

RESOLUTION NO. 3067

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING ACQUISITION OF THE THIRD GROUP OF PROPERTY AND PROPERTY INTERESTS RELATED TO CONSTRUCTION OF THE BOECKMAN ROAD CORRIDOR PROJECT.

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, the Boeckman Road Corridor Project (the "Project") consists of five adjacent and interconnected, high priority Capital Improvement Projects (CIP) along Boeckman Road between Canyon Creek Road and Stafford Road:

- Boeckman Road Sanitary Sewer – CIP #2012 – extends sanitary sewer service to the Frog Pond development areas
- Boeckman Road Street Improvements – CIP #4205 – completes urban street design standards that will serve all transportation modes and connect neighborhoods and local schools
- Canyon Creek/Boeckman Intersection – CIP #4206 – addresses intersection capacity needs at Canyon Creek Road
- Boeckman Dip Bridge – CIP #4212 – improves city-wide transportation connectivity and safety concerns associated with the Boeckman "Dip" and will re-establish fish and wildlife passage through culvert removal and creek channel restoration
- Meridian Creek Culvert Replacement – CIP #7067 – replaces undersized culverts at Meridian Creek

WHEREAS, these five projects are identified in the FY 2022/23 Capital Improvement Project Budget; and

WHEREAS, the total project cost estimate for the Project, including design, land acquisition, construction and project management, is \$30,673,226; and

WHEREAS, the Project will receive funding through the following funding sources: Sanitary Sewer SDCs, Street SDCs, Storm Ops and SDCs, Road CIP and Year 2000 Urban Renewal Plan; and

WHEREAS, construction is anticipated to begin in mid-2023; and

WHEREAS, in order to construct the Project, the City needs to acquire up to 31 properties that will be presented in four groups for Council acquisition authority by resolution; and

WHEREAS, the Group 3 properties consists of two sub-properties with approximately 2,987 SF of Public Utility Easement and 6,121 SF of Temporary Construction Easement; and

WHEREAS, the Group 3 property interests to be acquired for the Project include, but may not be limited, to those legally described in **EXHIBIT A**, 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 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, to achieve the objectives of the City's Capital Improvement Program 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 both City and Urban Renewal 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; and

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 aforementioned street improvements;
- b) The legal descriptions for the land set forth in **EXHIBIT A** are necessary for the construction of said public improvements but may be modified as set forth in Section 3 below, as design is refined; and
- c) The proposed street and utility improvements are planned and located in a manner most compatible with the greatest public good and the least private injury.

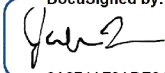
Section 2. The City's project consultant, Universal Field Services, Inc., City staff and the City Attorney are authorized and directed to:

- a) Negotiate with the owners of the real property herein described as to the compensation to be paid for the acquisition of the property.
- b) In the event agreement cannot be reached, 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 any of the real properties described in **EXHIBIT A** in order to meet the right-of-way certification deadline necessary to begin construction in mid-2023 or after and complete Project construction in a timely and efficient manner.

Section 3. In the event that there are required modifications to the legal descriptions as the Project moves forward, the City Engineer is authorized to modify the attached legal descriptions, as necessary, to conform to final engineering design for the Project.

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

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 15th day of May, 2023, and filed with the Wilsonville City Recorder this date.

DocuSigned by:

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JULIE FITZGERALD, MAYOR

ATTEST:

DocuSigned by:

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Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

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

EXHIBIT:

- A. Boeckman Road Corridor Project Property Acquisition Legal Descriptions – Group 3

Resolution No. 3067 - Exhibit A
Boeckman Road Corridor Project Property Acquisition - Legal Descriptions – First
Property of Group 3

Resolution No. 3067

First Property of Group 3 BRCP Property Acquisition Summary

Parcel #	Owner	Tax Map and Lot	Sub-Parcel #	Acquisition Type	Approx. Area, sf
12	Bates	3 1 W 12D 03300	12-1	PUE	2987
			12-2	TCE	6121

CITY OF WILSONVILLE BOECKMAN ROAD CORRIDOR PROJECT ROW / EASEMENT REQUEST - PACKAGE 3



WILSONVILLE
OREGON

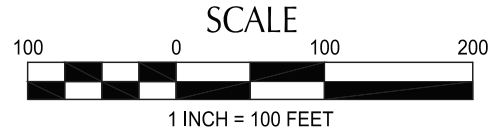
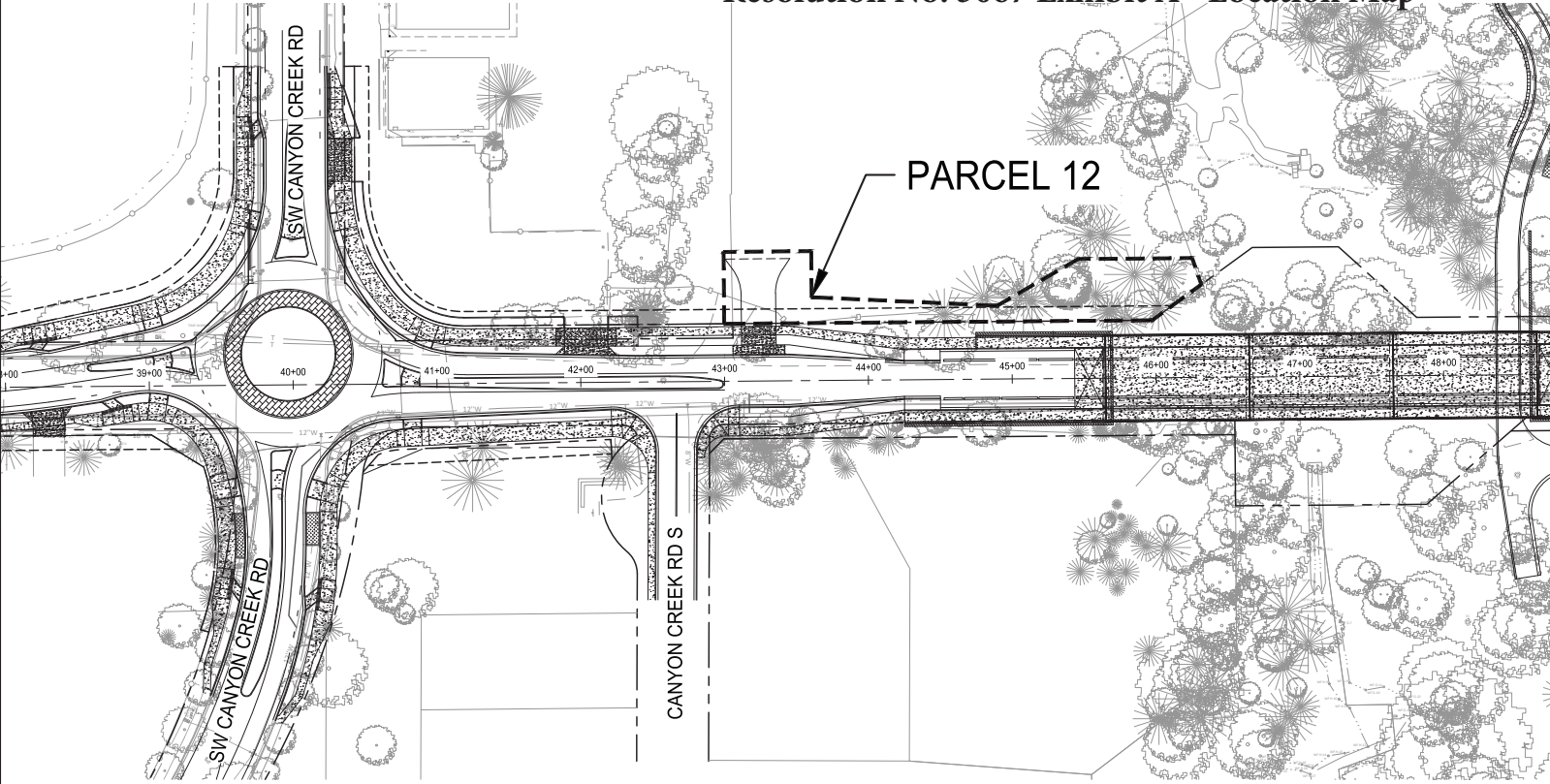


TAPANI | SUNDT
IN ASSOCIATION WITH KPFF



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Resolution No. 3067 Exhibit A - Location Map



SHEET NO.
EXH-1

EXHIBIT "A"

Sub-Parcel #12-1

BOECKMAN ROAD (CR 80)
 PROJECT NO. 2200028
 FILE NO. XX
 24 APRIL 2023

TAXMAP: 31W12D
 TAXLOT: 03300

A PARCEL OF LAND, BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO ANTHONY J BATES, TIMOTHY BATES AND HEATHER BATES, NOT AS TENANTS IN COMMON BUT WITH RIGHTS OF SURVIVORSHIP IN DOCUMENT NUMBER 2021-033665, CLACKAMAS COUNTY DEED RECORDS, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, THE SAID PARCEL BEING THAT PORTION OF SAID BATES TRACT, LYING SOUTHERLY OF A LINE DESCRIBED BELOW BY STATION & OFFSET, FROM A CENTERLINE ALIGNMENT OF BOECKMAN ROAD DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON SAID BOECKMAN ROAD CENTERLINE, SAID POINT IS A 3-1/4 INCH BRONZE DISK MARKING THE CORNER COMMON WITH SECTIONS 11, 12, 13 AND 14, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, BEING ENGINEER'S CENTERLINE STATION 23+05.17; THENCE ALONG THE CENTERLINE OF SAID BOECKMAN ROAD NORTH 89°31'41" EAST, 2645.85 FEET TO A 3-1/4 INCH BRONZE DISK MARKING THE ONE-QUARTER CORNER COMMON WITH SAID SECTIONS 12 AND 13, BEING ENGINEER'S CENTERLINE STATION 49+51.03; THENCE NORTH 89°48'44" EAST, 2649.58 FEET TO A 3-1/4 INCH BRONZE DISK MARKING THE CORNER COMMON WITH SAID SECTIONS 12 AND 13 AND SECTIONS 7 AND 18, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, BEING ENGINEER'S CENTERLINE STATION 76+00.61; THENCE SOUTH 89°38'30" EAST, 499.39 FEET TO ENGINEER'S CENTERLINE STATION 81+00.00, BEING THE TERMINUS POINT OF SAID CENTERLINE DESCRIPTION, SAID POINT BEARS NORTH 89°38'30" WEST, 948.58 FEET FROM A 4-1/4 INCH ALUMINUM DISK MARKING THE ONE-QUARTER CORNER COMMON WITH SAID SECTIONS 7 AND 18.

PARCEL 1 – PUBLIC UTILITY EASEMENT

A PARCEL OF LAND, BEING A PORTION OF SAID BATES TRACT LYING SOUTHERLY OF A LINE DESCRIBED BELOW BY STATION & OFFSET, FROM A CENTERLINE ALIGNMENT OF BOECKMAN ROAD DEFINED ABOVE.

THE STATION/OFFSET IN FEET OF SAID LINE IS AS FOLLOWS:

<u>STATION</u>	<u>TO</u>	<u>STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
43+00.00		46+40.00	50.00

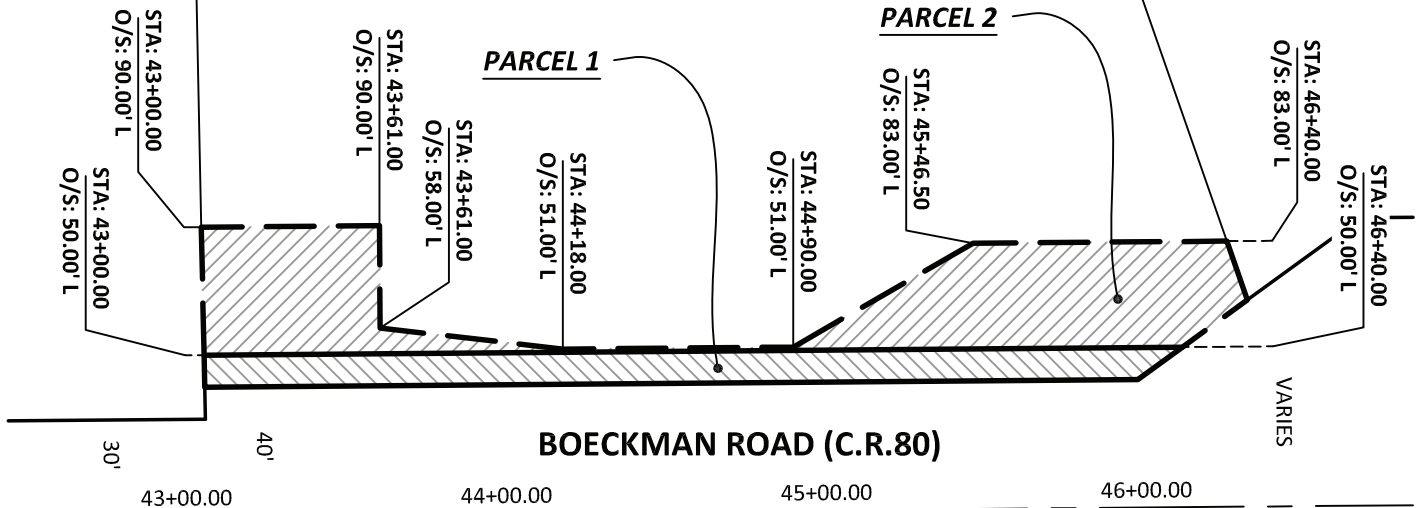
EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE EXISTING RIGHT-OF-WAY OF BOECKMAN ROAD (CR 80).

CONTAINING 2,987 SQUARE FEET (0.068 ACRES), MORE OR LESS.

THE BASIS OF BEARINGS IS THE OREGON COORDINATE REFERENCE SYSTEM (OCRS), PORTLAND ZONE. THE RESULTANT BEARING OF THE CENTERLINE OF BOECKMAN ROAD IS NORTH 89°31'41" EAST.

THE PARCELS OF LAND ARE SHOWN ON THE ATTACHED EXHIBIT 'B' AND BY THIS REFERENCE MADE A PART THEREOF.

31W12D03300
 DOC. NO. 2021-033665
 7727 SW BOECKMAN RD
 FILE NO. XX



BOECKMAN ROAD (C.R. 80)

N 89°31'41" E
 (FROM CANYON CREEK RD TO THE S. 1/4 COR. SEC. 12)
 BASIS OF BEARINGS PER OREGON COORDINATE REFERENCE SYSTEM

CANYON CREEK RD S.

PARCEL 3
 31W13B00200
 28120 SW CANYON CREEK RD S



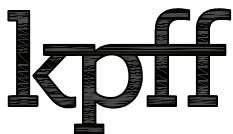
PARCEL 1 - PUBLIC UTILITY EASEMENT
 2,987 SQ. FT. +/-



PARCEL 2 - TEMPORARY CONSTRUCTION EASEMENT
 6,121 SQ. FT. +/-



SCALE: 1" = 60'



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www.kpff.com

EXHIBIT 'B' PUBLIC UTILITY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT	DATE: 24 APRIL 2023
	DRAWN BY: CH
SW 1/4 SECTION 12 / TOWNSHIP 3 SOUTH / RANGE 1 WEST / W.M. CITY OF WILSONVILLE / CLACKAMAS COUNTY / OREGON	CHECKED BY: JRD
	PROJECT NO. 2200028
	SHEET: 2 OF 2

EXHIBIT "A"

Sub-Parcel #12-2

BOECKMAN ROAD (CR 80)

TAXMAP: 31W12D

PROJECT NO. 2200028

TAXLOT: 03300

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PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

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43+00.00		43+61.00	90.00
43+61.00		43+61.00	90.00 IN A STRAIGHT LINE 58.00
43+61.00		44+18.00	58.00 IN A STRAIGHT LINE 51.00
44+18.00		44+90.00	51.00
44+90.00		45+46.50	51.00 IN A STRAIGHT LINE 83.00
45+46.50		46+40.00	83.00

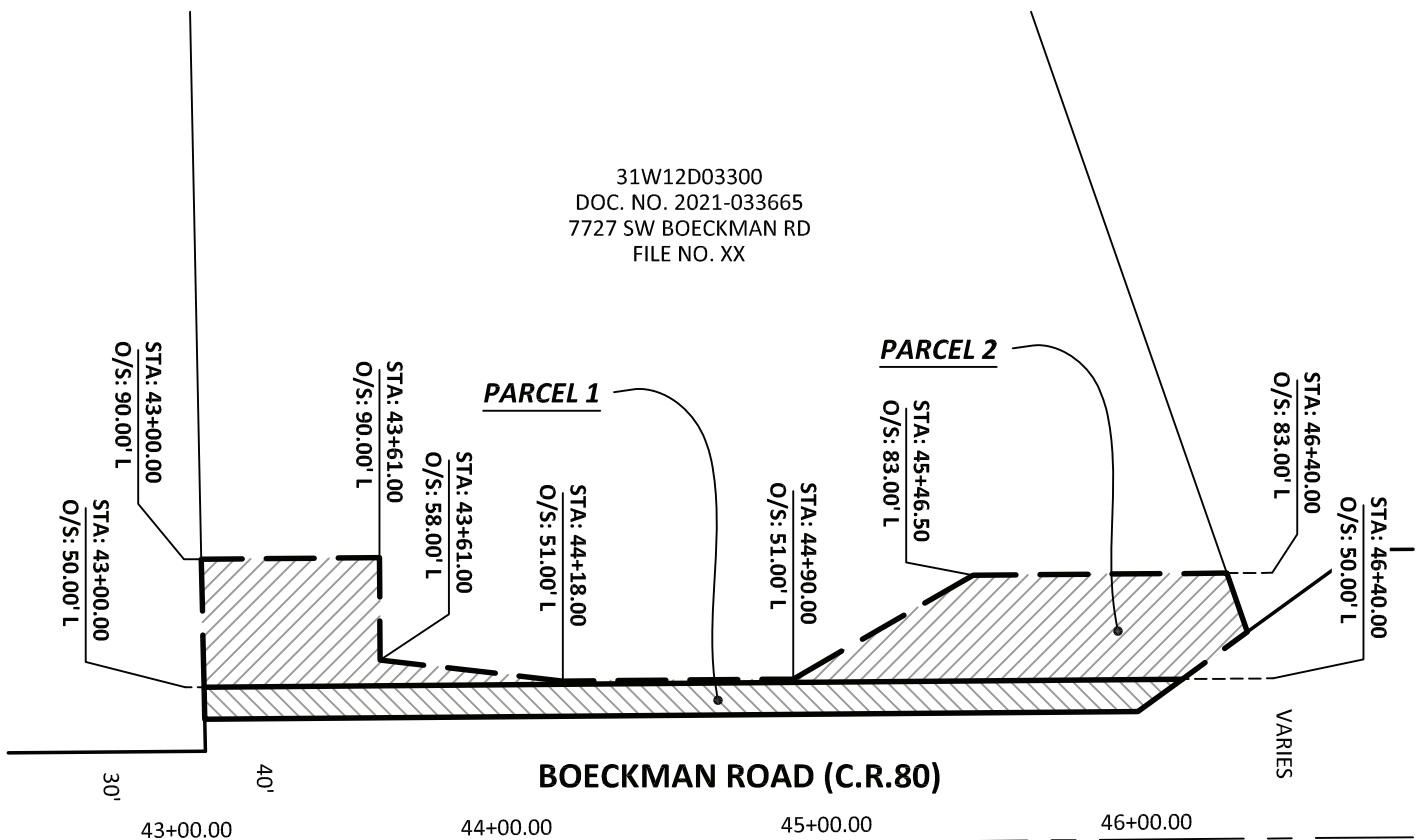
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CONTAINING 6,121 SQUARE FEET (0.140 ACRES), MORE OR LESS.

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BOECKMAN ROAD (C.R.80)

43+00.00 44+00.00 45+00.00 46+00.00

N 89°31'41" E
 (FROM CANYON CREEK RD TO THE S. 1/4 COR. SEC. 12)
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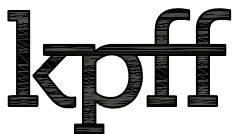
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