

**RESOLUTION NO. 2214**

**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING ACQUISITION OF A TEMPORARY CONSTRUCTION EASEMENT FOR THE WATER REVENUE VAULT ON TOOZE ROAD**

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

WHEREAS, as authorized under Resolution No. 2153, the city obtained title to the real property needed for the water revenue vault on Tooze Road in order to meter the water service to the City of Sherwood from the Willamette River Water Treatment Plant in Wilsonville through City of Wilsonville water pipeline infrastructure; and

WHEREAS, this project is identified as Project 1105 Tooze Rd. 18" Waterline and Revenue Vault in the City of Wilsonville 2008-09 Budget document; and

WHEREAS, so as not to impede the construction and provision of water service to the City of Sherwood, a 400 SF Temporary Construction Easement is now needed from tax lot 3S-1W-10C 02800 owned by Cynthia Satterlund-Haider; and

WHEREAS, this temporary construction easement meets engineering specifications and reflects the least amount of property interest to ensure safe, efficient and adequate public improvements.

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

1. There is needed and required, for the public purpose of providing public improvements known as Tooze Road Revenue Vault, acquisition of property interest of that property identified as Exhibit A, attached hereto and incorporated herein by this reference.

2. The property interest is required 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. 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 winter of 2009 and cause construction to initially begin as soon as property acquisition is complete.

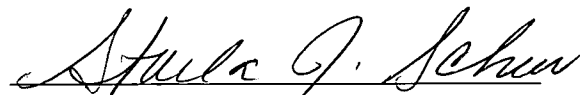
6. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 7<sup>th</sup> day of December, 2009, and filed with the Wilsonville City Recorder this date.



Alan Kirk, City Council President

ATTEST:



Starla J. Schur, CMC, Deputy City Recorder

**SUMMARY OF VOTES:**

Mayor Knapp	Excused
Councilor Kirk	Yes
Councilor N�r�nez	Yes
Councilor Ripple	Yes
Councilor Hurst	Yes

**List of Exhibits**

Exhibit A ~ Legal Description for Temporary Construction Easement



MacKay & Sposito, Inc. www.mackaysposito.com

MacKay & Sposito, Inc.  
1325 SE Tech Center Drive, Suite 140  
Vancouver, WA 98683  
Phone: 360-695-3411  
Fax: 360-695-0833

15012LD2  
10-14-09  
mjf

**LEGAL DESCRIPTION**  
**TOOZE ROAD REVENUE VAULT**  
**TEMPORARY CONSTRUCTION EASEMENT**

A parcel of land lying in the Southwest quarter of Section 10, Township 3 South, Range 1 West, W.M., Clackamas County, Oregon being a portion of Tax Lot 2800, Assessor's Plat 3 1W 10C, being further described as follows:

Commencing at the Southwest corner of said Section 10; thence South 88°34'04" East along the South line of said Section 10, also being the centerline of Westfall Road (County Road No. 84) and Tooze Road (County Road No. 355), a distance of 1097.99 feet to a point on said South line; thence North 01°25'56" East a distance of 20.00 feet to a point on the Northerly right of way line of said Tooze Road; thence continuing North 01°25'56" East a distance of 20.00 feet; thence North 88°34'04" West, parallel with said centerline, a distance of 25.11 feet; thence North 49°27'42" West a distance of 24.55 feet to the Point of Beginning; thence North 40°32'18" East a distance of 10.00 feet; thence North 49°27'42" West a distance of 40.00 feet; thence South 40°32'18" West a distance of 10.00 feet; thence South 49°27'42" East a distance of 40.00 feet to the Point of Beginning.

Containing 400 sq. ft., more or less.

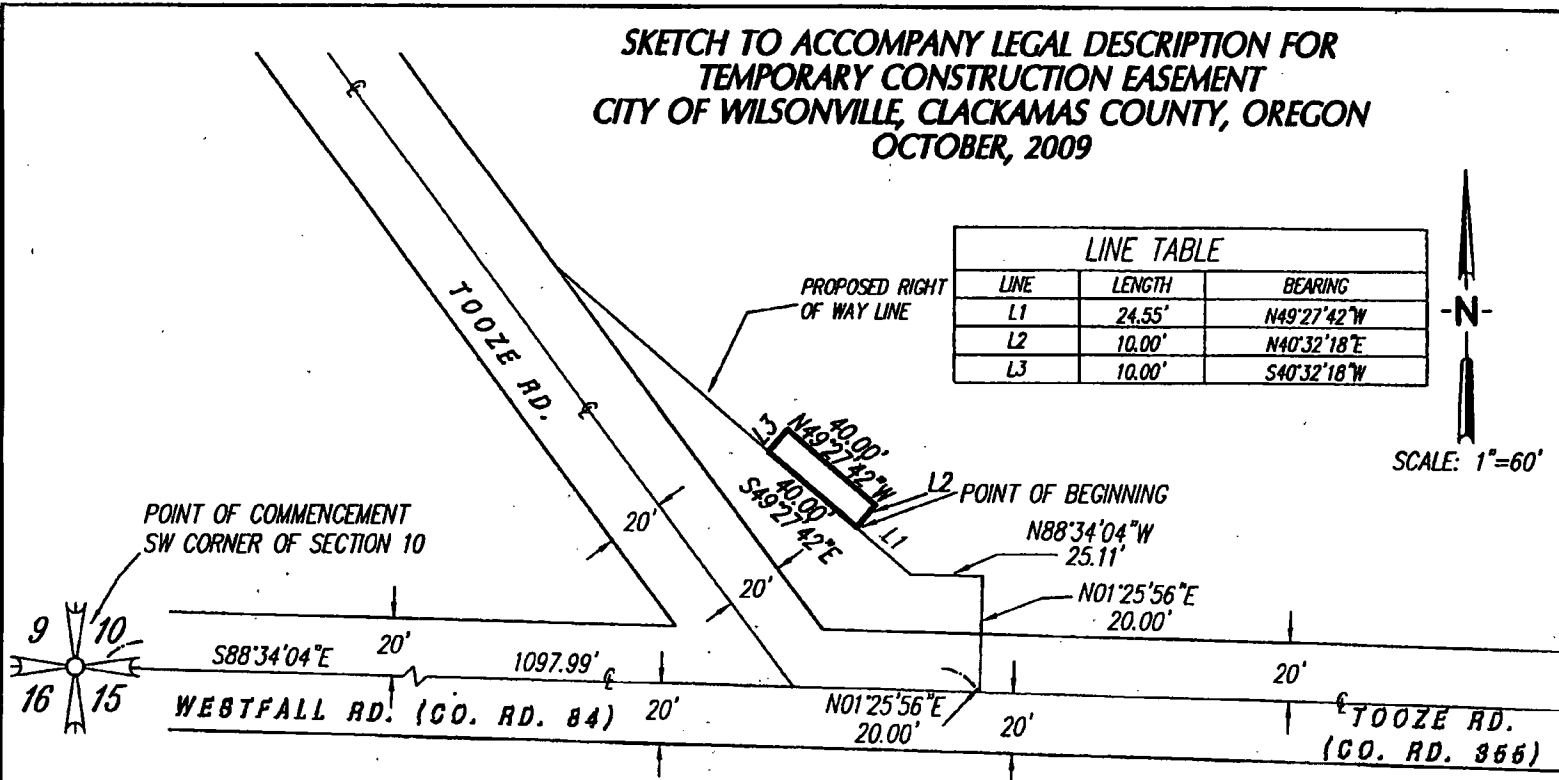
Subject to easements and restrictions of record.

10-14-09  
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

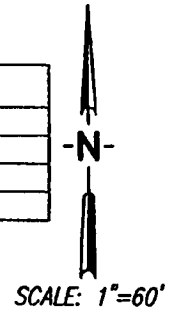
OREGON  
JUNE 08, 2009  
MATTHEW J. FAULKNER  
75618LS

EXPIRES 12/31/09

SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR  
 TEMPORARY CONSTRUCTION EASEMENT  
 CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON  
 OCTOBER, 2009

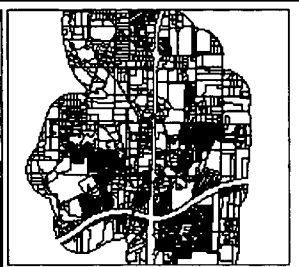


LINE TABLE		
LINE	LENGTH	BEARING
L1	24.55'	N49°27'42"W
L2	10.00'	N40°32'18"E
L3	10.00'	S40°32'18"W



**Mackay & Sposito, Inc.**  
 ENGINEERS SURVEYORS PLANNERS  
 1325 SE TECH CENTER DRIVE, SUITE 140 VANCOUVER, WA 98683  
 (360) 695-3411 (503) 289-6726 PTLD FAX (360) 695-0833

10-14-09 REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR  
  
 OREGON  
 JUNE 08, 2009  
 MATTHEW J. FAULKNER  
 75618LS



Scale 1:3,099  
1 in = 258 ft

Resolution No. 2214

**COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

DATE: December 7, 2009  
TO: Honorable Mayor and Councilors  
FROM: Kristin Retherford, Project Manager  
SUBJECT: Right-of-Way Acquisition for Water Revenue Vault on Tooze Road

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**Recommendation:** Staff recommends City Council adopt a resolution authorizing the acquisition of real property interests located on tax lot 3S1W10C 02800 to allow construction to begin for the water revenue vault on Tooze Road.

**Background:** Resolution No. 2153 authorized staff to acquire property needed and necessary for improvements related to the water revenue vault on Tooze Road (Project #1105).

This project includes the construction of waterlines on the west side of the City to provide water to the City of Sherwood and for a water revenue vault to monitor the demand from Sherwood and to meter the amount of water provided. Needed right-of-way was acquired earlier in 2009; however, at that time, it appeared that construction would not occur in the near term so the needed temporary construction easement was not included as a part of that acquisition. The situation has since changed and the construction timeline has been expedited, making acquisition of the temporary construction easement necessary at this time.

So as not to impede construction efforts for Phase I of the water revenue vault, it is now appropriate to acquire a 400 SF Temporary Construction Easement from the property owner, Cynthia Satterlund-Haider.