

RESOLUTION NO. 2547

A RESOLUTION OF THE CITY OF WILSONVILLE AMENDING RESOLUTION NO. 2512 AND AUTHORIZING ACQUISITION OF PROPERTY AND PROPERTY INTERESTS RELATED TO THE CONSTRUCTION OF THE KINSMAN ROAD EXTENSION PROJECT FROM BARBER STREET TO BOECKMAN ROAD

WHEREAS, on February 19th, 2015, City Council adopted Resolution No. 2512 which authorized property acquisition for the Kinsman Road project and the exercise of eminent domain if necessary; and

WHEREAS, subsequent engineering refinements have determined that additional property acquisition is needed; and

WHEREAS, the additional property interest needs are legally described in what is marked as Exhibit A in the upper right hand corner of the document (which is in two parts, a legal description marked as Exhibit A and a map sketch labeled exhibit B), in what is marked as Exhibit B in the upper right hand corner of the document (which is in two parts, a legal description marked Exhibit A and a map sketch marked B) and in what is marked as Exhibit C in the upper right hand corner of the document (which is in two parts, a legal description marked as Exhibit A and a map sketch marked as Exhibit B), attached hereto and incorporated herein by reference; and

WHEREAS, these legal descriptions will amend Resolution No. 2512 by replacing Exhibits O, P, and Q respectively; and

WHEREAS, the acquisition of the property interest described in Exhibits A, B and C, attached hereto is necessary and will benefit the general public and will be used for public purposes; and

WHEREAS, the City is authorized to acquire property by any legal means, including eminent domain, to achieve the objectives of the City's Capital Improvement Program and shall conform to all statutory requirements to ensure that property owners' rights are fully respected; and

WHEREAS, ORS Chapter 35 empowers cities and agencies to acquire by condemnation real property whenever in the judgment of the City there is a public necessity for the proposed use of the property, the property is necessary for such proposed use and the proposed use planned

is located in a manner which will be most compatible with the greatest public good and the least private injury; and

WHEREAS, the acquisitions presented herein reflect the least amount of property interest to ensure safe, efficient and adequate public improvements; and

WHEREAS, title to the acquired property interest shall vest in the name of the City of Wilsonville to provide for necessary care, maintenance and public safety authority.

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

1. Based upon the above Recitals, the Wilsonville City Council finds that there is a public necessity for the acquisition of the property interests described in the attached Exhibits A, B, and C in order to construct the aforementioned street improvements, that the proposed street improvements are planned and located in a manner which will be most compatible with the greatest public good and the least private injury, and hereby amends Resolution No. 2512 by replacing the legal descriptions and map sketches set forth in Exhibits O, P, and Q to Resolution No. 2512 with the legal descriptions and map sketches in Exhibits A, B, and C attached hereto. Upon adoption of this Resolution 2547, the attached legal descriptions and map sketches in Exhibits A, B, and C shall be relabeled and marked Exhibits O, P, and Q respectively to avoid confusion with the existing legal descriptions in Resolution No. 2512 that also are labeled and marked as Exhibits A, B, and C.

2. City staff and the City Attorney 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, to commence and prosecute to final determination such proceedings as may be necessary, including condemnation of the property, to acquire the real property and interest therein, and that upon the filing of such proceeding may seek immediate possession of any of the real properties described in the attached Exhibits A, B, and C, in order to meet the right-of-way certification deadline necessary to begin construction in the spring of 2016 and complete construction of the Project in a timely and efficient manner.

3. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 20th day of July, 2015, and filed with the Wilsonville City Recorder this date.

TIM KNAPP, Mayor

ATTEST:

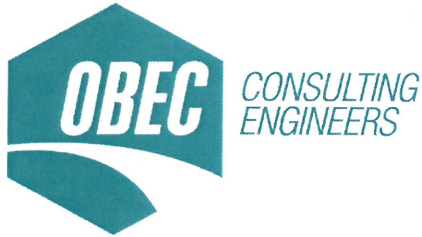
Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp	Yes
Councilor Starr	Yes
Councilor Fitzgerald	Yes
Councilor Stevens	Yes
Councilor Lehan	Yes

Exhibits:

Exhibit A through C: Legal Descriptions



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EXHIBIT "A"

14429LD15
June 25, 2015
A. Silbernagel

LEGAL DESCRIPTION
FEE
KINSMAN ROAD EXTENSION
CITY OF WILSONVILLE
31W14B 00500 & 00590

A tract of land over real property situated in the City of Wilsonville, Clackamas County, Oregon, being a portion of that real property conveyed to Charles F. Breuer, by Statutory Special Warranty Deed, Document No. 95-044271, Clackamas County Deed Records, lying in the Northwest quarter of Section 14, Township 3 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

Commencing at the North Quarter Corner of said Section 14, said corner being a 3-1/4" Brass Disk; thence North 88°38'29" West, along the north line of said Section 14, a distance of 1329.96 feet, to the west sixteenth line; thence leaving said north line, South 1°32'07" West, along said sixteenth line, a distance of 1104.57 feet to the northwesterly corner of said real property; thence leaving said sixteenth line, South 88°31'36" East, along the northerly line of said real property, a distance of 48.28 feet to the **Point of Beginning**; thence leaving said northerly real property line, along the arc of a 803.50 foot radius curve to the left (the long chord of which bears South 13°37'15" East, 37.09 feet) an arc distance of 37.09 feet; thence South 30°08'11" East, a distance of 19.97 feet; thence along the arc of a 798.50 foot radius curve to the left (the long chord of which bears South 22°21'06" East, 167.64 feet) an arc distance of 167.95 feet; thence North 60°24'03" East, a distance of 13.00 feet; thence South 26°28'24" East, a distance of 10.01 feet; thence South 60°24'03" West, a distance of 12.61 feet; thence along the arc of a 861.50 foot radius curve to the right (the long chord of which bears South 23°06'34" East, 184.80 feet) an arc distance of 185.16 feet; thence South 16°57'08" East, a distance of 43.35 feet; thence South 13°11'14" East, a distance of 38.86 feet; thence North 78°50'31" East, a distance of 13.19 feet; thence South 11°09'29" East, a distance of 10.00 feet; thence South 78°50'31" West, a distance of 12.93 feet; thence along the arc of a 863.13 foot radius curve to the right (the long chord of which bears South 08°57'47" East, 56.13 feet) an arc distance of 56.14 feet, to the southerly line of said real property; thence along said southerly line, South 88°33'43" East, a distance of 15.94 feet, to the southeasterly corner of said real property, said southeasterly corner monumented by a 5/8 inch iron rod with a yellow plastic cap stamped "DON HOLLY LS 891"; thence along the easterly line of said real property, North 01°22'06" East, a distance of 526.34 feet, to the northeasterly corner of said real property; thence along the northerly line of said real property, North 88°31'36" West, a distance of 220.89 feet, to the **Point of Beginning**.

Containing 57,208 square feet, more or less.

Subject to easements and restrictions of record.

Bearings based on Survey No. 2010-187,
Clackamas County Surveyors Office.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



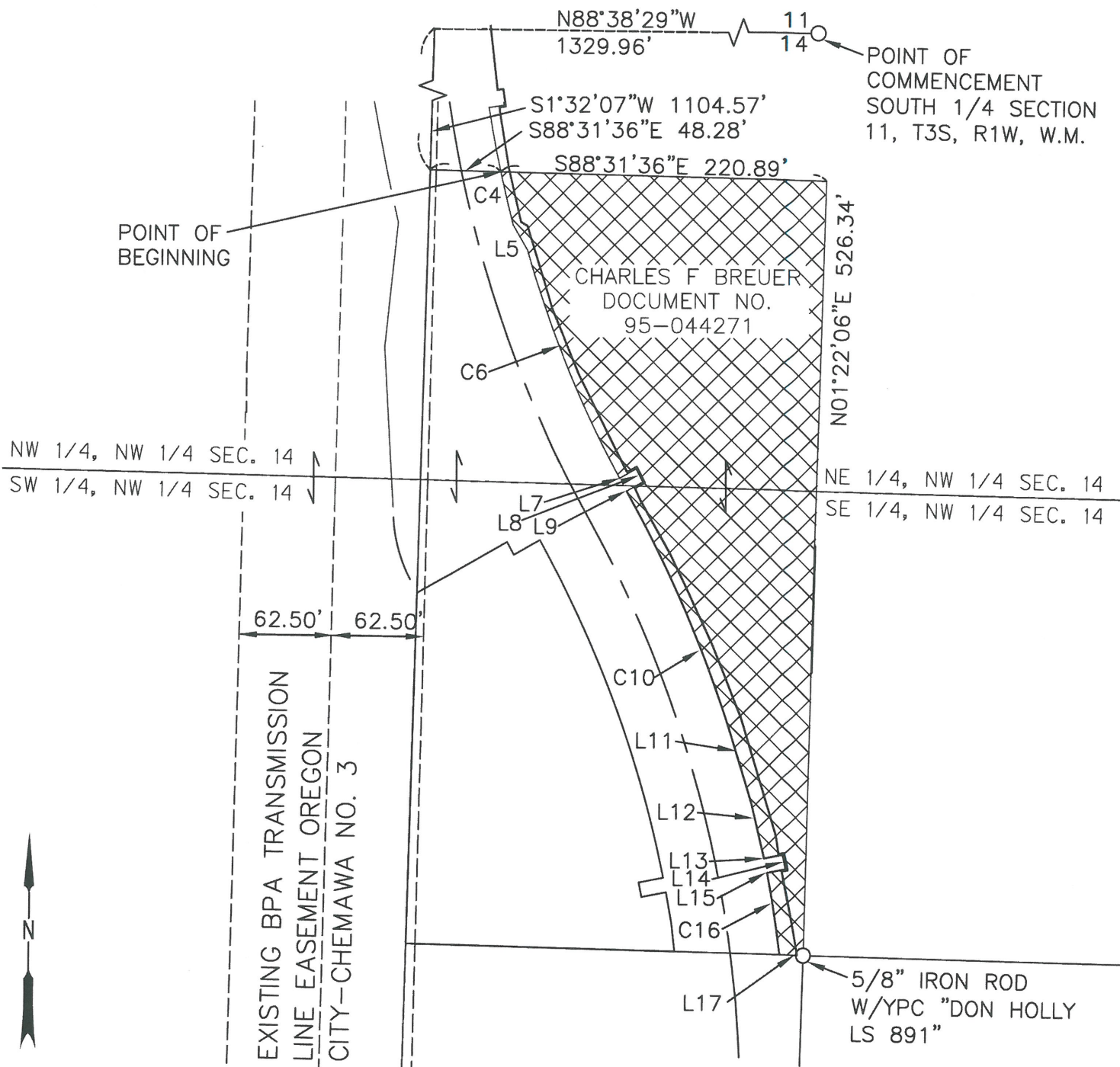
OREGON
MAY 12, 2011
ANDREW JOSEPH SILBERNAGEL
*79198

RENEWS: JUNE 30, 2016

SIGNED: 06/25/2015

EXHIBIT "B"

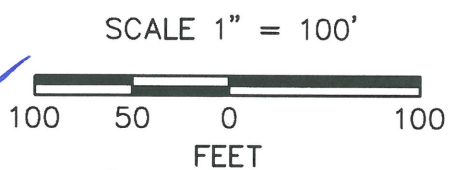
SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR FEE
KINSMAN ROAD EXTENSION
CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON
SHEET 1 OF 2




FOR LINE & CURVE TABLES SEE SHEET 2

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Andrew J. Silbernagel
OREGON
MAY 12, 2011
ANDREW JOSEPH SILBERNAGEL
*79198



 FEE = 57,208 SQ. FT ±

RENEWS: JUNE 30, 2016
SIGNED: *06/25/2015*



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EXHIBIT "B"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR FEE
KINSMAN ROAD EXTENSION
CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON

SHEET 2 OF 2

LINE TABLE		
LINE	LENGTH	BEARING
L5	19.97'	S30°08'11"E
L7	13.00'	N60°24'03"E
L8	10.01'	S26°28'24"E
L9	12.61'	S60°24'03"W
L11	43.35'	S16°57'08"E
L12	38.86'	S13°11'14"E
L13	13.19'	N78°50'31"E
L14	10.00'	S11°09'29"E
L15	12.93'	S78°50'31"W
L17	15.94'	S88°33'43"E

CURVE TABLE			
LINE	RADIUS	LENGTH	CHORD
C4	803.50'	37.09'	S13°37'15"E, 37.09'
C6	798.50'	167.95'	S22°21'06"E, 167.64'
C10	861.50'	185.16'	S23°06'34"E, 184.80'
C16	863.13'	56.14'	S8°57'47"E, 56.13'

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PROFESSIONAL
LAND SURVEYOR



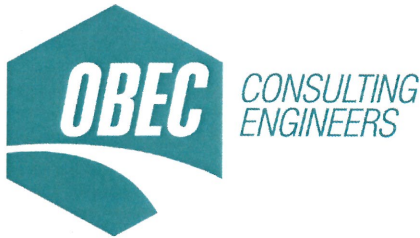
OREGON
MAY 12, 2011
ANDREW JOSEPH SILBERNAGEL
*79198

RENEWS: JUNE 30, 2016
SIGNED: 06/25/2015



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EXHIBIT "A"

14429LD16
June 25, 2015
A. Silbernagel

LEGAL DESCRIPTION
PERMANENT EASEMENT FOR SLOPES
KINSMAN ROAD EXTENSION
CITY OF WILSONVILLE
31W14B 00501

A tract of land over real property situated in the City of Wilsonville, Clackamas County, Oregon, being a portion of that real property conveyed to Oldcastle Precast, Inc., by Bargain and Sale Deed For Property Line Adjustment, Document No. 2002-125651, Clackamas County Deed Records, lying in the Northwest quarter of Section 14, Township 3 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

Commencing at the North Quarter Corner of said Section 14, said corner being a 3-1/4" Brass Disk; thence South 34°28'44" West, 1947.93 feet to the westerly northwest corner of said real property, being monumented by a 5/8" iron rod with yellow plastic cap stamped "DON HOLLY LS 891"; thence South 01°26'16" West, a distance of 17.04 feet, along the westerly line of said real property to **Point of Beginning**; thence continuing along said westerly line, South 01°26'16" West, a distance of 202.87 feet; thence leaving said westerly line, South 88°33'51" East, a distance of 13.34 feet; thence North 01°35'24" East, a distance of 36.25 feet; thence due North, a distance of 40.11 feet; thence North 02°53'24" West, a distance of 39.79 feet; thence North 04°27'03" West, a distance of 65.19 feet; thence North 05°39'14" West, a distance of 22.18 feet, to the **Point of Beginning**.

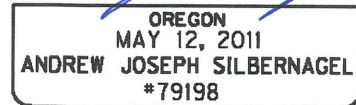
Containing 1,862 square feet, more or less.

Subject to easements and restrictions of record.

Bearings based on Survey No. 2010-187,
Clackamas County Surveyors Office.



Andrew Joseph Silbernagel

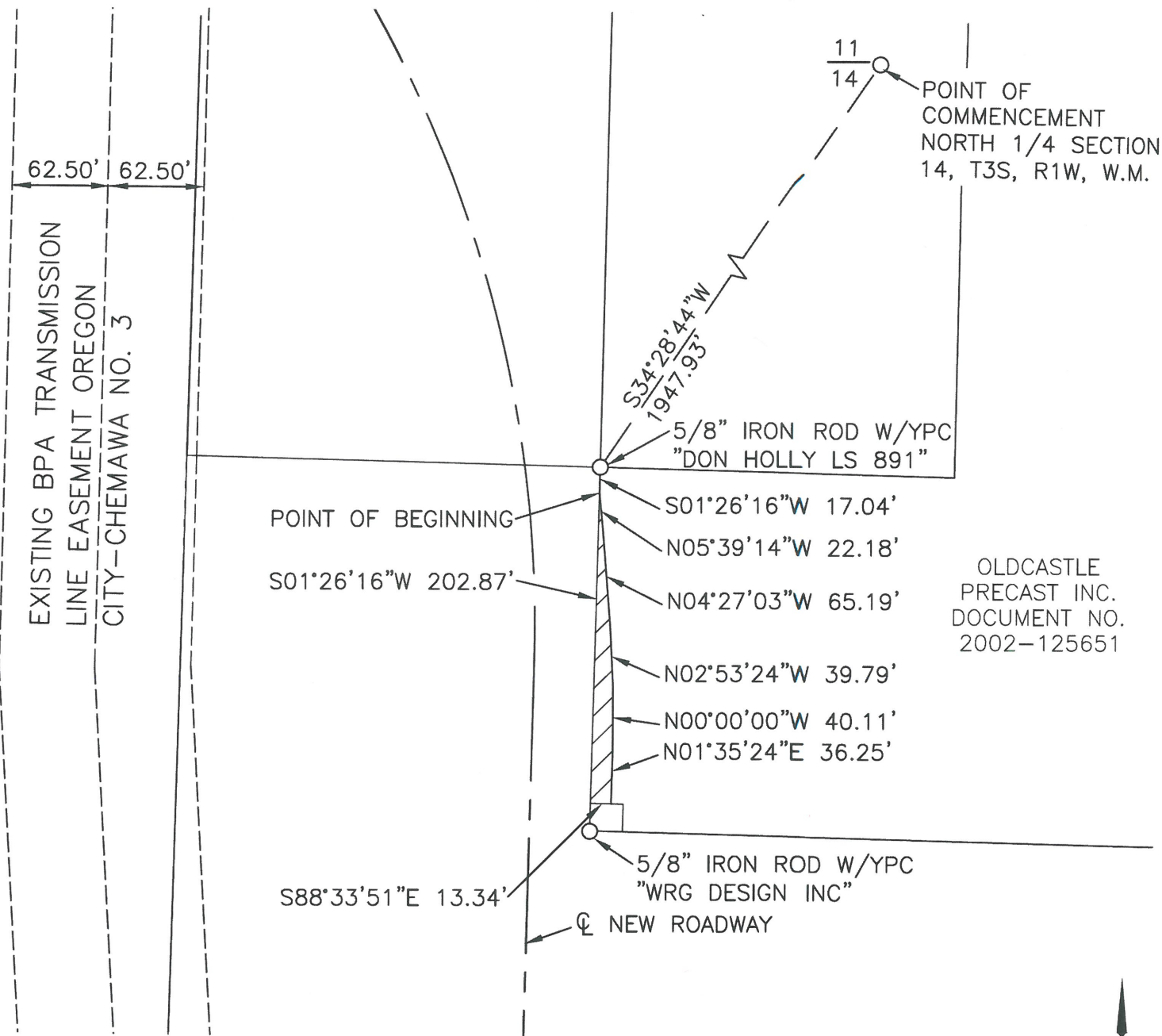


RENEWS: JUNE 30, 2016

SIGNED: *06/25/2015*

EXHIBIT 'B'

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
PERMANENT EASEMENT FOR SLOPES
KINSMAN ROAD EXTENSION
CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON



OLDCASTLE
PRECAST INC.
DOCUMENT NO.
2002-125651

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Andrew J. Silbernagel

OREGON
MAY 12, 2011
ANDREW JOSEPH SILBERNAGEL
*79198

RENEWS: JUNE 30, 2016
SIGNED: *06/25/2015*

SCALE 1" = 100'



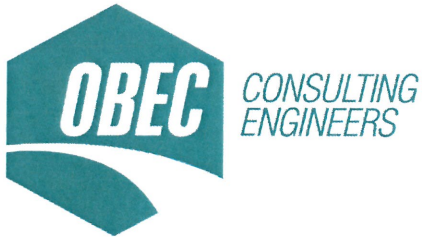
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PERMANENT EASEMENT FOR
SLOPES = 1,862 SQ. FT ±



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EXHIBIT "A"

14429LD17
June 25, 2015
A. Silbernagel

LEGAL DESCRIPTION
FEE
KINSMAN ROAD EXTENSION
CITY OF WILSONVILLE
31W14B 00501

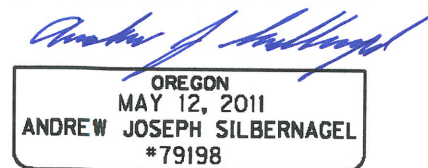
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Commencing at the North Quarter Corner of said Section 14, said corner being a 3-1/4" Brass Disk; thence South 34°28'44" West, 1947.93 feet, to the westerly northwest corner of said real property, being monumented by a 5/8" iron rod with yellow plastic cap stamped "DON HOLLY LS 891"; thence South 01°26'16" West, a distance of 219.92 feet, along the westerly line of said real property to **Point of Beginning**; thence continuing along said westerly line, South 01°26'16" West, a distance of 18.00 feet, to the southwest corner of said real property, being monumented by a 5/8" iron rod with yellow plastic cap stamped "WRG DESIGN INC"; thence along the southerly line, South 88°33'51" East, a distance of 21.34 feet; thence leaving said southerly line, North 01°26'16" East, a distance of 18.00 feet; thence North 88°33'51" West, a distance of 21.34 feet, to the **Point of Beginning**.

Containing 385 square feet, more or less.

Subject to easements and restrictions of record.

Bearings based on Survey No. 2010-187,
Clackamas County Surveyors Office.



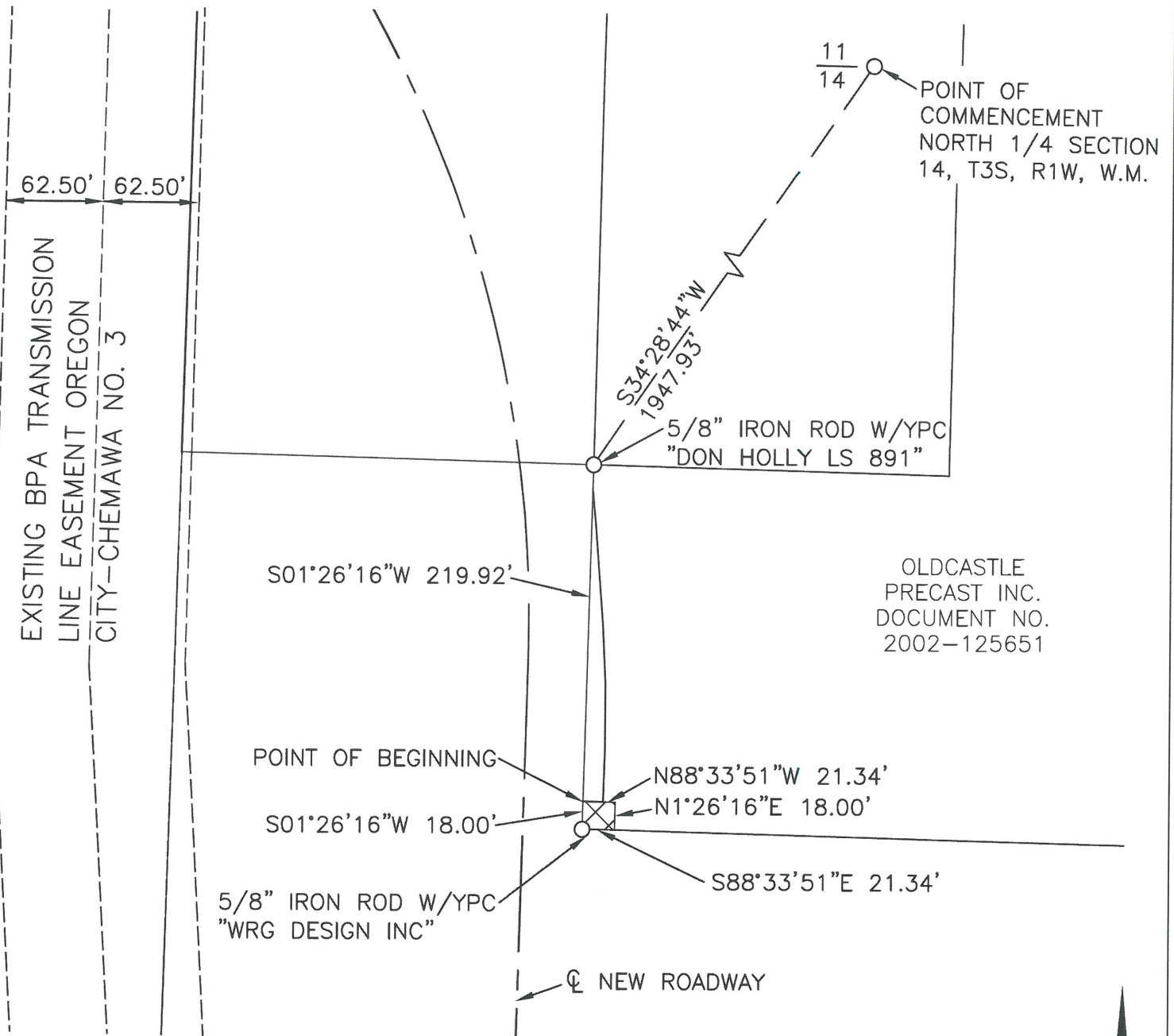
RENEWS: JUNE 30, 2016

SIGNED: 06/25/2015

EXHIBIT 'B'

EXHIBIT A

SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR FEE
 KINSMAN ROAD EXTENSION
 CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON

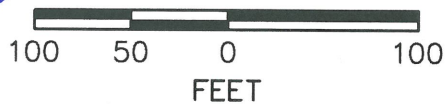


REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Andrew Joseph Silbernagel
 OREGON
 MAY 12, 2011
 ANDREW JOSEPH SILBERNAGEL
 #79198

RENEWS: JUNE 30, 2016
 SIGNED: *06/25/2015*

SCALE 1" = 100'



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FEE = 385 SQ. FT ±



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