

RESOLUTION NO. CXXXII (132)

A RESOLUTION DECLARING THE NECESSITY TO TAKE PRIVATE PROPERTY FOR MUNICIPAL USE; AND DIRECTING PROCEEDINGS TO BE TAKEN UNDER THE GENERAL LAWS OF THIS STATE TO PROCURE THE SAME.

WHEREAS, by virtue of the laws of the state of Oregon as set forth and defined in Oregon Revised Statutes 223.005, 223.105, and the City of Wilsonville Charter Chapter XI, Section 1, the Common Council of the City of Wilsonville, Clackamas and Washington Counties, Oregon, is authorized and empowered to appropriate any private property to any public or municipal use, or for the general benefit and use of the people of the City; and

WHEREAS, the Wilsonville City Council have declared its intention to construct a sanitary sewer trunk line to serve properties along Boeckman Creek and created the "Boeckman Creek Sewer Improvement District (LID #3)" and approved its engineer's report, as amended, and directed the preparation of detailed plans, specifications and cost estimates for said improvement project; and

WHEREAS, the Wilsonville City Council proposes to construct the said sanitary sewer trunk line as a part of the City's sanitary sewer facilities and for the general benefit and use of the people within the city of Wilsonville;

NOW THEREFORE, it is hereby resolved by the Wilsonville City Council as follows:

(1) The Council does hereby find and declare that there is needed and required for the construction of a sanitary sewer trunk line for public or municipal use, a permanent easement and right-of-way and temporary construction easement and right-of-way in, on, over, under and across the following described parcels of real property, to-wit:

TWENTY (20) FOOT WIDE PERMANENT EASEMENT:

Beginning at a point on the South line of Section 13, Township 3 South, Range 1 West of the Willamette Meridian in Clackamas County, Oregon, which bears South 89°18'04" West 471.30 feet from the Southeast corner of the Southwest quarter of said Section 13; thence South 89°18'04" West

along said section line a distance of 20.07 feet; thence South 05°26'36" East 65.95 feet; thence South 19°46'43" West 285.41 feet to a point on the Northeasterly boundary line of that tract of land described in Recorder's Fee No. 78-28190, Film Records for Clackamas County, Oregon; thence South 52°43'58" East along said Northeasterly boundary line a distance of 20.97 feet; thence North 19°46'43" East 296.19 feet; thence North 05°26'36" West 68.76 feet to the point of beginning.

**FORTY-FIVE (45) FOOT WIDE TEMPORARY CONSTRUCTION EASEMENT:**

Beginning at a point on the South line of Section 13, Township 3 South, Range 1 West of the Willamette Meridian in Clackamas County, Oregon, which bears South 89°18'04" West 451.23 feet from the Southeast corner of the Southwest quarter of said Section 13; thence South 89°18'04" West along said section line a distance of 45.15 feet; thence South 05°26'36" East 65.25 feet; thence South 19°46'43" West 282.72 feet to a point on the Northeasterly boundary line of that tract of land described in Recorder's Fee No. 78-28190, Film Records for Clackamas County, Oregon; thence South 52°43'58" East along said Northeasterly boundary line a distance of 47.18 feet; thence North 19°46'43" East 306.97 feet; thence North 05°26'36" West 71.58 feet to the point of beginning.

(2) The record owners or reputed owners thereof are as follows:

AUSTIN B. LYONS and JUANITA LYONS, as tenants by the entirety as to an undivided on-half interest and DONALD CRITCHFIELD and GENEVA CRITCHFIELD, as tenants by the entirety as to an undivided one-half interest


(3) That the construction, development, operation, maintenance and use of the municipal sanitary sewer trunk line and for which the said easements are required, is necessary in the public interest and the same has been planned, located, and will be constructed in a manner which will be most compatible with the greatest public good and the least private injury or damage.

(4) That the City Administrator or his agent is directed to attempt to agree with the owners or other persons in interest of said parcels of real property, as to the compensation to be paid for the acquisition of said easements and in the event that no satisfactory agreement can be reached then the City Administrator is authorized to request the City Attorney to commence and prosecute to final determination such proceedings as may be necessary under the general laws of this state to procure said property.

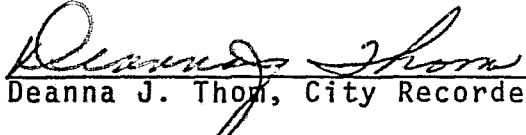
(5) Upon the trial of any suit or action instituted to acquire said real property for said purposes, the City Attorney is authorized

to make such stipulation, agreement, or admission as to his judgment may be for the best interest of the City of Wilsonville.

ADOPTED by the Wilsonville City Council at a meeting thereof on the 5<sup>th</sup> day of November, 1979.

  
\_\_\_\_\_  
William E. Lowrie, Mayor

ATTEST:

  
\_\_\_\_\_  
Deanna J. Thom, City Recorder