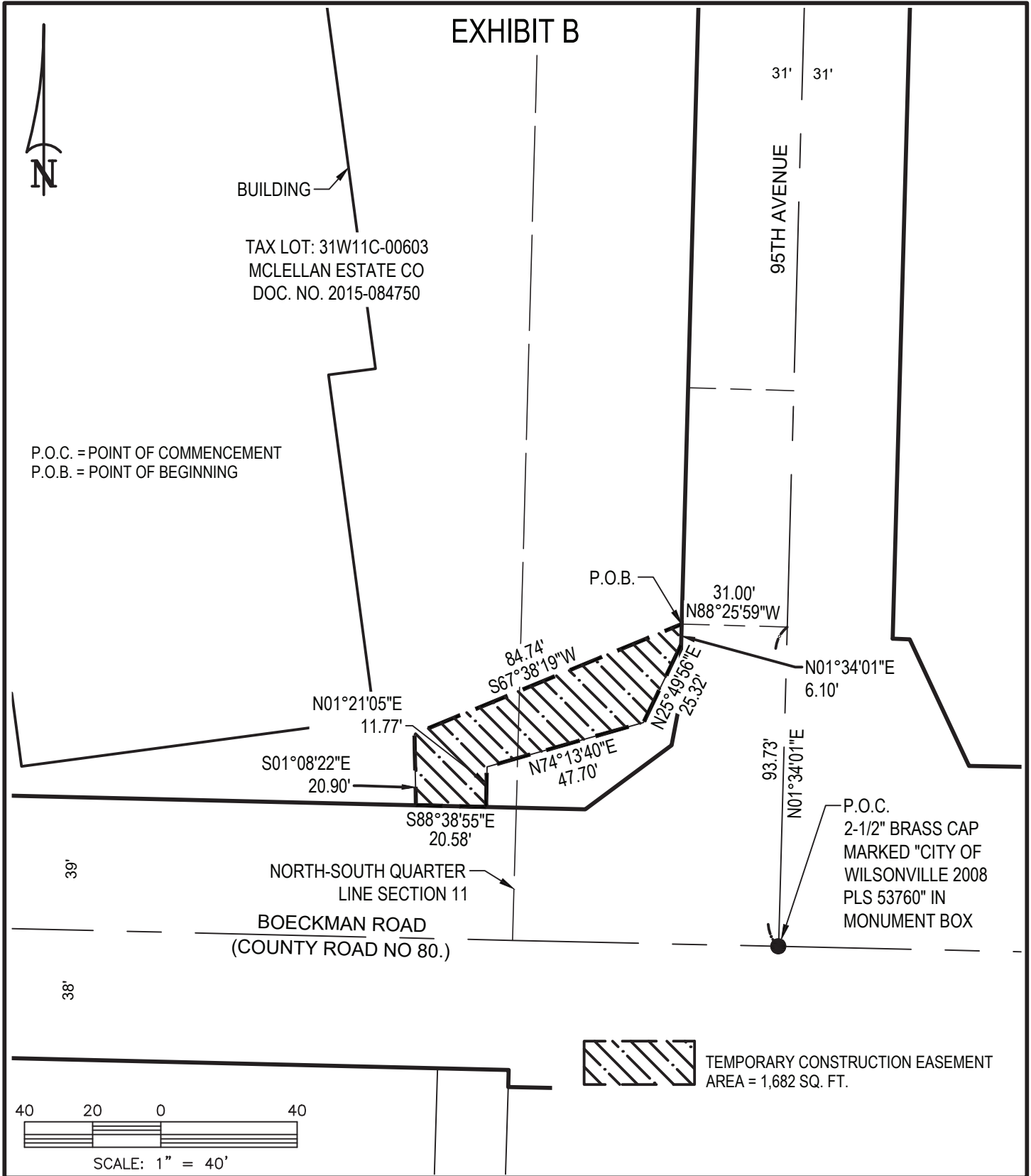
This tract of land contains 1,682 square feet, more or less.

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LAND SURVEYOR

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OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

RENEWS 6/30/2024



WILSONVILLE
OREGON

CITY OF WILSONVILLE - PUBLIC WORKS
 30000 SW Town Center Loop E
 Wilsonville, Oregon 97070
 Phone: (503) 682-4092

ACQUISITION MAP
PAGE 1 OF 1
SW1/4 S11 T3S R1W - TAX LOT 603

DATE 09/07/2023	DRAWN BY AJ	CHECKED BY JMY
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Otak

808 SW 3rd Ave., Ste. 800
 Portland, Oregon 97204
 Phone: (503) 287-6825
 www.otak.com
 project: 18341

Exhibit A

City of Wilsonville
August 24, 2023

Portland General Electric Co.
Portion of 31W14A 02200

Parcel 1 Temporary Construction Easement

A tract of land being a portion of Parcel 1 of Partition Plat 1990-83, Clackamas County Plat Records, said tract being a portion of that property conveyed to "Portland General Electric Co." and described in Document Number 1996-039542, Clackamas County Deed Records; said tract being described as follows:

Commencing at a 2½" Brass Cap in a monument box marked "City of Wilsonville 2008 PLS 53760" at the centerline-centerline intersection of Boeckman Road and 95th Avenue; thence along the centerline of said Boeckman Road North 88°43'34" West a distance of 34.71 feet; thence South 01°16'31" West a distance of 50.52 feet to the south right of way line of Boeckman Road and the south line of that right of way dedication recorded as Document No. 2006-022012, Clackamas County Deed Records and the **Point of Beginning**; thence along said south right of way line and along said south dedication line South 88°42'15" East a distance of 68.75 feet; thence South 01°17'45" West a distance of 5.00 feet; thence parallel with and 5.00 feet southerly of said south right of way line North 88°42'15" West a distance of 68.75 feet; thence North 01°17'45" East a distance of 5.00 feet to the **Point of Beginning**.

Bearings and distances are based on grid, Oregon State Plane Coordinate System of 1983, North Zone.

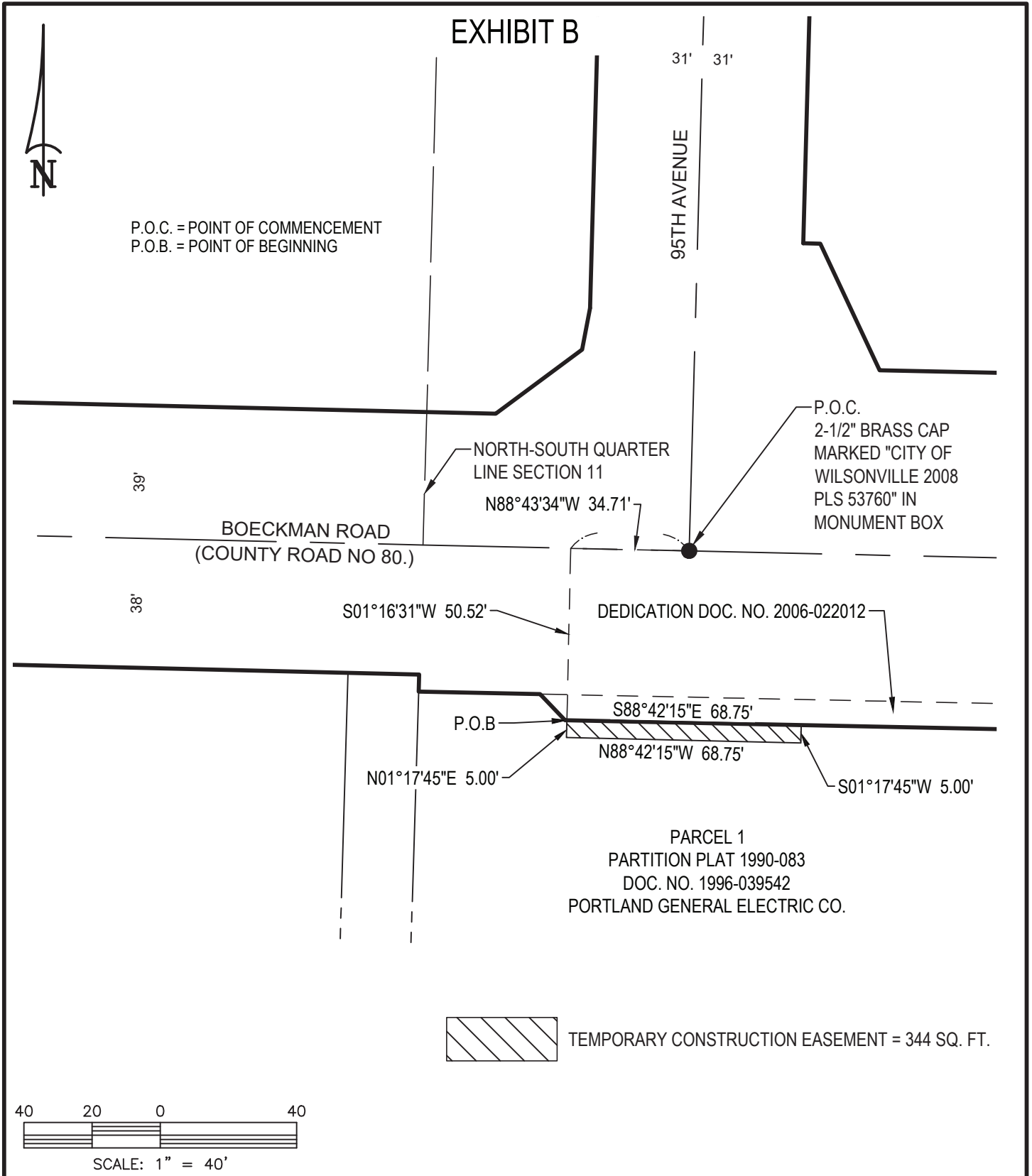
This tract of land contains 344 square feet, more or less.

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LAND SURVEYOR

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OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

RENEWS 6/30/2024



WILSONVILLE OREGON
CITY OF WILSONVILLE - PUBLIC WORKS
30000 SW Town Center Loop E
Wilsonville, Oregon 97070
Phone: (503) 682-4092

ACQUISITION MAP
PAGE 1 OF 1
NE1/4 S14 T3S R1W - TAX LOT 02200

DATE 08/22/2023	DRAWN BY AJ	CHECKED BY JMY
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Otak
808 SW 3rd Ave., Ste. 800
Portland, Oregon 97204
Phone: (503) 287-6825
www.otak.com
project: 18341

Exhibit A

City of Wilsonville
August 14, 2023

SWIRE PACIFIC HOLDINGS INC.
Portion of 31W14C 00103

Parcel 1 Right of Way

That tract of land in the Southwest One-Quarter of Section 14, Township 3 South, Range 1 West, of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, being a portion that property conveyed to “Swire Pacific Holdings Inc. D/B/A Swire Coca-Cola, USA, a Delaware Corporation” and described in Document Number 2017-083456, Clackamas County Deed Records; said tract being described as follows:

Commencing at a 5/8” Iron Rod with Yellow Plastic Cap stamped “PLS 53760”, set in Survey Number 2009-013, Clackamas County Survey Records, said Iron Rod being on the centerline of Kinsman Road; thence along said center line, South 01°24’56” West a distance of 114.43 feet; thence leaving said center line, South 88°35’04” East a distance of 30.00 feet to the East right of way line of Kinsman Road and the **Point of Beginning**; thence leaving said East right of way line, South 55°14’26” East a distance of 19.85 feet; thence South 03°01’09” West a distance of 67.23 feet; thence South 64°12’12” West a distance of 16.53 feet to said East right of way line; thence along said East right of way line North 01°24’56” East a distance of 85.68 feet to the **Point of Beginning**.

Bearings and distances are based on grid, Oregon State Plane Coordinate System of 1983, North Zone.

These tracts of land contain 1,197 square feet more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

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OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

RENEWS 6/30/2024

Exhibit A

City of Wilsonville
August 14, 2023

SWIRE PACIFIC HOLDINGS INC.
Portion of 31W14C 00103

Parcel 2 Public Utility Easement

That tract of land in the Southwest One-Quarter of Section 14, Township 3 South, Range 1 West, of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, being a portion that property conveyed to “Swire Pacific Holdings Inc. D/B/A Swire Coca-Cola, USA, a Delaware Corporation” and described in Document Number 2017-083456, Clackamas County Deed Records; said tract being described as follows:

Commencing at a 5/8” Iron Rod with Yellow Plastic Cap stamped “PLS 53760”, set in Survey Number 2009-013, Clackamas County Survey Records, said Iron Rod being on the centerline of Kinsman Road; thence along said center line, South 01°24’56” West a distance of 114.43 feet; thence leaving said center line, South 88°35’04” East a distance of 30.00 feet to the East right of way line of Kinsman Road and the **Point of Beginning**; thence along said East right of way line North 01°24’56” East a distance of 11.97 feet; thence leaving said East right of way line, South 55°14’26” East a distance of 32.00 feet; thence South 03°01’09” West a distance of 78.72 feet; thence South 64°12’12” West a distance of 27.58 feet to said East right of way line; thence along said East right of way line North 01°24’56” East a distance of 96.92 feet to the **Point of Beginning**.

Except Parcel 1.

Bearings and distances are based on grid, Oregon State Plane Coordinate System of 1983, North Zone.

These tracts of land contain 1,209 square feet more or less.

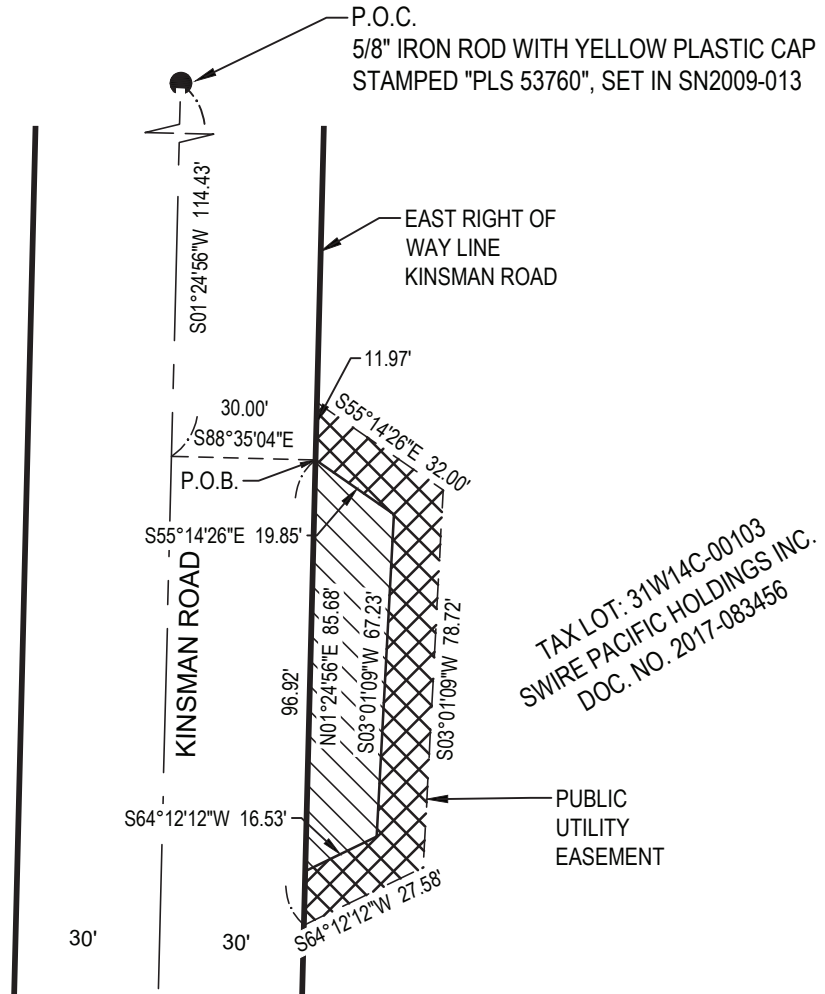
REGISTERED
PROFESSIONAL
LAND SURVEYOR

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OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

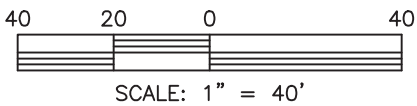
RENEWS 6/30/2024


EXHIBIT B




TAX LOT: 31W14C-00103
SWIRE PACIFIC HOLDINGS INC.
DOC. NO. 2017-083456

P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING



 PUBLIC UTILITY EASEMENT
AREA = 1,209 SQ. FT.

 RIGHT OF WAY AREA = 1,197 SQ. FT.



WILSONVILLE OREGON
CITY OF WILSONVILLE - PUBLIC WORKS
30000 SW Town Center Loop E
Wilsonville, Oregon 97070
Phone: (503) 682-4092

ACQUISITION MAP
PAGE 1 OF 1
SW1/4 S14 T3S R1W - TAX LOT 103

DATE 08/08/2023	DRAWN BY AJ	CHECKED BY JMY
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Otak
808 SW 3rd Ave., Ste. 800
Portland, Oregon 97204
Phone: (503) 287-6825
www.otak.com
project: 18341

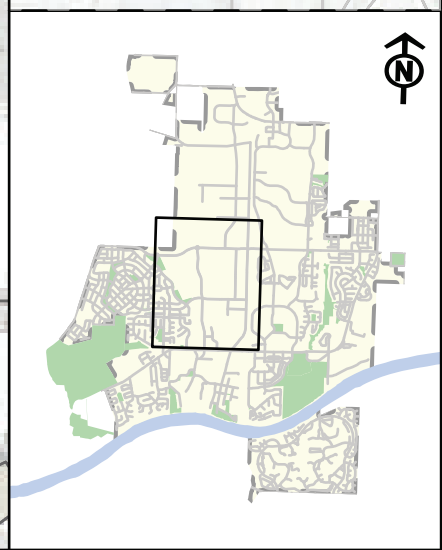
Exhibit B

Files No. 1 and 2 - 31W11C 00603
MCLELLAN ESTATE CO.

Files No. 3 - 31W14A 02200
PORTLAND GENERAL ELECTRIC CO.

Files No. 4 - 31W14C 00103
SWIRE PACIFIC HOLDINGS INC.

Please See Resolution 3082
Exhibit A for Acquisition Details.



WWSP Right-of-Way Enhancement Projects Property Acquisition Map

□ Tax Lots
▨ Impacted Properties

Spatial Ref: NAD 1983 StatePlane Oregon North FIPS 3601 Feet Intl
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