

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

**URA RESOLUTION NO. 193**

**A RESOLUTION OF THE URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE AUTHORIZING ACQUISITION OF PROPERTY INTEREST RELATED TO THE CONSTRUCTION OF ROAD IMPROVEMENTS ON BOONES FERRY ROAD BETWEEN WILSONVILLE ROAD AND FIFTH STREET 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 Year 2000 Urban Renewal Plan ("Plan"), the City of Wilsonville Urban Renewal Agency is duly authorized and empowered to acquire such real property as may be deemed necessary and proper for identified public improvements; and

WHEREAS, on June 1, 2009, the Urban Renewal Agency Board adopted Urban Renewal Resolution No. 185, authorizing staff to acquire property interests needed for the Boones Ferry Rd. (Wilsonville Rd. to 5<sup>th</sup> Street) Project as identified in Exhibits 'A' through and including 'O'; and

WHEREAS, after further analysis of current and future construction impacts, it was deemed necessary to acquire additional easements from tax lot 3S1W23AB 2100 owned by KWDS LLC to accommodate said improvements; and

WHEREAS, based on discussions with the impacted property owner, it appears the property owner is willing to convey the additional easements; and

WHEREAS, it is in the public interest to acquire the additional easements at this time so that all related construction activities can take place simultaneously thereby minimizing the negative impact of construction activities on public travel; and

WHEREAS, this acquisition and all related activities will follow the City's appraisal and acquisition policies.

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 known as Boones Ferry Rd. (Wilsonville Rd. to 5<sup>th</sup> Street), acquisition of that property interest

identified in the legal description contained in Exhibits A and B, attached hereto and incorporated herein by this reference.

2. The property interest is required as a result of the aforementioned public improvement, and the improvement has been planned and located in a manner most compatible with the greatest public good and the least private injury.

3. 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 and, in the event agreement cannot be reached, return to the Urban Renewal Agency Board to recommend the acquisition for condemnation and then, upon authorization from the Agency Board, to commence and prosecute to final determination such condemnation proceedings as may be necessary to acquire the real property or property interest.

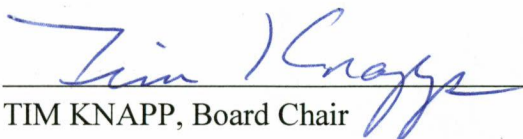
4. Upon trial of and action of condemnation, the attorneys for the Agency are authorized to make such stipulation, agreement or admission as in their judgment may be in the best interests of the Agency.

5. Agency staff anticipates it will acquire the above-described property in the fall of 2009 and cause construction to initially begin as soon as property acquisition is complete.

6. In accordance with the above recitals, the City Manager acting as the Agency's Executive Director is authorized to transfer title of identified properties to the City of Wilsonville by deed or directly through negotiation.

7.

ADOPTED by the Wilsonville Urban Renewal Agency at a regular meeting thereof this 16<sup>th</sup> day of November, 2009, and filed with the Wilsonville City Recorder this date.

  
TIM KNAPP, Board Chair

ATTEST:

*Sandra C. King*

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

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

Exhibit 'A' – Public Utility Easement

Exhibit 'B' - Wall Easement

EXHIBIT "A"

14957LD22  
08/17/09  
mjf

www.mackaysposito.com



1325 S.E. Tech Center Drive, Ste. 140, Vancouver, WA 98683 (360) 695-3411 (503) 289-6726 PTLD (360) 695-0833 FAX

LEGAL DESCRIPTION  
PUBLIC UTILITY EASEMENT  
WILSONVILLE ROAD/SW BOONES FERRY ROAD 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 KWDS LLC, an Oregon Limited Liability Company, by Statutory Bargain and Sale Deed recorded under Document No. 2004-118582, records of said county, lying in the Northeast quarter of Section 23, Township 3 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter corner of Section 23; thence South 88°24'44" East along the North line of said section, also being the centerline of Wilsonville Road (Market Road No. 6), a distance of 501.90 feet to the intersection with the centerline of SW Boones Ferry Road (Market Road No. 27); thence South 14°49'19" West along the centerline of said SW Boones Ferry Road a distance of 1358.36 feet to the westerly projection of the South line of said Document No. 2004-118582; thence South 87°03'28" East along said westerly projection a distance of 30.66 feet to a point on the Easterly right of way line of said SW Boones Ferry Road; thence continuing South 87°03'28" East along said South line a distance of 9.20 feet to a point 39.00 feet easterly of, when measured at right angles to, the centerline of said SW Boones Ferry Road, said point being the **Point of Beginning**; thence North 14°49'19" East, parallel with said centerline, a distance of 113.84 feet; thence South 75°10'41" East a distance of 4.25 feet to a point 43.25 feet easterly of, when measured at right angles to, the centerline of said SW Boones Ferry Road; thence North 14°49'19" East, parallel with said centerline, a distance 17.57 feet; thence North 64°19'29" East a distance of 20.74 feet to a point 33.00 feet southerly of, when measured at right angles to, the centerline of Bailey Street; thence South 88°35'59" East, parallel with said centerline, a distance of 7.50 feet; thence South 01°24'01" West a distance of 6.00 feet; thence North 88°35'59" West, parallel with said centerline, a distance of 6.06 feet; thence South 64°19'29" West a distance of 16.53 feet; thence South 14°49'19" West, parallel with the centerline of said SW Boones Ferry Road, a distance of 20.80 feet; thence North 75°10'41" West a distance of 4.25 feet to a point

EXHIBIT "A"

14957LD22  
08/17/09  
mjf

45.00 feet easterly of, when measured at right angles to, the centerline of said SW Boones Ferry Road; thence South 14°49'19" West, parallel with said centerline, a distance of 106.58 feet to the South line of said Document No. 2004-118582; thence North 87°03'28" West along said South line a distance of 6.13 feet to the **Point of Beginning**.

Bearings based on Clackamas County Survey No. 2006-435.

Containing 954 square feet, more or less.

Subject to easements and restrictions of record.

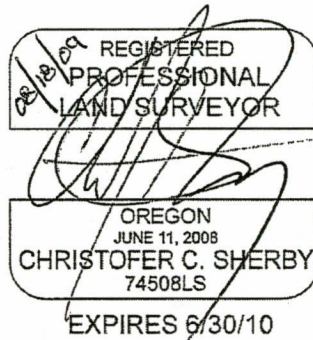


EXHIBIT "B"

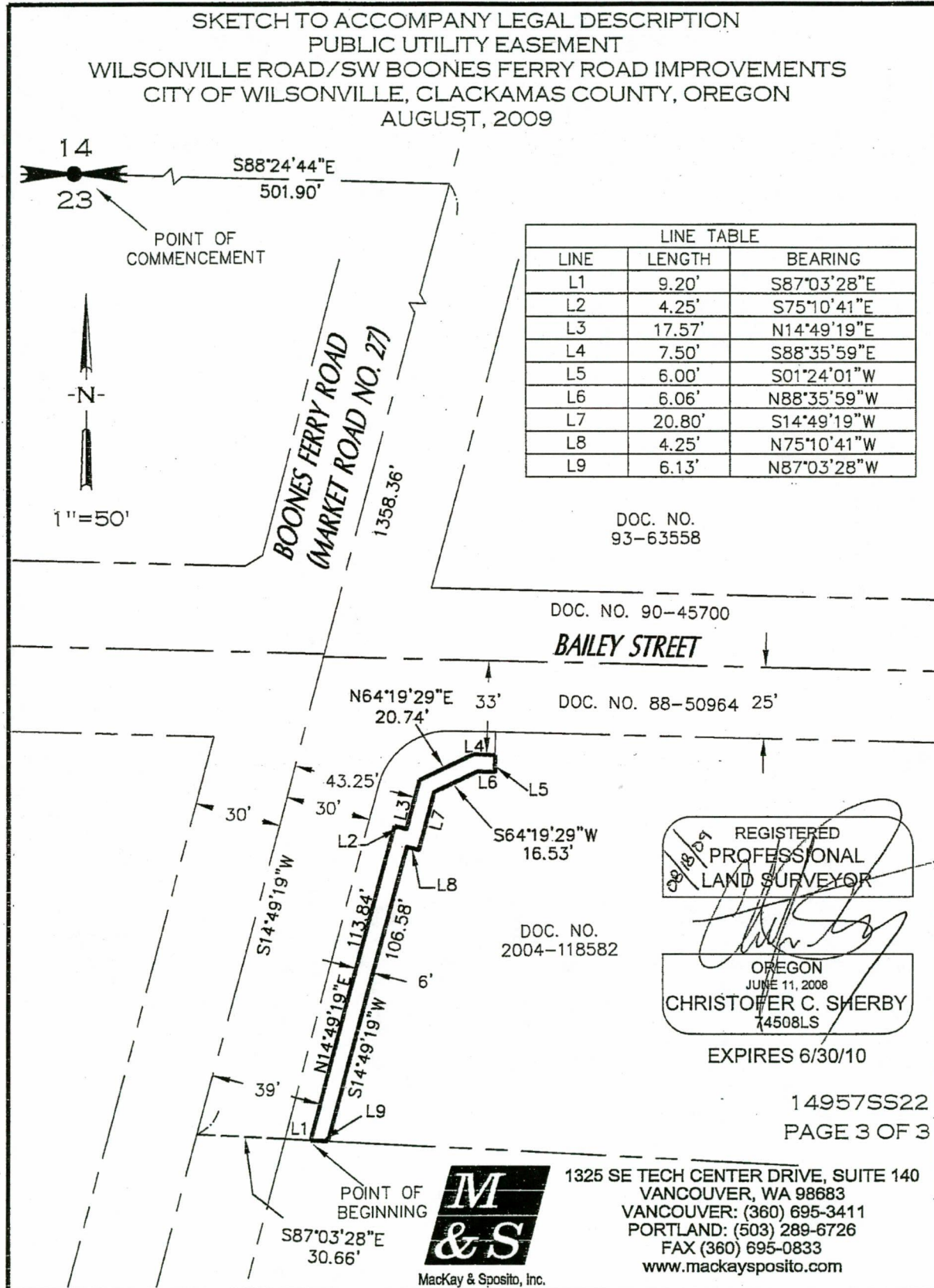


EXHIBIT "A"

14957LD23  
10/16/09  
mjf

www.mackaysposito.com

**MacKay & Sposito, Inc.**

ENGINEERS SURVEYORS PLANNERS

VANCOUVER KENNEWICK



1325 S.E. Tech Center Drive, Ste. 140, Vancouver, WA 98683 (360) 695-3411 (503) 289-6726 PTLD (360) 695-0833 FAX

LEGAL DESCRIPTION  
WALL EASEMENT  
WILSONVILLE ROAD/SW BOONES FERRY ROAD 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 KWDS LLC, an Oregon Limited Liability Company, by Statutory Bargain and Sale Deed recorded under Document No. 2004-118582, records of said county, lying in the Northeast quarter of Section 23, Township 3 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter corner of Section 23; thence South 88°24'44" East along the North line of said section, also being the centerline of Wilsonville Road (Market Road No. 6), a distance of 501.90 feet to the intersection with the centerline of SW Boones Ferry Road (Market Road No. 27); thence South 14°49'19" West along the centerline of said SW Boones Ferry Road a distance of 1358.36 feet to the westerly projection of the South line of said Document No. 2004-118582; thence South 87°03'28" East along said westerly projection a distance of 30.66 feet to a point on the Easterly right of way line of said SW Boones Ferry Road; thence continuing South 87°03'28" East along said South line a distance of 9.20 feet to a point 39.00 feet easterly of, when measured at right angles to, the centerline of said SW Boones Ferry Road, said point being the **Point of Beginning**; thence North 14°49'19" East, parallel with said centerline, a distance of 113.84 feet; thence South 75°10'41" East a distance of 4.25 feet to a point 43.25 feet easterly of, when measured at right angles to, the centerline of said SW Boones Ferry Road; thence North 14°49'19" East, parallel with said centerline, a distance 17.57 feet; thence North 64°19'29" East a distance of 20.74 feet to a point 33.00 feet southerly of, when measured at right angles to, the centerline of Bailey Street; thence South 88°35'59" East, parallel with said centerline, a distance of 7.50 feet; thence South 01°24'01" West a distance of 6.00 feet; thence North 88°35'59" West, parallel with said centerline, a distance of 6.06 feet; thence South 64°19'29" West a distance of 16.53 feet; thence South 14°49'19" West, parallel with the centerline of said SW Boones Ferry Road, a distance of 20.80 feet; thence North 75°10'41" West a distance of 4.25 feet to a point

EXHIBIT "A"

14957LD23  
10/16/09  
mjf

45.00 feet easterly of, when measured at right angles to, the centerline of said SW Boones Ferry Road; thence South 14°49'19" West, parallel with said centerline, a distance of 106.58 feet to the South line of said Document No. 2004-118582; thence North 87°03'28" West along said South line a distance of 6.13 feet to the **Point of Beginning**.

Bearings based on Clackamas County Survey No. 2006-435.

Containing 954 square feet, more or less.

Subject to easements and restrictions of record.

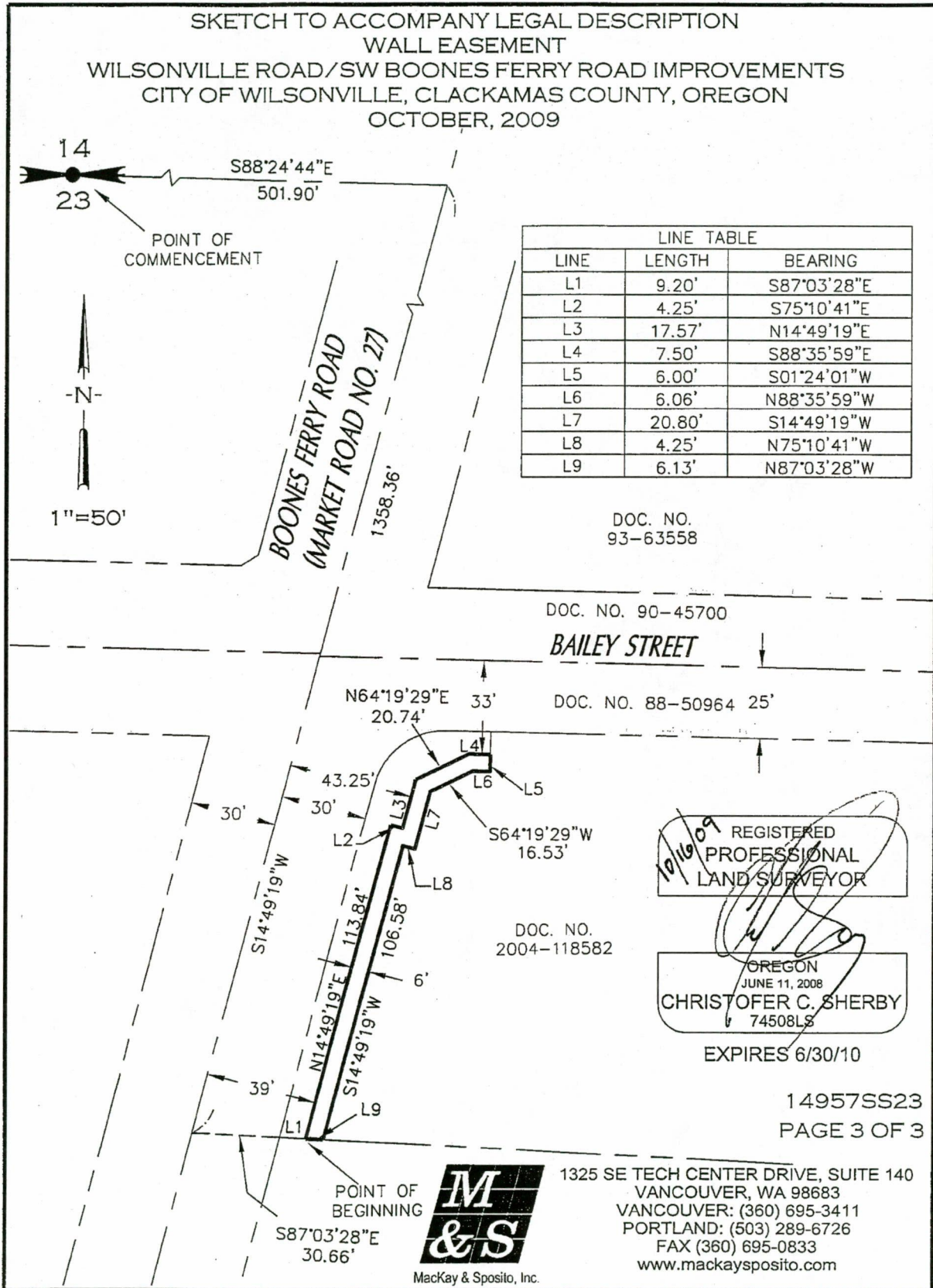
10/16/09 REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

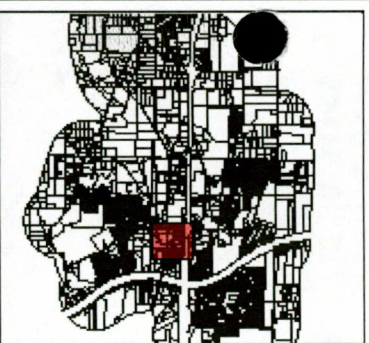
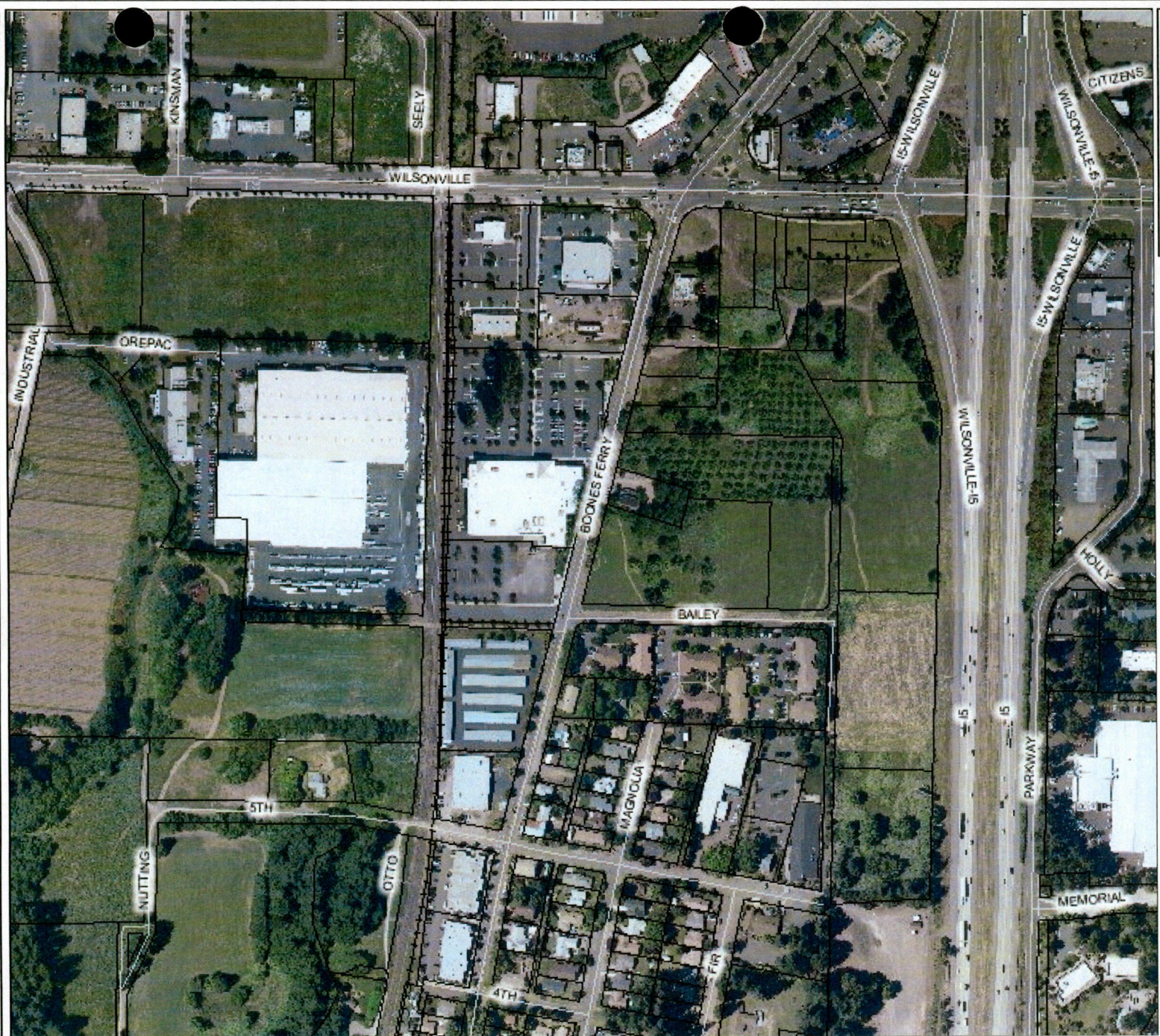
OREGON  
JUNE 11, 2008  
CHRISTOFER C. SHERBY  
74508LS

EXPIRES 6/30/10



EXHIBIT "B"





Scale 1:4,976  
1 in = 415 ft