

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

**RESOLUTION NO. 27**

**A RESOLUTION OF THE URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE AUTHORIZING ACQUISITION OF LEASEHOLD INTEREST IN 30125 SW BOONES FERRY ROAD TO FURTHER PLAN PROJECT 601.A.11, AND MAKING FINDINGS AND DETERMINATIONS AUTHORIZING MINOR CHANGES TO THE YEAR 2000 PLAN, THE CITY OF WILSONVILLE URBAN RENEWAL PLAN.**

WHEREAS, under and by virtue of the laws of the State of Oregon and under its charter, the City of Wilsonville is duly authorized and empowered to construct, operate, maintain, reconstruct and repair a street transportation system for vehicles, pedestrians and bicycles, sewer system, storm and drainage system, water system, street lighting system, and to provide right-of-ways and easements for other utilities such as gas, electric, and cable; and

WHEREAS, in order to carry out its public purposes in providing for the aforementioned public improvements for its street system, sewer system, storm and drainage system, water system, street lighting system and to provide right-of-ways and easements for other utilities, the City may acquire such real property as may be necessary and proper for such public purpose; and

WHEREAS, the City of Wilsonville's Urban Renewal Agency is lawfully empowered to construct certain planned public improvement projects, and to acquire land necessary and proper for such public purposes and to do so in conjunction with the City and the City of Wilsonville's Comprehensive Plan; and

WHEREAS, the Year 2000 Plan, the Urban Renewal Plan for the City of Wilsonville, provides in section 1201D for this Agency to adopt by resolution minor changes, which shall include the identification of property to be acquired as provided for in Sections 601, 602 and 603 of the Plan; and

WHEREAS, Section 601, Urban Renewal Projects and Improvement Activities, provides for "A. Roads, Including Utility Work Indicated", and more specifically project and improvement activity No. "11. All Old Town Streets"; and

WHEREAS, Boones Ferry Road south of Wilsonville Road is the primary street access in and to Old Town; and

WHEREAS, recent commercial permit applications have identified future traffic projections and necessary capital improvements to support development in the Old Town area including realignment and widening of Boones Ferry Road; and

WHEREAS, Section 602, Acquisition of Real Property, provides that “property acquisition, including limited interest acquisition . . . may be used by the Agency to achieve the objectives of this plan based on any one of the following criteria:

\* \* \*

“3. Where it is determined by the Agency that the property is needed to provide public improvements and facilities as follows:

“a. Right of way acquisition for streets, alleys, bicycle paths, or pedestrian ways.

\* \* \*”, and

WHEREAS, Section 603, Agency’s Procedures for Identifying Property to Be Acquired provides for a determination of the property to be acquired, contact with the owners informing them of the Agency’s interest; a status report back to the Agency; scheduling a public hearing and noticing the owners of the hearing, at the hearing explaining the public purpose or plan objectives for the property acquisition, taking public testimony, determining public necessity and establishing an anticipated disposition setting a time schedule for acquisition and disposition, and if the determination is still to proceed, causing the minor change, including maps and legal description of the property to be acquired and findings to be placed in part 2 with appropriate exhibit number; and

WHEREAS, the owners of record of this property are Terry & Karen Lowrie, and Wayne Lowrie, Trustee, and the leaseholder is the United States Postal Service who have the option of an additional ten years on this property; and

WHEREAS, City staff and the City’s attorney provide joint services to this Urban Renewal Agency and on behalf of both the City and the Agency contacted the owners and leaseholders, and entered into negotiations with them, informed them of the future need to widen Boones Ferry Road and, after obtaining their input, determined that acquisition of interest in this property should occur as soon as possible as there are several distinct advantages to the Agency in proceeding with this leasehold acquisition at this time; and

WHEREAS, the advantages are as follows:

- 1) Release of the postal service interest in the property. Federal interest in this property precludes future redevelopment efforts during their tenure. Their interest must be acquired for the Boones Ferry Road project to proceed.



- 2) Fiscal economies. The Agency has negotiated very favorable terms for leasehold assignment. The proposed terms are approximately one-third the net value of the lease interest. In addition, there is no long-term tenant interest to buy-out, relocate and re-establish.

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

1. There is needed and required for the public purpose of providing street and utility improvements to the residents of the City of Wilsonville acquisition of leasehold interest in the real property described in Exhibit "A" attached hereto and by this reference made a part hereof.
2. Interest in the property is required for Boones Ferry Road future street and utility improvements, The Year 2000 Plan Project No. 601.A.11.
3. That the Agency procedures for identifying property to be acquired have been met.
4. The Agency and its attorneys are authorized and directed to negotiate to final agreement with the owners and leaseholders of the real property herein described as to the compensation to be paid for the appropriation of the property interest.
5. The Agency Director is authorized to enter into an Assignment Agreement with the U.S. Postal Service, a copy of which is marked as Exhibit "A" and is incorporated herein as if fully set forth.
6. That acquisition of the leasehold interest in the property described in Exhibit "B" is a minor change to The Year 2000 Plan.
7. The Year 2000 Plan shall be amended, with this Resolution serving as the findings and Exhibit "B" providing the necessary legal description for the amendment.
8. In keeping with the above, the Agency determines to acquire leasehold interest in the described property immediately in 1995.

ADOPTED by the Urban Renewal Agency of the City of Wilsonville at a regular meeting thereof this 20th day of November , 1995 and filed with the Wilsonville City Recorder this date.



GERALD A. KRUMMEL, Chairman

ATTEST:

*Sandra C. King*  
SANDRA C. KING, City Recorder

SUMMARY OF Votes:

Chairman Krummel	Yes
Ms. Lehan	Yes
Ms. Hawkins	Yes
Mr. Leahy	Yes
Ms. Leo	Yes

**ASSIGNMENT OF LEASE**

KNOW ALL MEN BY THESE PRESENTS, That United States Postal Service. Assignor, for value received, to-wit: \$50,000 together with the prorates, including property taxes as of December 1, 1995, hereby assigns unto the Urban Renewal Agency of the City of Wilsonville, Assignee, all the Assignor's rights and interest as lessee in that certain Lease made by William G. Lowrie and Lois I. Lowrie, lessor, and United States Postal Service, lessee, dated February 20, 1976, and covering the following described premises, to-wit:

All that certain plot, or parcel, of land situated in Clackamas County, State of Oregon, in a tract of land in the North one-half of Section 23, Township 3 South, Range 1 West, of the Willamette Meridian, described with more particularity in the Lease on page 1-A, Legal Description, and containing approximately 24,460 square feet of land.

Common address location: 30125 S.W. Boones Ferry Road, Wilsonville, Oregon.

TOGETHER WITH ALL IMPROVEMENTS THEREON, including a one-story frame building providing approximately 2688 square feet of net interior space, a mailing platform of approximately 216 square feet, a parking and maneuvering area of approximately 14724 square feet, a driveway of approximately 4100 square feet, sidewalks (on site) of approximately 913 square feet, and a landscaped area of approximately 1679 square feet, in Wilsonville, Clackamas County, Oregon.

To Have and to Hold the same unto said Assignee and assigns from December 1, 1995, for all the rest of the term of said Lease, subject to the covenants, conditions and provisions therein mentioned. A copy of the Lease is marked "Exhibit A", attached hereto and incorporated by reference as if fully set forth herein.

The rents provided for in said Lease are paid to and including November 30, 1995. Assignee will indemnify and hold Assignor harmless against any claim or damage arising out of Assignee's default in performing the terms of the Lease for the period on or after the Effective Date. In furtherance, on this assignment, Assignee has obtained a Consent and Release of the U.S. Postal Service as lessee of the Lease dated February 20, 1976, by the current grantees of the Lessor's full right, title and interest, and has provided a copy of said Consent and Release to the U.S. Postal Service,

AND the Assignor hereby covenants that the interest in said Lease hereby assigned is free from encumbrances and the Lease is in full force and effect.

In construing this assignment and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.



In Witness Whereof, the Assignor, by and through its duly authorized contracting officer, has executed this instrument on \_\_\_\_\_, 19\_\_\_\_.

UNITED STATES POSTAL SERVICE

By \_\_\_\_\_  
Contracting Officer

Name: David Klement  
Asset Management  
U.S. Postal Service  
850 Cherry Avenue  
San Bruno, CA 94099-0350

STATE OF \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss

\_\_\_\_\_, 19\_\_\_\_.

Personally appeared \_\_\_\_\_ who, being duly sworn, did say that he is the contracting officer for the U.S. Postal Service and that said instrument was signed in behalf of said U.S. Postal Service by authority of the U.S. Postal Service; and acknowledges said instrument to be its voluntary act and deed.

Before me:

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

(Official Seal)

30125 SW Boones Ferry Road  
WILSONVILLE, OR 97070  
Main Post Office

LEGAL  
DESCRIPTION

A tract of land in the North one-half of Section 23, Township 3 South, Range 1 West, of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

BEGINNING at a one-half inch by 30 inch iron pipe at the Northwest corner of a tract of land described in Book 625, Page 457, Clackamas County Deed Records, which bears North 89° 50' East, 60.71 feet along the North line of said Section 23, and South 0° 29' East, 285.08 feet from the North one-quarter corner thereof; thence North 89° 69' East, along the Northerly line of said tract described in Book 625, Page 457, 343.09 feet to an iron pipe on the Westerly line of Market Road No. 27, and the true point of beginning; thence South 13° 13' West, along said Westerly line, 73.50 feet to an iron pipe; thence South 89° 40' West, 195 feet to a point; thence North 13° 13' East, 118.12 feet to a point which bears 115.00 feet North of when measured at right angles thereto the South line of the premises herein described; thence North 89° 50' East, 195 feet to a point on the Westerly line of said Market Road No. 27; thence South 13° 13' West, along said Westerly line, 44.68 feet the true point of beginning.