

RESOLUTION NO. 2178

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING ACQUISITION OF PROPERTY RELATED TO THE ARROWHEAD CULVERT REPLACEMENT PROJECT

WHEREAS, the City of Wilsonville is duly authorized and empowered by virtue of the laws of the State of Oregon to acquire such real property as may be deemed necessary and proper for identified improvements; and

WHEREAS, the City of Wilsonville Stormwater Master Plan dated May 2006, Section 7 ~ Recommended Improvements, identifies recommended improvements to Arrowhead Creek. The improvements consist of four elements as follows: 1) installation of a control structure and low flow pipe from the existing 36-inch outfall pipe which will direct low flows to Arrowhead Creek; 2) expansion of the existing wetland west of the Wood Middle School; 3) installation of two additional 30-inch culverts in the Arrowhead Creek channel north of the school; and 3) reconstruction of the existing 36-inch pipe outlet with additional erosion control; and

WHEREAS, the improvements were identified as a funded capital project in the City's 2008/09 Budget (CLC 10 – Arrowhead Creek Culvert #7022); and

WHEREAS, a 2,230 SF permanent easement and a 2,773 SF temporary construction easement is needed from tax lot 3S-1W-22AA 0300 owned by Guenter & Waltraud Kliese, a 3,094 SF permanent easement and a 1,710 SF temporary construction easement is needed from 3S-1W-22AA 0400 owned by David R. Fritschi, and a temporary construction easement is needed from tax lot 3S-1W-22AA 0200 owned by Wilsonville Heights; and

WHEREAS, it is in the public interest that this property acquisition occur expeditiously so as not to impede construction of the improvements; and

WHEREAS, the property to be acquired meets engineering specifications and reflects the least amount of real property interest to ensure safe, efficient and adequate public improvements; and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WILSONVILLE
RESOLVES AS FOLLOWS:

1. There is needed and required, for the public purpose of providing improvements and erosion control to Arrowhead Creek Culvert, acquisition of real property as identified in Exhibits 1, 2 & 3, attached hereto and incorporated by reference herein.

2. The property interests are necessary as a result of the aforementioned public improvements, and these improvements have been planned and located in a manner most compatible with the greatest public good and the least private injury and in accordance with the recommendations set forth in the Stormwater Master Plan dated May 2006.

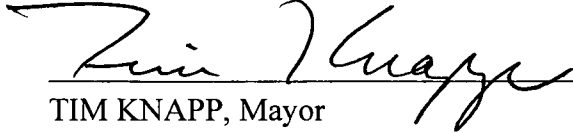
3. City staff and attorneys are authorized and directed to negotiate with the owners of the real property herein described as to the compensation to be paid for the acquisition of the property, and in the event agreement cannot be reached, return to City Council to recommend the acquisition for condemnation 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 City are authorized to make such stipulation, agreement or admission as in their judgment may be in the best interests of the City.

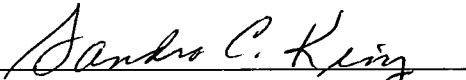
5. City staff anticipates it will acquire the above-described property in the summer of 2009 and cause construction to begin as soon as property acquisition is complete.

6. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 18th day of May, 2009, and filed with the Wilsonville City Recorder this date.


TIM KNAPP, Mayor

ATTEST:


Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp	Yes
Councilor Kirk	Yes
Councilor Nùñez	Excused
Councilor Ripple	Yes
Councilor Hurst	Yes

List of Exhibits

Exhibit 1 ~ Kliese Property Legal Description for Permanent Easement & Temporary Construction Permit

Exhibit 2 ~ Fritschi Property Legal Description for Permanent Easement & Temporary Construction Permit

Exhibit 3 ~ Wilsonville Heights Property Legal Description for Temporary Construction Easement

**COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

DATE: May 18, 2009
TO: Honorable Mayor and Councilors
FROM: Kristin Retherford, Urban Renewal Project Manager
SUBJECT: Acquisition of Property Related to the Arrowhead Culvert Improvements

Summary: Real property acquisition is necessary to carry out the objectives of the City of Wilsonville Storm Water Master Plan, updated May 2006, which addresses needed improvements to the Arrowhead Creek Culvert. These improvements include the replacement of an existing 36-inch culvert with additional erosion control measures for areas downstream of the culvert. This project is identified as Project 7022 in the City's 08/09 and 09/10 budget documents. This project is related to Project 7019 (diversion structure at Graham Oaks) and Project 7023 (culvert replacement near Wood Middle School), which, in conjunction will allow for the re-direction of flows into Arrowhead Creek

Recommendation: Staff recommends the City of Wilsonville adopt a resolution authorizing acquisition of real property interests for improvements to the Arrowhead Creek Culvert project as follows:

<u>Property Owner</u>	<u>Tax Lot</u>	<u>SF</u>	
Kliese, Guenter & Waltraud	3S 1W 22AA #0300	2,230	Permanent Easement
		2,773	Temporary Construction
Fritschi, David R.	3S 1W 22AA #0400	3,094	Permanent Easement
		1,710	Temporary Construction
Wilsonville Heights	3S 1W 22AA #0200	578	Temporary Construction

It is necessary and appropriate that the City proceed in an expeditious manner to acquire the property interest necessary to complete this project.

Kristin Retherford
Urban Renewal Project Manager

Date

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

LEGAL DESCRIPTION
DRAINAGE AND ACCESS EASEMENT
ARROWHEAD CREEK
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 Guenter H. Kliese and Waltraud Kliese, by Warranty Deed recorded under Fee No. 72-9300, records of said county, lying in the Northeast quarter of Section 22, Township 3 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

Beginning at the Southwest corner of said Fee No. 72-9300, also being an angle point in the East line of Fee No. 2000-080682; thence North 04°13'12" West along the West line of said Fee No. 72-9300 a distance of 31.17 feet; thence North 40°51'25" East a distance of 31.64 feet; thence South 51°06'17" East a distance of 55.05 feet; thence South 39°46'27" West a distance of 22.26 feet to the South line of said Fee No. 72-9300; thence South 85°56'00" West along said South line a distance of 47.12 feet to the **Point of Beginning**.

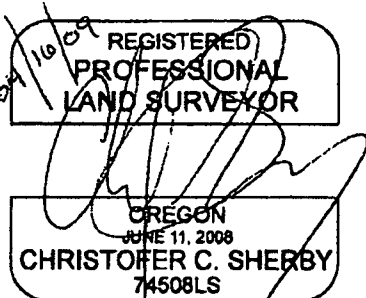
Containing 2,224 square feet or 0.05 acres, more or less.

TOGETHER WITH a Temporary Construction Easement over real property described in said Fee No. 72-9300, more particularly described as follows:

Commencing at the Southwest corner of said Fee No. 72-9300, also being an angle point in the East line of Fee No. 2000-080682; thence North 04°13'12" West along the West line of said Fee No. 72-9300 a distance of 31.17 feet to the **Point of Beginning**; thence continuing North 04°13'12" West along said West line a distance of 69.47 feet; thence South 68°59'59" East a distance of 34.23 feet; thence South 10°32'06" West a distance of 8.87 feet; thence South 48°08'08" East a distance of 7.15 feet; thence South 40°18'22" East a distance of 89.78 feet to the South line of said Fee No. 72-9300; thence South 85°56'00" West along said South line a distance of 39.42 feet; thence North 39°46'27" East a distance of 22.26 feet; thence North 51°06'17" West a distance of 55.05 feet; thence South 40°51'25" West a distance of 31.64 feet to the **Point of Beginning**.

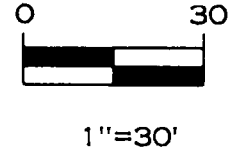
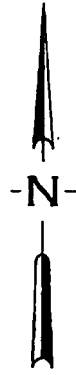
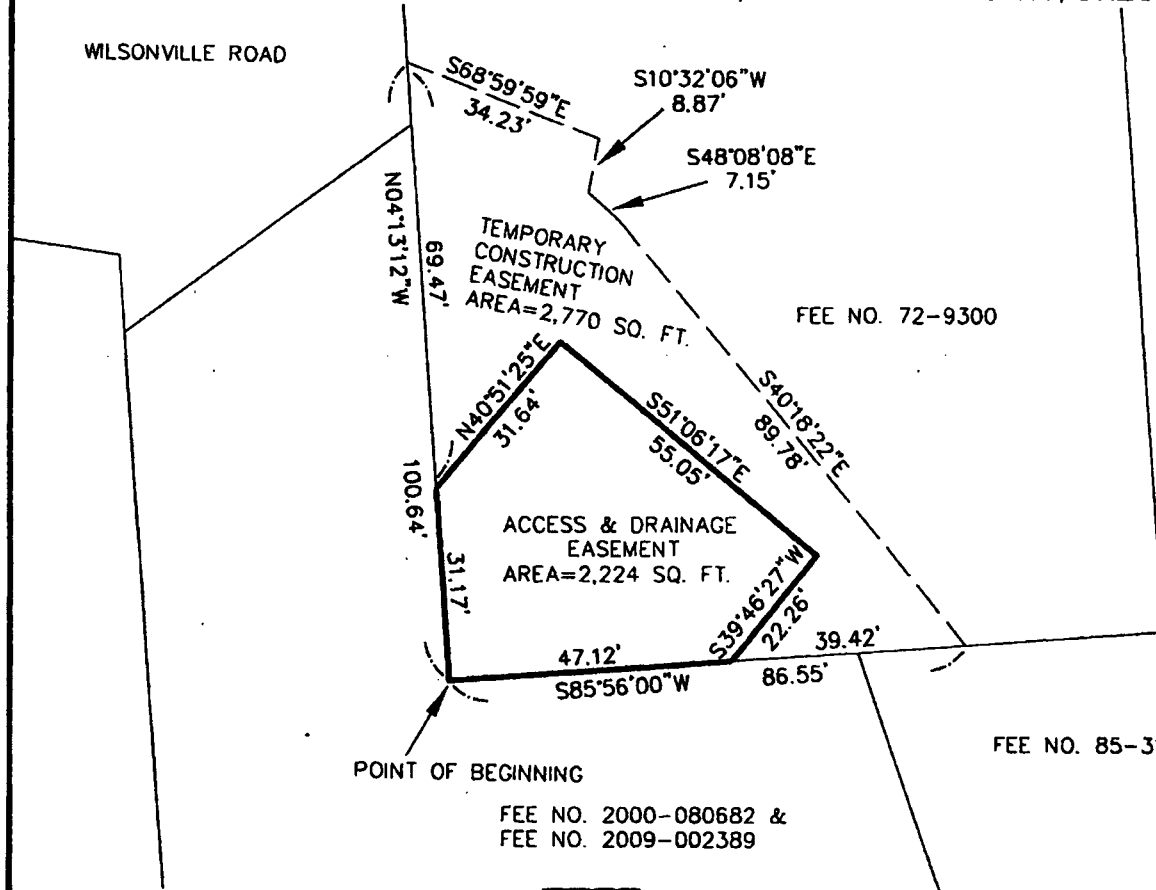
Containing 2,770 square feet or 0.06 acres, more or less.

Bearings based on Oregon State Plane Coordinate System of 1983.



EXPIRES 6/30/10

SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR
DRAINAGE AND ACCESS EASEMENT
ARROWHEAD CREEK
CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON



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 REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JUNE 11, 2008
 CHRISTOPHER C. SHERBY
 74508LS

EXPIRES 6/30/10

Mackay & Sposito, Inc.

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LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
ARROWHEAD CREEK
CITY OF WILSONVILLE

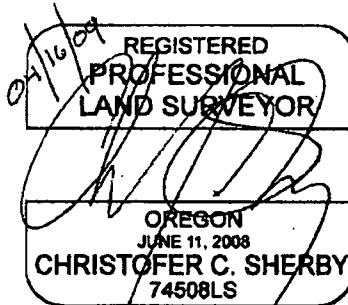
An easement over real property situated in the City of Wilsonville, Clackamas County, Oregon, being a portion of that tract of land conveyed to Wilsonville Heights Associates, Ltd., by Warranty Deed recorded under Fee No. 85-31756, records of said county, lying in the Northeast quarter of Section 22, Township 3 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

Commencing at the Southwest corner of Fee No. 72-9300, also being an angle point in the East line of Fee No. 2000-080682; thence North 85°56'00" East along the South line of said Fee No. 72-9300 a distance of 68.50 feet to the most southerly Northwest Corner of said Fee No. 85-31756, and the **Point of Beginning**; thence continuing North 85°56'00" East along said South line a distance of 18.05 feet; thence South 40°18'22" East a distance of 20.55 feet; thence South 47°03'48" West a distance of 26.95 feet to the West line of said Fee No. 85-31756; thence North 19°27'14" West along said West line a distance of 34.73 feet to the **Point of Beginning**.

Containing 578 square feet, more or less.

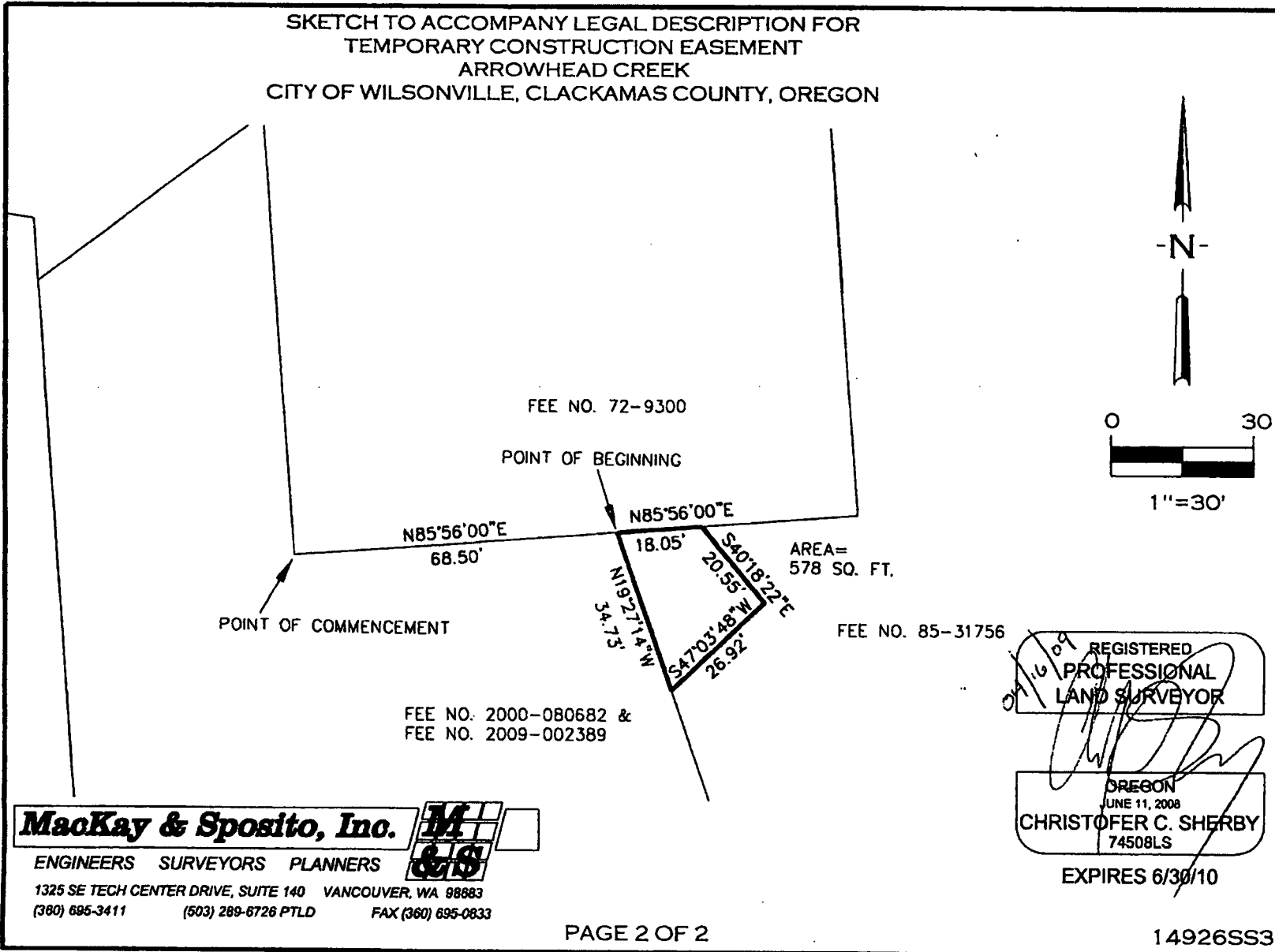
Bearings based on Oregon State Plane Coordinate System of 1983.

Subject to easements and restrictions of record.



EXPIRES 6/30/10

SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR
TEMPORARY CONSTRUCTION EASEMENT
ARROWHEAD CREEK
CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON



FEE NO. 2000-080682 &
FEE NO. 2009-002389

FEE NO. 85-31756

MacKay & Sposito, Inc.



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REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 11, 2008
CHRISTOPHER C. SHERBY
74508LS

EXPIRES 6/30/10

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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 PTL D (360) 695-0833 FAX

LEGAL DESCRIPTION
DRAINAGE AND ACCESS EASEMENT
ARROWHEAD CREEK
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 David R. Fritschi, Jr., Trustee of the David R. Fritschi, Jr. Living Trust, by Bargain and Sale Deed recorded under Fee No. 2000-080682, and conveyed to Theodora and John O. Allen, Trustees of the Theodora Heric Living Trust, by Statutory Bargain and Sale Deed recorded under Fee No. 2009-002389, records of said county, lying in the Northeast quarter of Section 22, Township 3 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

Beginning at the Southwest corner of Fee No. 72-9300, also being an angle point in the East line of said Fee No. 2000-080682; thence North 04°13'12" West along the West line of said Fee No. 72-9300 a distance of 90.48 feet to the South right of way line of Wilsonville Road per Dedication Deed recorded under Fee No. 2003-102267; thence South 54°23'21" West along said South right of way line a distance of 46.47 feet; thence South 04°13'12" East parallel with said West line a distance of 66.16 feet to the westerly extension of the South line of said Fee No. 72-9300; thence North 85°56'00" East along said westerly extension a distance of 39.67 feet to the **Point of Beginning**.

Containing 3,107 square feet or 0.07 acres, more or less.

TOGETHER WITH a Temporary Construction Easement over real property described in said Fee No. 2000-080682 and said Fee No. 2009-002389, more particularly described as follows:

Beginning at the Southwest corner of said Fee No. 72-9300, also being an angle point in the East line of said Fee No. 2000-080682; thence North 85°56'00" East along the South line of said Fee No. 72-9300 a distance of 68.50 feet to an angle point in the East line of Fee No. 2000-080682; thence South 19°29'40" East along said East line a distance of 34.74 feet; thence South 55°13'45" West a distance of 15.75 feet; thence North 46°29'13" West a distance of 25.68 feet; thence North 76°58'23" West a distance of 48.87 feet; thence South 85°56'00" West a distance of 10.02 feet; thence North 04°04'00" West a distance of 8.22 feet to a point on the westerly extension of the


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South line of said Fee No. 72-9300; thence North 85°56'00" East along said westerly extension a distance of 9.84 feet to the **Point of Beginning**.

Containing 1,710 square feet or 0.04 acres, more or less.

Bearings based on Oregon State Plane Coordinate System of 1983.

Subject to easements and restrictions of record.

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CHRISTOPHER C. SHERBY
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EXPIRES 6/30/10

SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR
DRAINAGE AND ACCESS EASEMENT
ARROWHEAD CREEK

WILSONVILLE ROAD CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON

RIGHT OF WAY DEDICATION
PER FEE NO. 2003-102267

ACCESS & DRAINAGE
EASEMENT
AREA=3,107 SQ. FT.
S04°13'12"E
66.16'
N04°13'12"W
90.48'

FEE NO. 72-9300

POINT OF BEGINNING

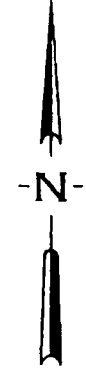
N85°56'00"E 39.67'
N04°04'00"W 8.22'
S85°56'00"W 10.02'

N85°56'00"E
68.50' TEMPORARY
CONSTRUCTION
EASEMENT
AREA=1710 SQ. FT.
N76°58'23"W 48.87'
N46°29'13"W 25.68'
S19°29'40"E 34.14'

FEE NO. 85-31756

FEE NO. 2000-080682 &
FEE NO. 2009-002389

S55°13'45"W
15.75'



1"=30'

MacKay & Sposito, Inc.



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01/10/09
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