

THE URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE

URA RESOLUTION NO. 187

A RESOLUTION OF THE URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE AUTHORIZING ACQUISITION OF PROPERTY AND PROPERTY INTERESTS RELATED TO THE CONSTRUCTION OF PUBLIC IMPROVEMENTS ON BARBER STREET FROM BOBERG ROAD EAST TO BOONES FERRY ROAD AND AUTHORIZING TITLE TO VEST IN THE CITY OF WILSONVILLE

WHEREAS, under and by virtue of the laws of the State of Oregon and the Wilsonville West Side Urban Renewal Plan ("Plan"), the City of Wilsonville Urban Renewal Agency 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, Plan Section V entitled "*Urban Renewal Projects*" provides for "*A series of major road improvements, including street extensions, widening projects and intersection improvements that will increase accessibility and connectivity to and from the Area and between the east and west sides of the City*"; and

WHEREAS, Phase I of the Barber Street Improvement Project: Kinsman Rd. to Boberg Rd. was completed in 2008 and included reconstructing and widening Barber Street and phase II of this project will reconstruct and widen Barber Street from Boberg Rd. to Boones Ferry Rd. including new sidewalks on the north side of Barber Street; and

WHEREAS, this project is necessary to complete Plan objectives which are authorized by Section V.B.1.a.of the Plan; and

WHEREAS, improvements so listed will be financed through Urban Renewal Bond Proceeds as budgeted in the City of Wilsonville FY 2009/10 Adopted Budget in the amount of \$70,000 and ARRA Stimulus Funds in the amount of \$900,000; and

WHEREAS, this project must be contracted by December 31, 2009 or face forfeiture of the awarded ARRA Stimulus Funds; and

WHEREAS, Urban Renewal Plan Section VIII entitled "*Property Acquisition and Disposition*", authorizes the Urban Renewal Agency to acquire property within the Urban Renewal Area by any legal means, including eminent domain, to achieve the objectives of the

Urban Renewal Plan and shall conform to all statutory requirements to ensure that property owners' rights are fully respected; and

WHEREAS, the Agency's adopted "*Appraisal and Acquisition Policies*" shall guide acquisition and related activities; 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, title of the acquired public right-of-way shall vest directly in the name of the City of Wilsonville to provide for necessary care, maintenance and public safety authority.

NOW, THEREFORE, THE URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. There is needed and required for the public purpose of providing public improvements for the residents of the City of Wilsonville acquisition of real property interest as described on the attached Exhibits A, B, C, and D, 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. The Urban Renewal Agency 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 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 Urban Renewal Agency are authorized to make such stipulation, agreement or admission as in their judgment may be in the best interests of the Urban Renewal Agency.

5. The Urban Renewal Agency anticipates it will acquire the above-described property in the summer of 2009, and cause construction to initially begin as soon as property acquisitions are complete.
6. Title of 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 Wilsonville Urban Renewal Agency at a regular meeting thereof this 6th day of July, 2009, and filed with the Wilsonville City Recorder this date.



TIM KNAPP, Board Chair

ATTEST:



Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Board Chair Knapp	Yes
Member Kirk	Excused
Member Núñez	Excused
Member Ripple	Yes
Member Hurst	Yes

Exhibit A – Cuppoletti – Right of Way

Exhibit B – Cuppoletti – Temporary Construction Easement

Exhibit C – Bean – Right of Way

Exhibit D – WYF Properties – Temporary Construction Easement

EXHIBIT "A"

15057LD1
6-11-09
mjf

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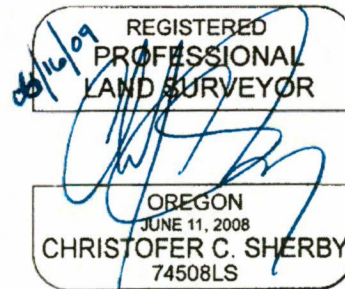
**LEGAL DESCRIPTION
RIGHT OF WAY DEDICATION
BARBER STREET PHASE II IMPROVEMENTS
CITY OF WILSONVILLE**

Real property situated in the City of Wilsonville, Clackamas County, Oregon, being a portion of that tract of land conveyed to Bree Ralph Cuppoletti by Statutory Warranty Deed recorded under Document No. 89-06114, records of said county, lying in the Southwest quarter of the Northeast quarter of Section 14, Township 3 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

Beginning at the Southeast corner of said Document No. 89-06114, said point being on the northerly right of way line of Barber Street (County Road No. 1571) and being 37.5 feet northerly of, when measured at right angles to, the centerline of said Barber Street, said centerline also being the east-west centerline of said Section 14; thence North 01°39'43" East along the East line of said Document No. 89-06114 a distance of 4.50 feet to a point being 42.00 feet northerly of, when measured at right angles to, said centerline; thence North 88°35'12" West, parallel with said centerline, a distance of 100.00 feet to the West line of Document No. 89-06114, also being the Northeast corner of that tract of land conveyed to the City of Wilsonville in Statutory Warranty Deed recorded under Document No. 2007-043948, records of said county; thence South 01°39'43" West along said West line a distance of 4.50 feet to said northerly right of way line; thence South 88°35'12" East along said Northerly right of way line a distance of 100.00 feet to the **Point of Beginning**.

Containing 450 sq. ft., more or less.

Subject to easements and restrictions of record.



EXPIRES 6/30/10

EXHIBIT "B"

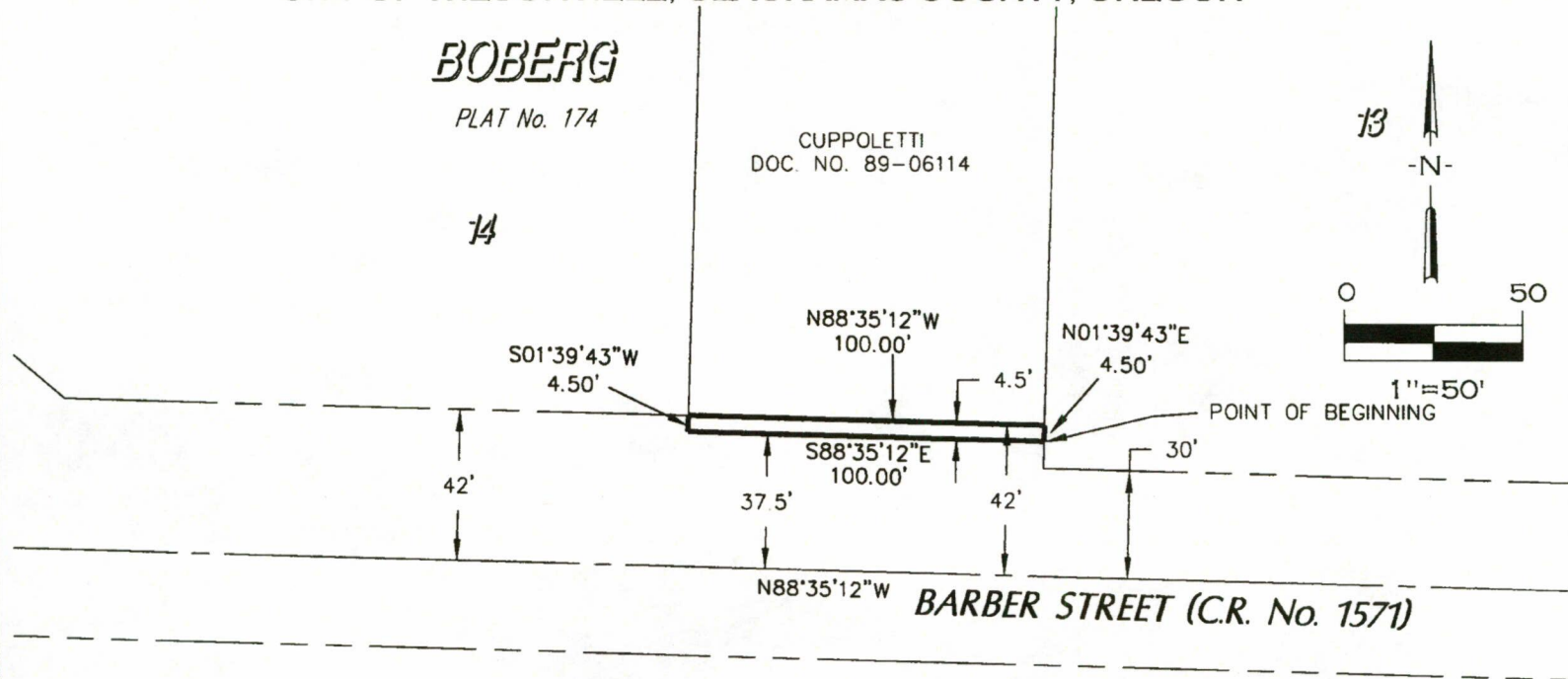
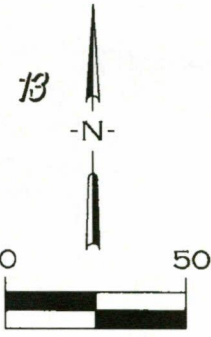
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
RIGHT OF WAY DEDICATION
BARBER STREET PHASE II ROAD IMPROVEMENTS
CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON

BOBERG

PLAT No. 174

14

CUPPOLETTI
DOC. NO. 89-06114



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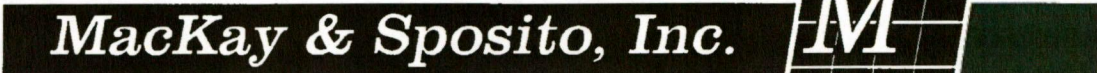
MacKay & Sposito, Inc.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
08/16/09
OREGON
JUNE 11, 2008
CHRISTOPHER C. SHERBY
74508LS

EXHIBIT "A"

15057LD3
6-16-09
mjf

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ENGINEERS SURVEYORS PLANNERS

VANCOUVER KENNEWICK

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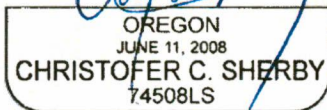
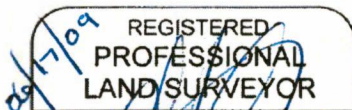
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
BARBER STREET PHASE II IMPROVEMENTS
CITY OF WILSONVILLE

An easement over real property situated in the City of Wilsonville, Clackamas County, Oregon, being a portion of that tract of land conveyed to Bree Ralph Cuppoletti by Statutory Warranty Deed recorded under Document No. 89-06114, records of said county, lying in the Southwest quarter of the Northeast quarter of Section 14, Township 3 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

Commencing at the Southeast corner of said Document No. 89-06114, said point being on the northerly right of way line of Barber Street (County Road No. 1571) and being 37.5 feet northerly of, when measured at right angles to, the centerline of said Barber Street, said centerline also being the east-west centerline of said Section 14; thence North 01°39'43" East along the East line of said Document No. 89-06114 a distance of 4.50 feet to a point being 42.00 feet northerly of, when measured at right angles to, said centerline; thence North 88°35'12" West, parallel with said centerline, a distance of 6.24 feet to the **Point of Beginning**; thence continuing North 88°35'12" West, parallel with said centerline, a distance of 34.50 feet; thence North 01°24'20" East a distance of 19.99 feet; thence South 88°35'40" East a distance of 34.50 feet; thence South 01°24'20" West a distance of 20.00 feet to the **Point of Beginning**.

Containing 690 sq. ft., more or less.

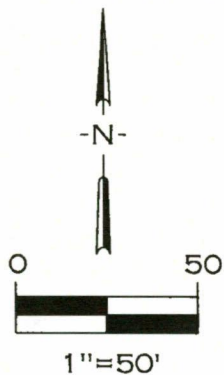
Subject to easements and restrictions of record.



EXPIRES 6/30/10

EXHIBIT "B"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
 TEMPORARY CONSTRUCTION EASEMENT
 BARBER STREET PHASE II ROAD IMPROVEMENTS
 CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON



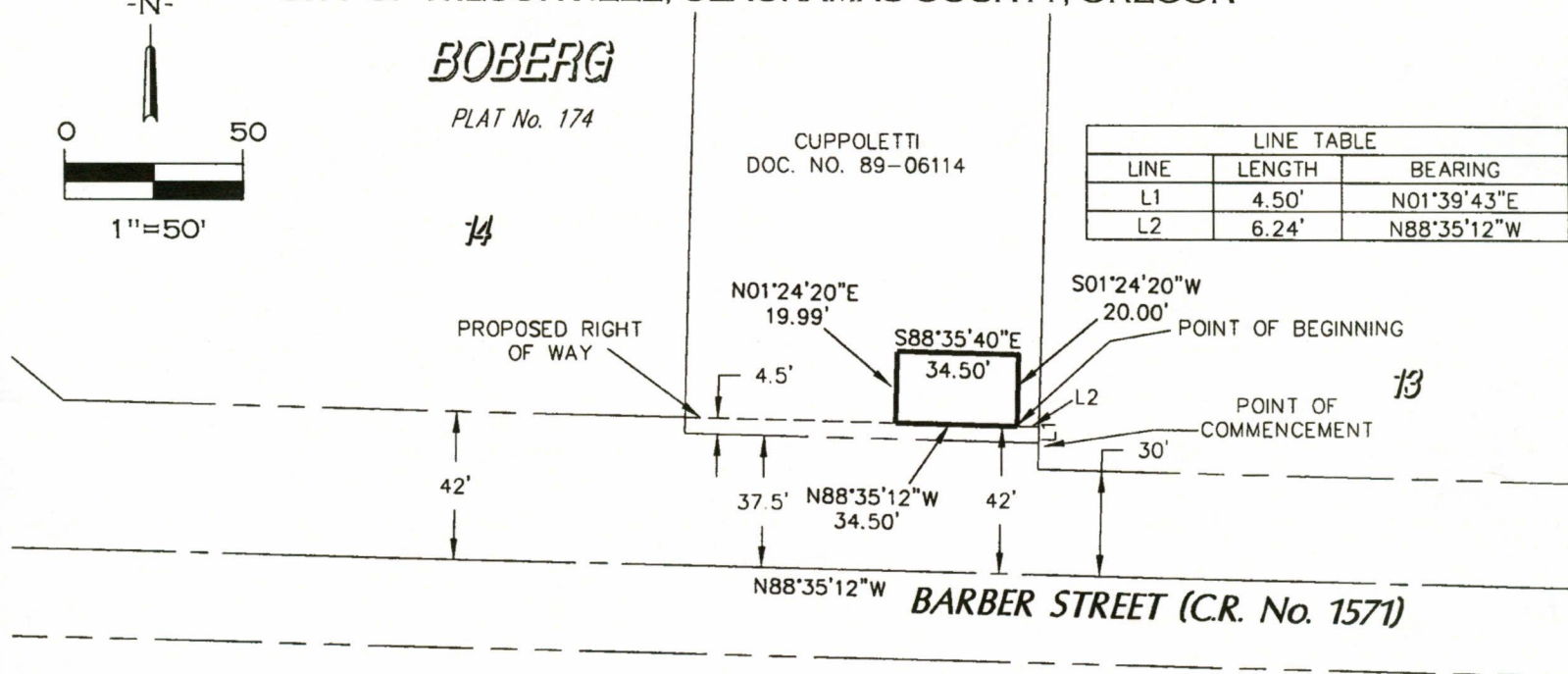
BOBERG

PLAT No. 174

14

CUPPOLETTI
 DOC. NO. 89-06114

LINE TABLE		
LINE	LENGTH	BEARING
L1	4.50'	N01°39'43"E
L2	6.24'	N88°35'12"W



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JUNE 11, 2008
 CHRISTOPHER C. SHERBY
 74508LS



1325 SE TECH CENTER DRIVE, SUITE 140
 VANCOUVER, WA 98683
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EXHIBIT "A"

15057LD2
6-16-09
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**LEGAL DESCRIPTION
RIGHT OF WAY DEDICATION
BARBER STREET PHASE II IMPROVEMENTS
CITY OF WILSONVILLE**

Real property situated in the City of Wilsonville, Clackamas County, Oregon, being a portion of that tract of land conveyed to James A. Flynn by Statutory Warranty Deed recorded under Document No. 79-22856 and Statutory Warranty Deed recorded under Document No. 85-13831, and conveyed to Douglas L. Bean by Statutory Warranty Deed recorded under Document No. 86-51906 and Statutory Warranty Deed recorded under 86-51907, records of said county, lying in the Southwest quarter of the Northeast quarter of Section 14, Township 3 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

Beginning at the Southwest corner of Lot 13 per the Plat of Boberg, Plat No. 174, records of said county, said point being on the northerly right of way line of Barber Street (County Road No. 1571) and being 30.00 feet northerly of, when measured at right angles to, the centerline of said Barber Street, said centerline also being the east-west centerline of said Section 14; thence North 01°39'43" East along the West line of said Lot 13 a distance of 12.00 feet to a point being 42.00 feet northerly of, when measured at right angles to, said centerline; thence South 88°35'12" East, parallel with said centerline, a distance of 183.14 feet; thence North 46°24'48" East a distance of 42.97 feet; thence North 06°50'19" East a distance of 89.67 feet; thence South 88°25'03" East a distance of 9.19 feet to the westerly right of way line of SW Boones Ferry Road (Frontage Road); thence South 01°34'57" West along said westerly right of way line a distance of 131.62 feet to said northerly right of way line; thence North 88°35'12" West along said northerly right of way line a distance of 230.86 feet to the **Point of Beginning**.

Containing 0.11 acres or 4,946 sq. ft., more or less.

Subject to easements and restrictions of record.

06/16/09
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 LAND SURVEYOR

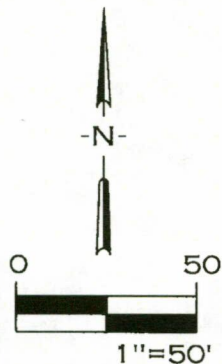
OREGON
 JUNE 11, 2008
 CHRISTOPHER C. SHERBY
 74508LS

EXPIRES 6/30/10

EXHIBIT "B"

Exhibit C Page 2 of 2

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
RIGHT OF WAY DEDICATION
BARBER STREET PHASE II ROAD IMPROVEMENTS
CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON



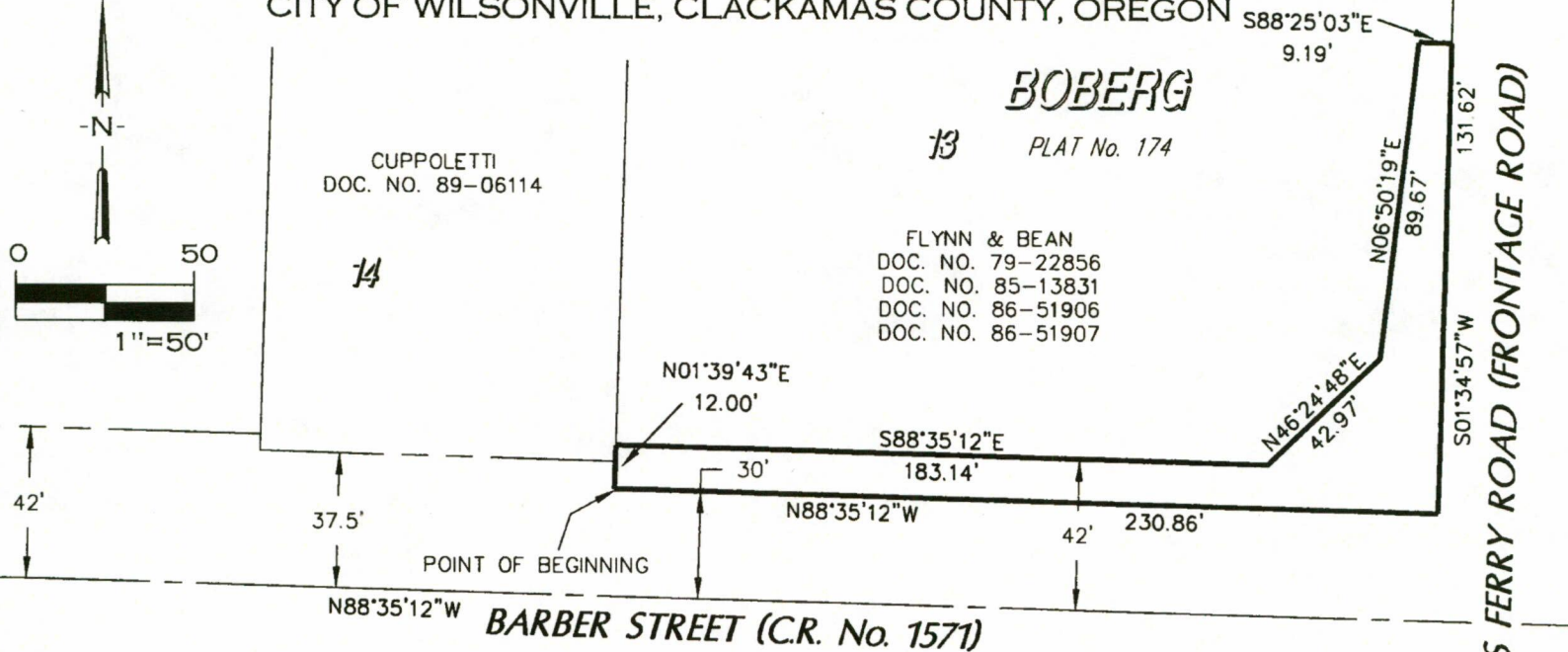
CUPPOLETTI
DOC. NO. 89-06114

14

BOBERG

13 PLAT No. 174

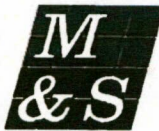
FLYNN & BEAN
DOC. NO. 79-22856
DOC. NO. 85-13831
DOC. NO. 86-51906
DOC. NO. 86-51907



N88°35'12"W

BARBER STREET (C.R. No. 1571)

SW BOONE'S FERRY ROAD (FRONTAGE ROAD)



1325 SE TECH CENTER DRIVE, SUITE 140
VANCOUVER, WA 98683
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PORTLAND: (503) 289-6726
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OREGON
JUNE 11, 2008
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Mackay & Sposito, Inc.

EXHIBIT "A"

15057LD4
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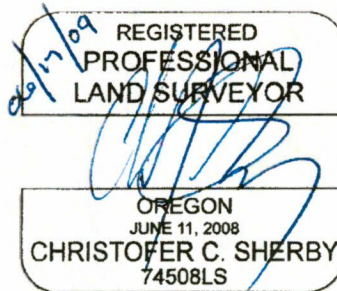
**LEGAL DESCRIPTION
 TEMPORARY CONSTRUCTION EASEMENT
 BARBER STREET PHASE II IMPROVEMENTS
 CITY OF WILSONVILLE**

An easement over real property situated in the City of Wilsonville, Clackamas County, Oregon, being a portion of that tract of land conveyed to Wyf Properties, LLC by Special Warranty Deed recorded under Document No. 2005-073490, records of said county, lying in the Northwest quarter of the Southeast quarter of Section 14, Township 3 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

Commencing at the most Northerly Northeast corner of said "Wyf Properties, LLC" parcel, said corner being on the South right of way line of Barber Street at a point 25.00 feet from, when measured at right angles to, the centerline of said Barber Street, also being the Northwest corner of that tract of land conveyed to the City of Wilsonville in Statutory Warranty Deed recorded under Document No. 2007-089242, records of said county; thence North 88°35'12" West along the North line of said "Wyf Properties, LLC" parcel and said South right of way line a distance of 233.33 feet to the **Point of Beginning**; thence continuing North 88°35'12" West along said South right of way line a distance of 52.00 feet; thence South 01°31'20" West a distance of 22.86 feet; thence South 88°35'40" East a distance of 52.00 feet; thence North 01°31'20" East a distance of 22.86 feet to the **Point of Beginning**.

Containing 1189 sq. ft. or 0.03 acres, more or less.

Subject to easements and restrictions of record.

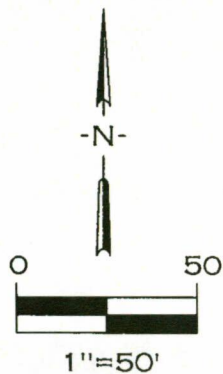


EXPIRES 6/30/10

EXHIBIT "B"

Exhibit D Page 2 of 2

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
BARBER STREET PHASE II ROAD IMPROVEMENTS
CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON

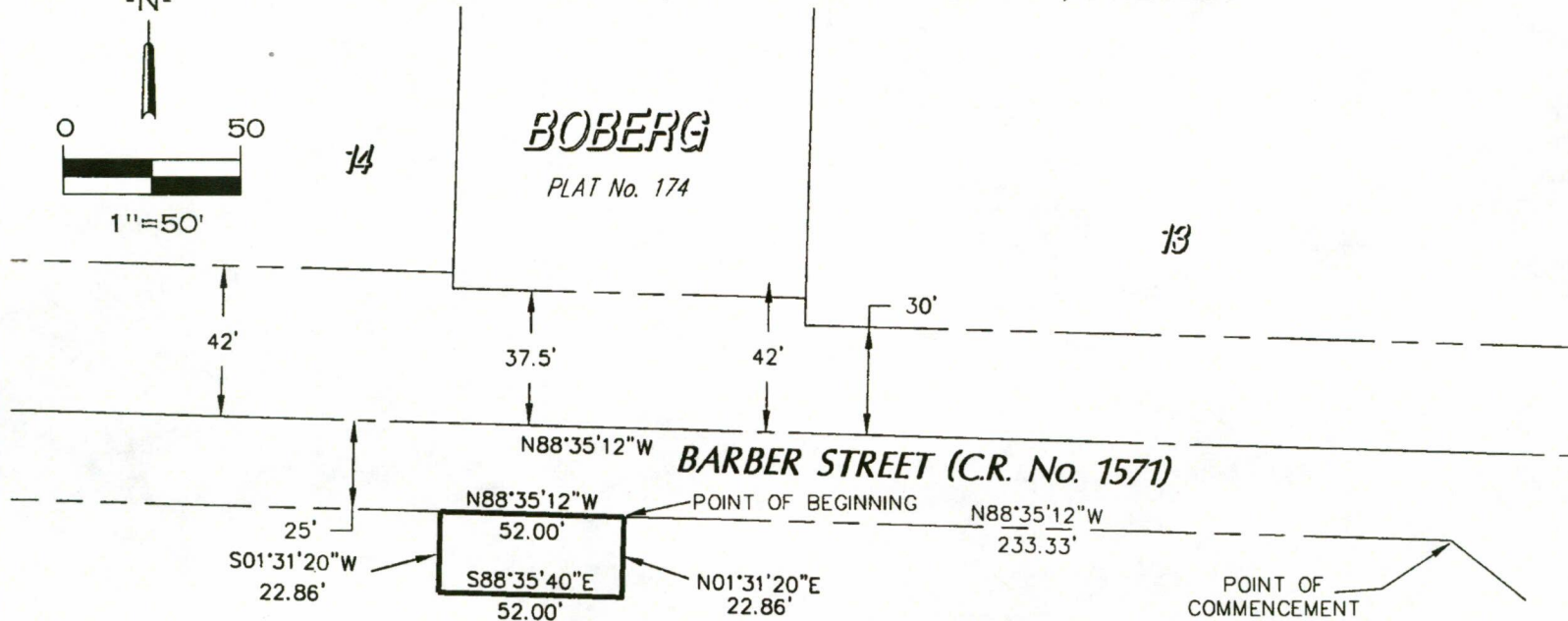


BOBERG

PLAT No. 174

14

13



Wyf PROPERTIES
DOC. NO.
2005-073490

POINT OF
COMMENCEMENT
NW CORNER OF DOC.
NO. 2007-089242

06/17/09
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 11, 2008
CHRISTOPHER C. SHERBY
74508LS



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Mackay & Sposito, Inc.

Barber R/W Acquisition



Scale 1:2,513
1 in = 209 ft

**COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

DATE: July 6, 2009
TO: Agency Board Chair and Members
FROM: Kristin Retherford, Urban Renewal Project Manager
SUBJECT: Acquisition of Property in Association with the Barber Street: Boberg Road to Boones Ferry Road Improvement Project

Summary: Acquisition of property interests on Barber Street from Boberg Street east to Boones Ferry Road is necessary for completion of the Barber Street: Boberg Road to Boones Ferry Road Improvement Project. This project has received \$900,000 in ARRA Stimulus Funds and must be contracted by December 31, 2009. An earlier phase of this project, from Kinsman Road to Boberg Road, was constructed in 2008. This second phase will replace existing asphalt roadway with concrete, improve turning radii at the corner of Boones Ferry Road, and add sidewalks and landscaping. The necessary property acquisitions are identified as follows:

<u>Property Owner</u>	<u>Tax Lot</u>	<u>SF</u>	<u>Exhibit No.</u>	<u>Type of Acquisition</u>
Cuppoletti, Bree Ralph	3S 1W 14A #01504	450	A	Right of Way
Cuppoletti, Bree Ralph	3S 1W 14A #01504	690	B	Temporary Construction Easement
Bean, Douglas & James Flynn	3S 1W 14A #01400	4,046	C	Right of Way
WYF Properties, Inc.	3S 1W 14D #01911	1,189	D	Temporary Construction Easement

Recommendation: Staff recommends the Agency Board adopt resolution authorizing acquisition of real property and property interests associated with this project and allowing title to vest with the City of Wilsonville.

It is necessary and appropriate that the Urban Renewal Agency proceed in an expeditious manner to acquire the property and property interests required to construct project improvements.

Kristin Retherford
Urban Renewal Project Manager

Date