

**THE URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE**

**URA RESOLUTION NO. 189**

**A RESOLUTION OF THE URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE REVISING A LEGAL DESCRIPTION FOR THE ACQUISITION OF PROPERTY AND PROPERTY INTERESTS PREVIOUSLY AUTHORIZED BY URA RESOLUTION NO. 187 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, on July 6, 2009 the Urban Renewal Agency of the City of Wilsonville adopted URA Resolution No. 187 authorizing the acquisition of a 690 SF Temporary Construction Easement identified as Exhibit B to URA Resolution No. 187; and

WHEREAS, recent engineering plan revisions for the Barber Street from Boberg Rd. to Boones Ferry Rd. project have resulted in the need to revise the legal description identified as Exhibit B to URA Resolution No. 187 in order to accommodate a larger Temporary Construction Easement area; and

WHEREAS, the revised legal description now describes a 1,282 SF Temporary Construction Easement, attached hereto as Exhibit A, which amends the previously authorized acquisition of the Temporary Construction Easement identified as Exhibit B to URA Resolution No. 187; and

WHEREAS, title of any acquired public right-of-way authorized by URA Resolution No. 187 and this URA Resolution 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 Exhibit A, 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.

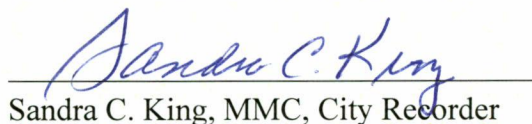
6. Title of acquired right of way shall vest directly in the name of the City of Wilsonville.

7. This resolution is effective upon adoption.

ADOPTED by the Wilsonville Urban Renewal Agency at a regular meeting thereof this 20<sup>th</sup> 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	Yes
Member Ripple	Yes
Member Hurst	Excused

Exhibit A – Cuppoletti – Temporary Construction Easement

EXHIBIT "A"

15057LD3rev  
7-10-09  
Mjf/btm

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  
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.

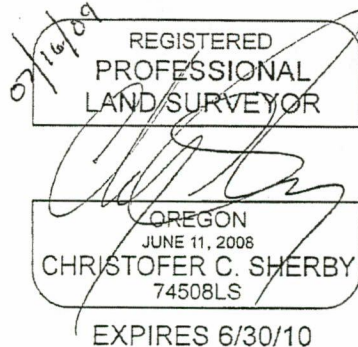
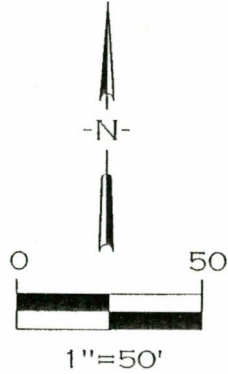


EXHIBIT "B"

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



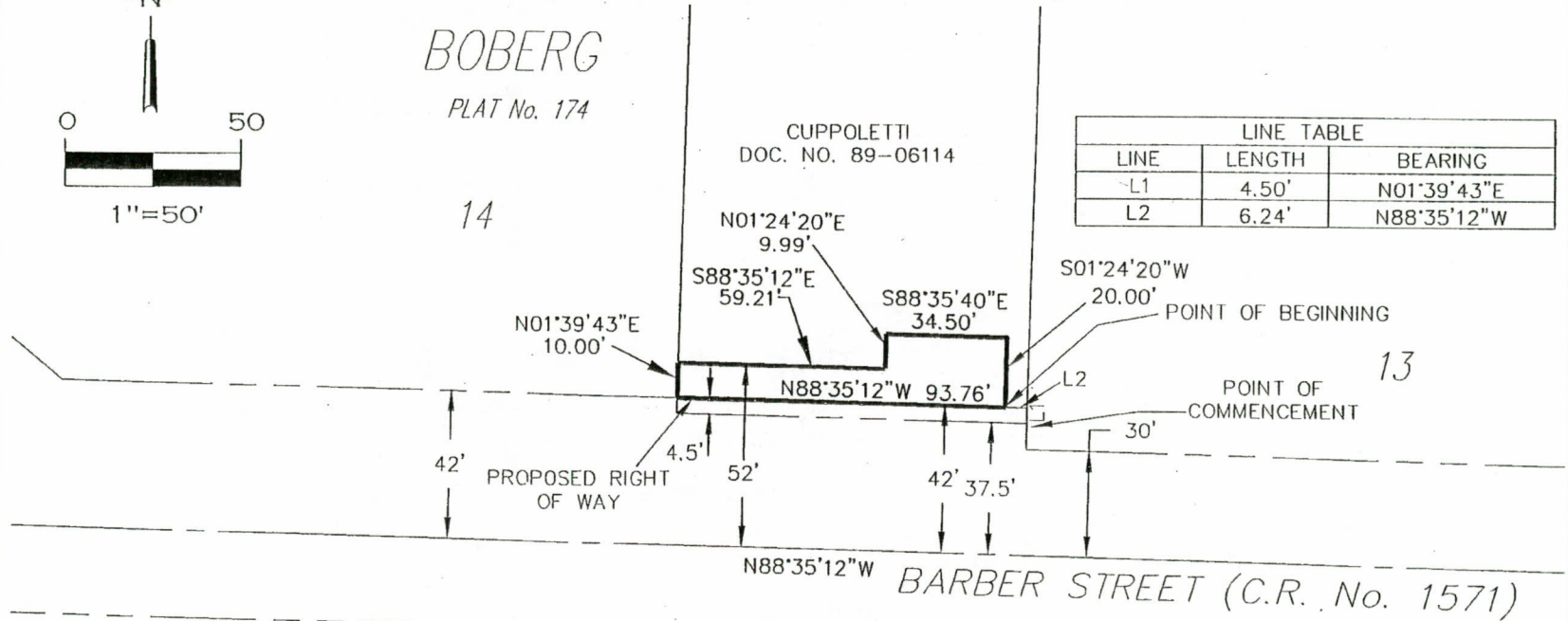
*BOBERG*

PLAT No. 174

14

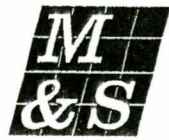
CUPPOLETTI  
 DOC. NO. 89-06114

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



13

*BARBER STREET (C.R. No. 1571)*



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

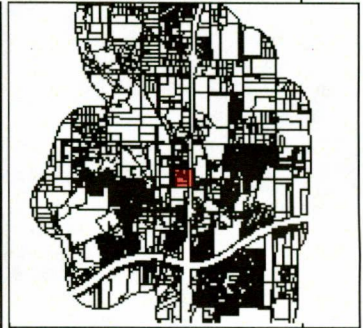
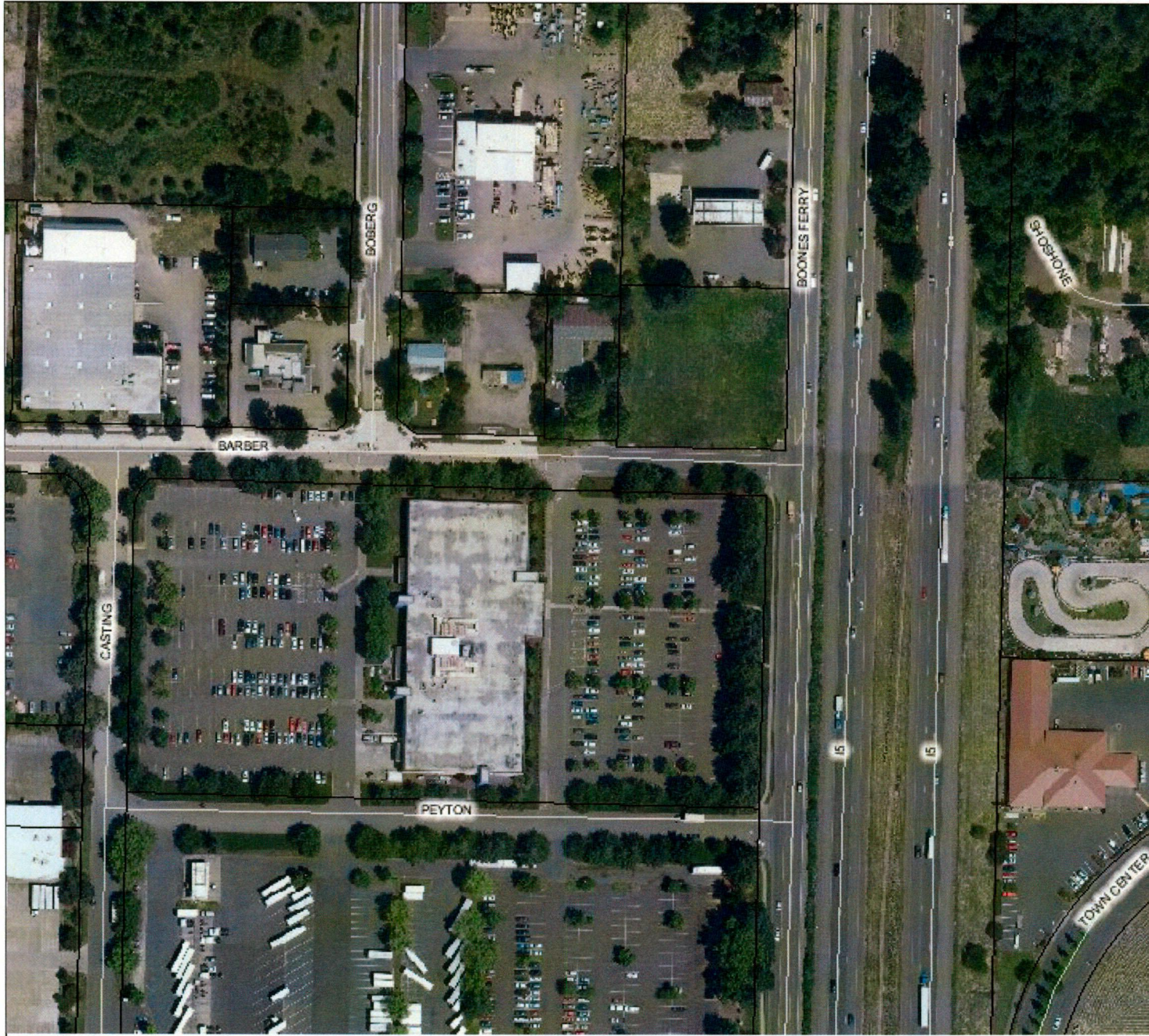
MacKay & Sposito, Inc.

07/16/09

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JUNE 11, 2008  
 CHRISTOFER C. SHERBY  
 74508LS

# Barber R/W Acquisition



Scale 1:2,513  
1 in = 209 ft

**COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

DATE: July 20, 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

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**Summary:** On July 6, 2009 the City of Wilsonville's Urban Renewal Agency Board adopted URA Resolution No. 187 authorizing the acquisition of property interests on Barber Street from Boberg Street east to Boones Ferry Road to allow for construction of the Barber Street: Boberg Road to Boones Ferry Road Improvement Project.

Exhibit B to URA Resolution No. 187 describes a 690 SF Temporary Construction Easement from Tax Lot 3S1W14A#01504 owned by the Cuppolettis. Subsequently, construction plans have been revised to include a short retaining wall to be constructed inside of the 450 SF of Right of Way to be acquired from the Cuppoletti property between proposed sidewalk improvements and their remainder property, which was also authorized by URA Resolution No. 187 and identified as Exhibit A to that resolution.

Additional Temporary Construction Easement area is necessary in order to construct the retaining well without trespassing on the remainder property. This revised property acquisition is identified as follows and incorporated as an exhibit to the attached resolution:

<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	1,282	A	Temporary Construction Easement

**Recommendation:** Staff recommends the Agency Board adopt this resolution authorizing acquisition of real property and property interests associated with this project as described in the revised legal description identified as Exhibit A to this resolution.

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.

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Kristin Retherford  
Urban Renewal Project Manager

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Date