

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO 10-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIGARD, OREGON DECLARING THE NEED TO ACQUIRE PROPERTY FOR THE PURPOSE OF COMPLETING THE GRANT AVENUE/MAIN STREET SEGMENT OF THE FANNO CREEK TRAIL IN THE CITY OF TIGARD AND ASSOCIATED GREENWAY AND AUTHORIZING IMMEDIATE POSSESSION OF THE PROPERTY.

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WHEREAS, the Tigard City Charter grants the City authority to acquire land for public purposes; and

WHEREAS, the City of Tigard is authorized by ORS 223.005 et seq. and ORS 35.015 et seq. to purchase, acquire, take, use, enter upon and appropriate land and property within or without its corporate limits for the purposes provided in those statutes; and.

WHEREAS, the construction of the Grant Avenue/Main Street segment of the Fanno Creek Trail ("Trail") is an approved capital improvement project identified in the City of Tigard *Capital Improvement Plan*; and

WHEREAS, the Grant Avenue/Main Street Fanno Creek Trail is a segment of the City greenway trail system identified in the *Tigard Park System Master Plan*, and forms part of the 15-mile long Fanno Creek Regional Trail, designated as regionally significant by Metro; and

WHEREAS, the favored alignment of this segment goes along the southwest side of the creek due to physical constraints and the high cost of constructing the Trail in other locations; and

WHEREAS, the City Council has deemed necessary the acquisition of certain properties, including the Grant Avenue and Main Street segment of the Fanno Creek Trail; and

WHEREAS, immediate possession of the property is necessary due to time and resource constraints relating to necessary planning and permitting activity for the Trail; and

WHEREAS, this acquisition is for the health, safety, benefit, and general welfare of the public for the public purpose of completing the official greenway trail system within the City of Tigard.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City of Tigard City Council does hereby find and declare that property located in the City of Tigard, Washington County, Oregon is immediately needed and required for the construction, operation, maintenance, repair and improvement of

the Grant Avenue/Main Street Fanno Creek Trail segment and to create surrounding greenway. This property is described as follows: property described in Exhibit "A" attached hereto and incorporated herein by this reference; ancillary easements as may be needed for construction related purposes; and additional land as yet undescribed that may be needed to fully accommodate the ultimate section for the trail in accordance with the final design drawings.

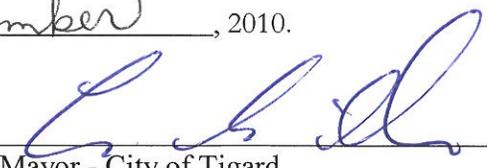
SECTION 2: The extension of the Fanno Creek Trail, for which the real property and interest are described herein are required and are being taken as necessary in the public interest, and the improvements to said property will be planned, designed, located and will be constructed in a manner that will be most compatible with the greatest public benefit and the least private injury or damage.

SECTION 3: The Tigard City Manager and the City's attorneys are authorized to negotiate with the owners and other persons in interest in the real property described herein as to the compensation to be paid for acquisition. The Tigard City Manager is authorized to enter into an agreement for purchase of this property and interests at the appraised fair market value. The City Manager is further authorized to negotiate and execute agreements for purchases that exceed the appraised values as long as the total agreement amount is less than \$75,000. Purchase of property and easements for amounts that exceed the appraised values and are higher than \$75,000 must be approved by City Council.

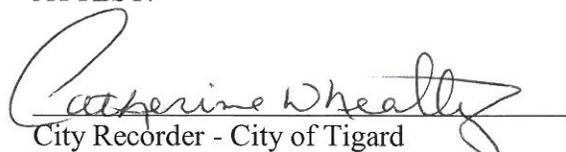
SECTION 4: In the event that no satisfactory agreement can be reached on the property and interests, then the attorneys for the City of Tigard are directed and authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire the real property and interests and necessary easements, including exercise of eminent domain, and upon the filing of such proceedings, possession of the real property and interests therein may be taken immediately to the extent provided by law.

SECTION 5: This resolution is effective immediately upon passage.

PASSED: This 28<sup>th</sup> day of December, 2010.

  
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Mayor - City of Tigard

ATTEST:

  
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City Recorder - City of Tigard

# Exhibit A

## Legal description

A tract of land situated in the Northeast and Northwest one-quarter of Section 2 Township 2 South, Range 1 West, of the Willamette Meridian, City of Tigard, Washington County, Oregon, being a portion of Lot 54 of the Amended Plat of North Tigardville as recorded in the Washington County Subdivision Records, being more particularly described as follows:

Commencing at a 1" iron pipe 20.17 feet N42° 12' 37" E from the southeast corner of Lot 54 of the Amended Plat of North Tigardville as recorded in the Washington County Subdivision Records; Thence N 42° 12' 37" E, along the easterly line of said Lot 54, a distance of 447.90 feet to **The True Point of Beginning**; Thence N 42° 12' 37" E, along the easterly line of said Lot 54, a distance of 238.30 feet to the center of Fanno Creek and the northeast corner of said Lot 54; Thence along the northerly line of Lot 54 the following 14 courses also being the center of Fanno Creek; Thence N31° 31' 13" W a distance of 18.59 feet; Thence N 46° 19' 38" W a distance of 44.15 feet; Thence N 64° 42' 17" W a distance of 59.55 feet; Thence N 78° 29' 19" W a distance of 26.14 feet; Thence S 56° 33' 18" W a distance of 30.03 feet; Thence S 30° 54' 01" W a distance of 65.66 feet; Thence S 13° 46' 08" W a distance of 25.17 feet; Thence S 24° 21' 25" W a distance of 11.45 feet; Thence S 56° 27' 22" W a distance of 19.64 feet; Thence N 89° 25' 59" W a distance of 16.05 feet; Thence N 77° 22' 19" W a distance of 17.09 feet; Thence N 12° 10' 55" W a distance of 25.11 feet; Thence N 00° 55' 48" E a distance of 50.50 feet; Thence N 15° 43' 27" W a distance of 45.76 feet to the northwest corner of said lot 54; Thence S 42° 12' 37" W, along the west line of said Lot 54, a distance of 120.76 feet; Thence S 46° 42' 17" E a distance of 76.38 feet to a point of curve of a curve to the left; Thence along said curve to the left with a radius of 60.00 feet, a central angle of 25° 50' 41" (a chord which bears S 59° 37' 38" E, 26.84 feet) and a length of 27.06 feet; Thence S 72° 32' 58" E a distance of 37.95 feet to a point of curve of a curve to the right; Thence along said curve to the right with a radius of 40.00 feet a central angle of 43° 48' 30" (a chord which bears S 50° 38' 43" E, 29.84) and a length of 30.58 feet; Thence S 28° 44' 28" E a distance of 82.31 feet to the True Point of Beginning

Containing 38634 square feet

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