

THE URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE

URA RESOLUTION NO. 192

A RESOLUTION OF THE URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY ATTORNEY TO TAKE ALL NECESSARY ACTION TO ACQUIRE REAL PROPERTY NEEDED FOR PUBLIC IMPROVEMENTS RELATED TO THE BARBER STREET: BOBERG ROAD TO BOONES FERRY ROAD IMPROVEMENT PROJECT

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, on July 6, 2009, the Board of the Urban Renewal Agency of the City of Wilsonville adopted Urban Renewal Resolution No. 187 authorizing acquisition of property and property interests related to the construction of public improvements on Barber Street from Boberg Road to Boones Ferry Road; and

WHEREAS, on July 20, 2009 the Board of the Urban Renewal Agency of the City of Wilsonville adopted Urban Renewal Resolution No. 189 revising the legal descriptions referenced in Urban Renewal Resolution No. 187; and

WHEREAS, the corrected legal descriptions describing the needed property are attached hereto as Exhibit "A" and Exhibit "B" and by this reference incorporated herein; and

WHEREAS, Urban Renewal Resolutions No. 187 and 189 direct that 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; and

WHEREAS, in the event that settlement and agreement cannot be reached with the affected property owners through the negotiation, Urban Renewal Resolutions No. 187 and 189 direct staff and attorneys to return to City Council to recommend the acquisitions 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; and

WHEREAS, the acquisition of the property described in Exhibit "A" and Exhibit "B" is necessary and will benefit the general public and will be used for public purposes; and

WHEREAS, staff has extended offers to purchase said real property at the appraised market value, has negotiated with property owners to reach agreement, and has extended settlement offers in excess of the appraised values in an attempt to avoid condemnation proceedings; and

WHEREAS, urban renewal staff is continuing to negotiate with property owners but has yet to reach settlement; and

WHEREAS, ARRA Stimulus Funds in the amount of \$900,000 have been awarded to the City for certain public improvements conditioned upon a right-of-way certification date of November 27, 2009 and a complete set of plans and specifications accepted by ODOT prior to December 31, 2009 or face forfeiture of the awarded stimulus funds; and

WHEREAS, in order to ensure legal possession of the needed property by November 27, 2009 as staff continues to negotiate a settlement agreement with property owners, city staff requests City Council acting as the Urban Renewal Agency Board adopt a resolution authorizing the exercise of condemnation to complete acquisition of the needed property; and

WHEREAS, ORS Chapter 35 empowers cities 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, 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

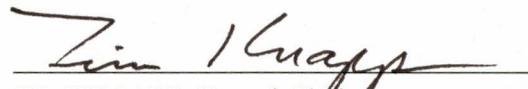
NOW, THEREFORE, THE URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The City Council acting as the Urban Renewal Agency Board finds that there is a public necessity for the construction of the aforementioned street improvements, that the property described in Exhibit "A" and Exhibit "B" is necessary for the construction of said

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. Urban Renewal staff and city attorney are directed and authorized 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 Exhibit "A" and Exhibit "B" in order to meet the right-of-way certification deadline of November 27, 2009 and to complete construction of the project in a timely and efficient manner.

ADOPTED by the Wilsonville Urban Renewal Agency at a regular meeting thereof this 2nd day of November, 2009, and filed with the Wilsonville City Recorder this date.


TIM KNAPP, Board Chair

ATTEST:


Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Chair Knapp	Yes
Member Kirk	Yes
Member Ripple	Excused
Member Nunez	Yes
Member Hurst	Yes

Exhibit A – Bean property
Exhibit B – Cuppoletti property

EXHIBIT "A"

15057LD2
6-16-09
mjf

www.mackaysposito.com

MacKay & Sposito, Inc.

ENGINEERS SURVEYORS PLANNERS

VANCOUVER KENNEWICK

1325 SE Tech Center Drive, Suite 140, Vancouver, WA 98683 - (360) 695-3411 Fax: (360) 695-0833



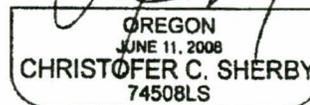
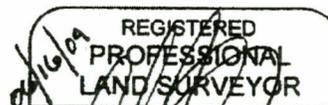
**LEGAL DESCRIPTION
RIGHT OF WAY DEDICATION
BARBER STREET PHASE II IMPROVEMENTS
CITY OF WILSONVILLE**

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.

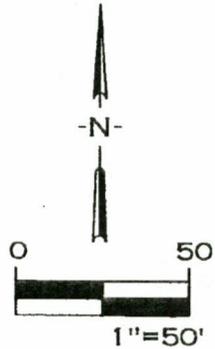
Subject to easements and restrictions of record.



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



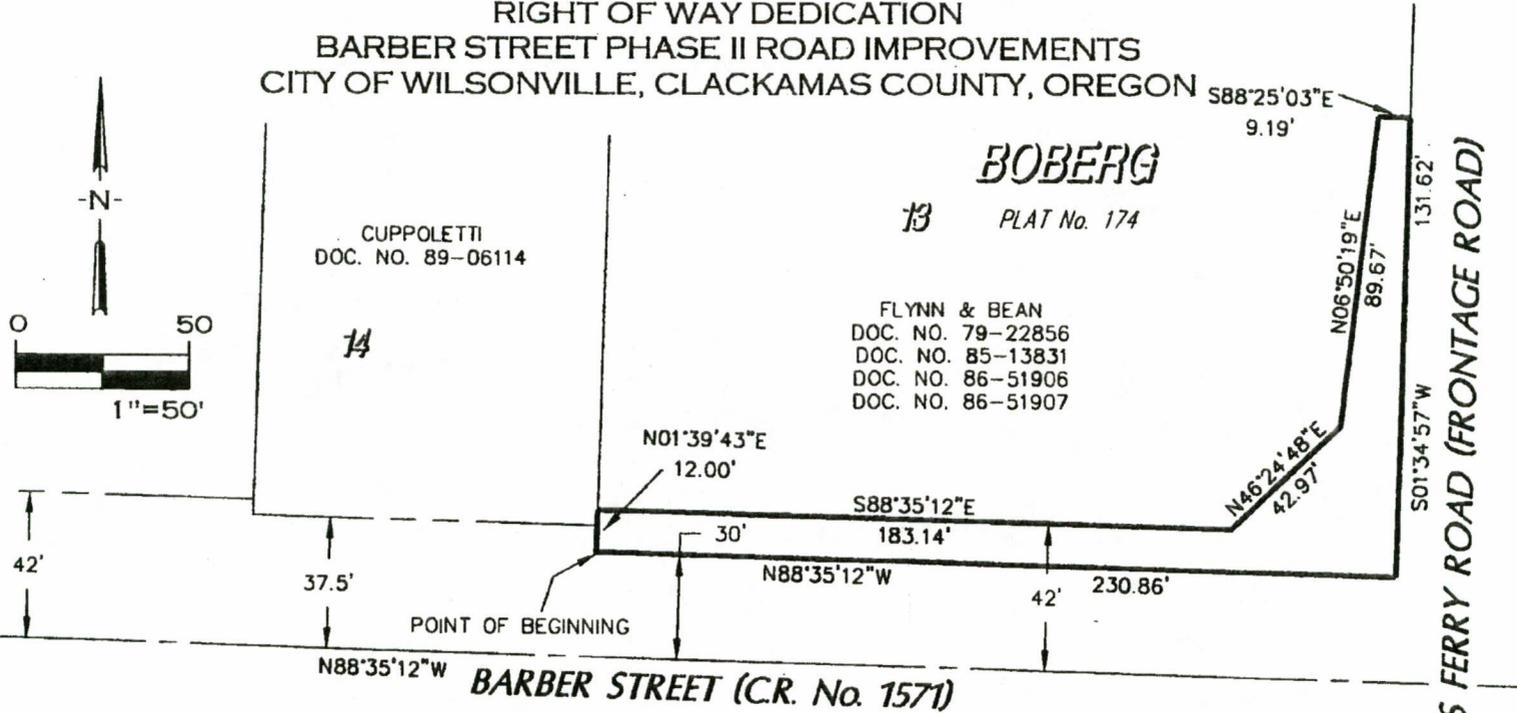
CUPPOLETTI
DOC. NO. 89-06114

14

BOBERG

13 PLAT No. 174

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



1325 SE TECH CENTER DRIVE, SUITE 140
VANCOUVER, WA 98683
VANCOUVER: (360) 695-3411
PORTLAND: (503) 289-6726
FAX (360) 695-0833
www.mackaysposito.com

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 11, 2008
CHRISTOPHER C. SHERBY
74508LS

EXHIBIT "B"

15057LD1
6-11-09
mjf

www.mackaysposito.com



1325 SE Tech Center Drive, Suite 140, Vancouver, WA 98683 - (360) 695-3411 Fax: (360) 695-0833

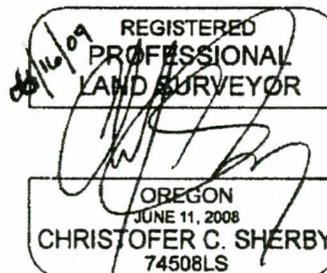
**LEGAL DESCRIPTION
RIGHT OF WAY DEDICATION
BARBER STREET PHASE II IMPROVEMENTS
CITY OF WILSONVILLE**

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"

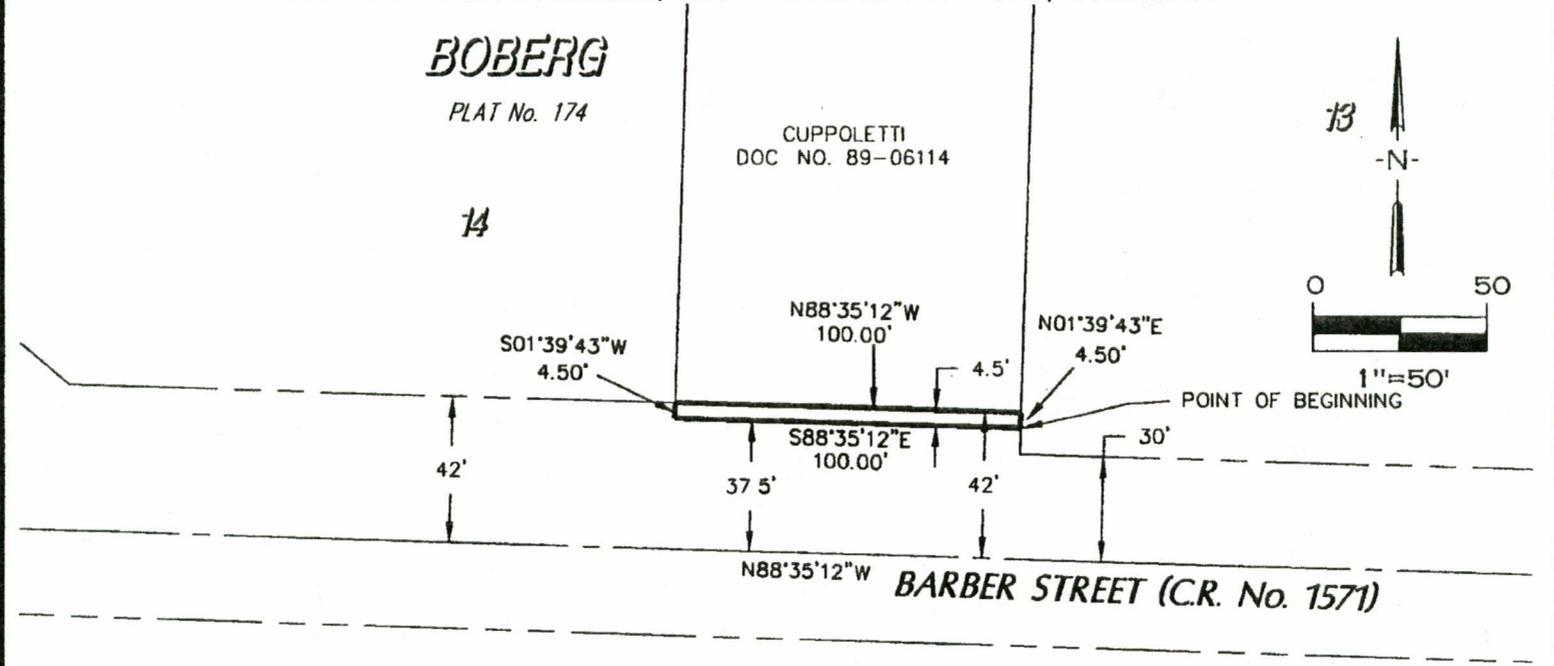
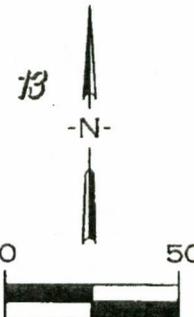
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
RIGHT OF WAY DEDICATION
BARBER STREET PHASE II ROAD IMPROVEMENTS
CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON

BOBERG

PLAT No. 174

14

CUPPOLETTI
DOC NO. 89-06114



1325 SE TECH CENTER DRIVE, SUITE 140
VANCOUVER, WA 98683
VANCOUVER: (360) 695-3411
PORTLAND: (503) 289-6726
FAX (360) 695-0833
www.mackaysposito.com

REGISTERED
PROFESSIONAL
LAND SURVEYOR
[Signature]
OREGON
JUNE 11, 2008
CHRISTOPHER C. SHERBY
74508LS

EXHIBIT "B"

15057LD3rev
7-10-09
Mjf/btm

www.mackaysposito.com



1325 SE Tech Center Drive, Suite 140, Vancouver, WA 98683 - (360) 695-3411 Fax: (360) 695-0833

**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 93.76 feet to the West line of said Document No. 89-06114; thence along said West line North 01° 39' 43" East a distance of 10.00 feet to a point being 52.00 feet northerly of, when measured at right angles to, said centerline; thence South 88° 35' 12" East, parallel with said centerline, a distance of 59.21 feet; thence North 01° 24' 20" East a distance of 9.99 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 1,282 sq. ft., more or less.

Subject to easements and restrictions of record.

07/16/09

REGISTERED
PROFESSIONAL
LAND SURVEYOR

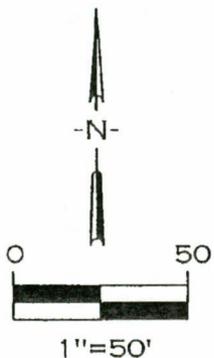
OREGON
JUNE 11, 2008
CHRISTOPHER C. SHERBY
74508LS

EXPIRES 6/30/10

EXHIBIT "B"

URA Resolution No. 192

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



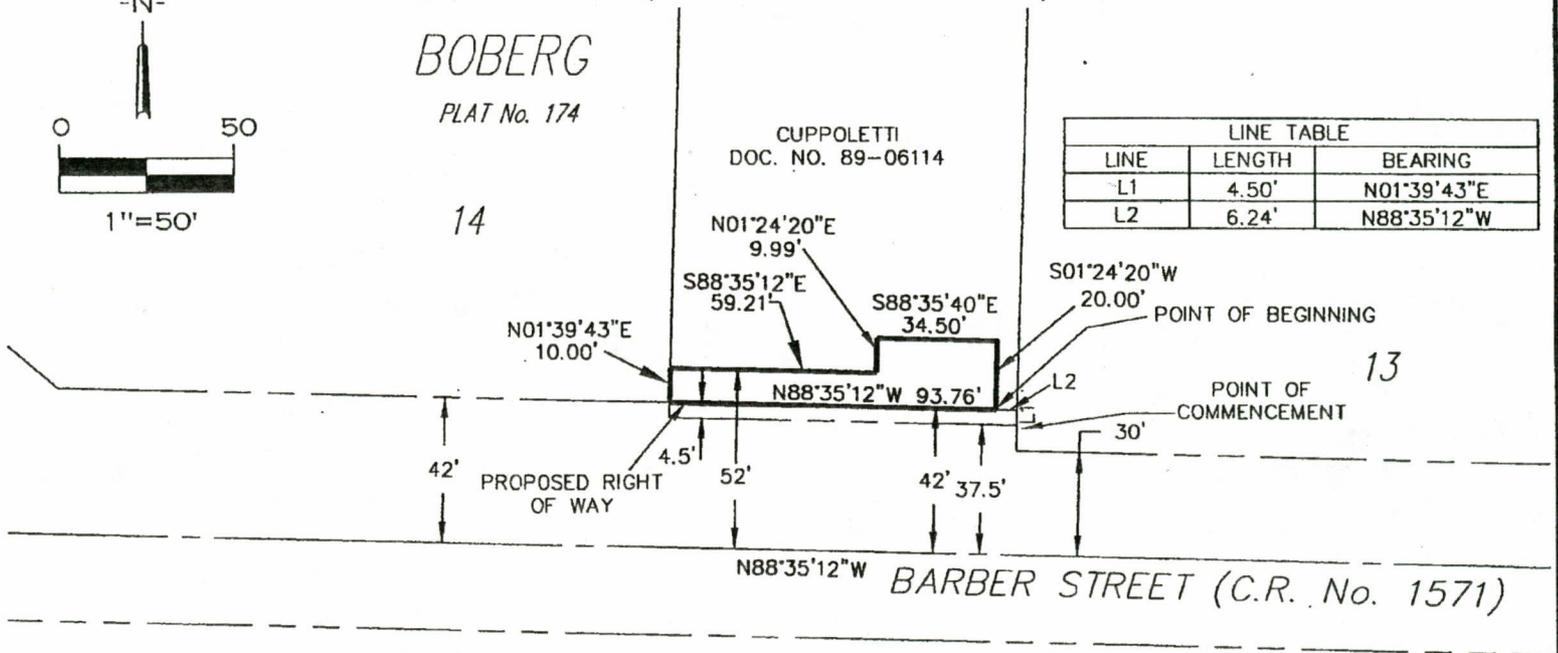
BOBERG

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



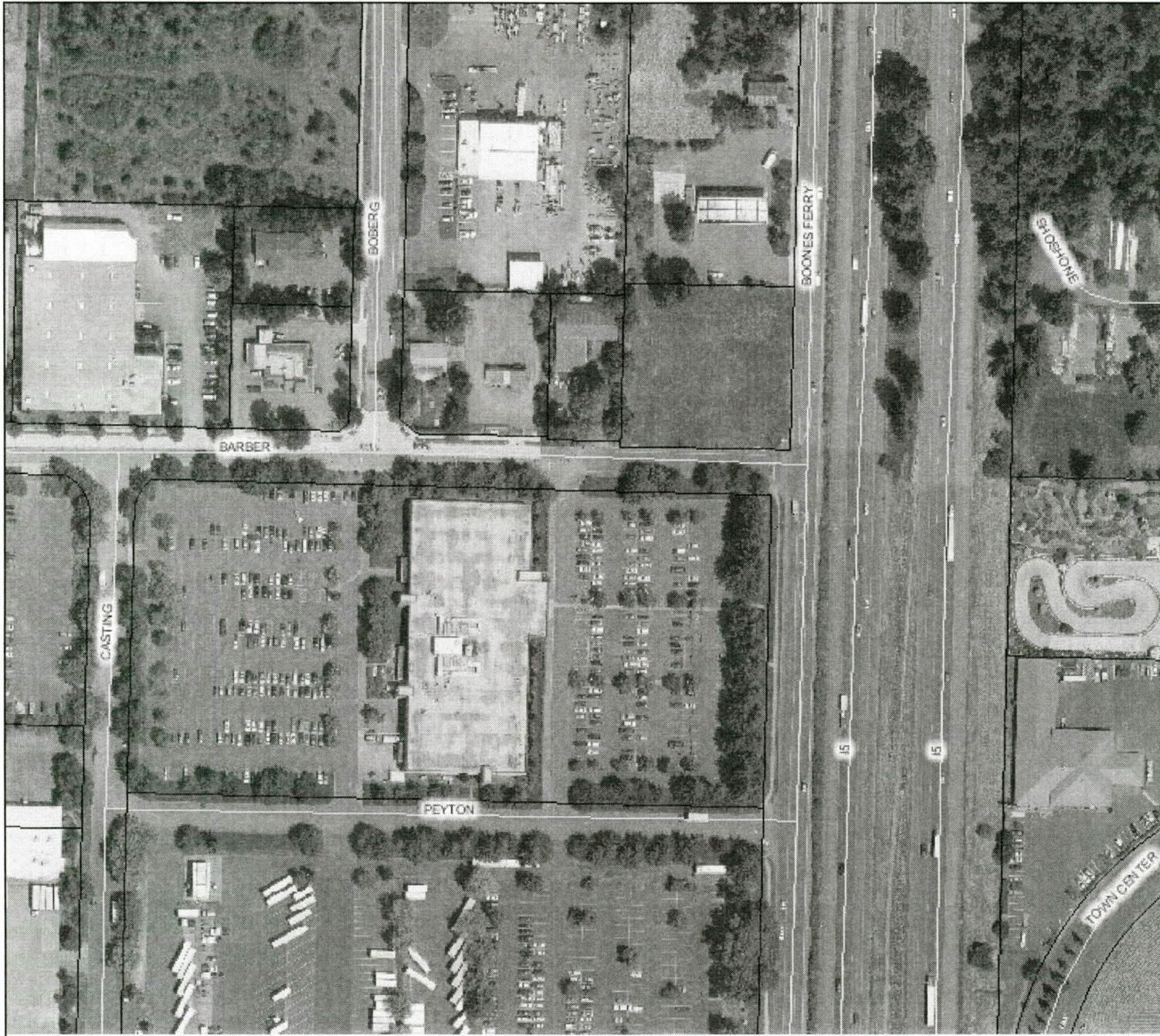
07/16/09
 REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

 OREGON
 JUNE 11, 2008
 CHRISTOPHER C. SHERBY
 74508LS



1325 SE TECH CENTER DRIVE, SUITE 140
 VANCOUVER, WA 98683
 VANCOUVER: (360) 695-3411
 PORTLAND: (503) 289-6726
 FAX (360) 695-0833
 www.mackaysposito.com

Barber R/W Acquisition



Scale 1:2,513
1 in = 209 ft

URA Resolution No. 192

**COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

DATE: November 2, 2009
TO: Chair Knapp and Agency Board Members
FROM: Kristin Retherford, Urban Renewal Project Manager
SUBJECT: Necessity to Condemn Real Property

Summary: Acting upon authorized Urban Renewal Resolutions #187 and #189, city staff began negotiations to purchase the properties needed for the completion of the Barber Street Improvement Project ~ Boberg Road to Boones Ferry Road.

The City is acquiring 4,946 SF in fee from the property described in Exhibit "A" and 450 SF in fee from the property described in Exhibit "B", together with temporary construction easements. Staff has been actively negotiating with the property owners and it appears that settlement may be attainable outside of condemnation. However, should negotiations derail during the next week, a condemnation filing would be necessary in order to certify that the City has possession of the property by November 27, 2009, which is our right-of-way certification deadline with ODOT. As directed by City Council, acting as the Agency's Board, staff is to return to the Board with a recommendation of condemnation should it be necessary. At this time staff is requesting authorization to proceed with condemnation as it may become necessary within the next week to act immediately in order to certify possession of the needed property in the event settlement is not reached.

It is necessary and appropriate that the City proceed in an expeditious manner to acquire these property interests necessary to complete this project.

Recommendation: Staff recommends the City Council acting as the Urban Renewal Agency Board authorize the City Attorney to commence and prosecute to final determination such proceedings as may be necessary, including condemnation of property, to acquire real property needed to complete Phase II of the Barber Street Improvement Project ~ Boberg Road to Boones Ferry Road.