

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 13-09

A RESOLUTION DECLARING THE NEED TO ACQUIRE A RIGHT OF WAY AND EASEMENTS ON PROPERTY FOR THE PURPOSE OF CONSTRUCTING STREET IMPROVEMENTS ALONG 92ND AVENUE AND AUTHORIZING IMMEDIATE POSSESSION OF THE PROPERTY

WHEREAS, the City Charter grants the City of Tigard (“City”) the authority to acquire land for public purposes; and

WHEREAS, the City 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 purpose provided in those statutes; and

WHEREAS, the construction of the 92nd Avenue Sidewalk (Waverley Drive to Cook Park)(the “Project”) is an approved capital improvement project identified in the City of Tigard *Transportation System Plan* and *Capital Improvement Plan*; and

WHEREAS, the City needs to construct the Project for the health, safety, benefit, and general welfare of the public by addressing traffic and pedestrian flow and safety issues in the area; and

WHEREAS, the City needs to acquire an interest in the Property (as defined below) on which to construct and maintain the needed street improvements that are part of the Project (including sidewalks, drainage systems, utilities, street-related easements, and other aspects of the Project); and

WHEREAS, immediate possession of the Property is necessary in order to complete the Project in a timely and efficient matter; and

WHEREAS, to allow for acquisition of the Property in a timely and efficient manner, a resolution of necessity is necessary to allow the City to take all measures necessary to acquire the Property, including the exercise of eminent domain, if needed.

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

SECTION 1: The City hereby finds and declares that certain property located in the City of Tigard, Washington County, Oregon is immediately needed and required for the Project, which includes construction, operation, maintenance, repair, and improvement of 92nd Avenue. The property on which the City needs to acquire right of way and a easements is described and depicted in the attached and incorporated exhibits (Exhibit A-1 through Exhibit D-2) (collectively, the “Property”).

SECTION 2: The City hereby finds that the acquisition of the Property is necessary and is in the public interest, and the improvements to the Property will be planned, designed,

RESOLUTION NO. 13-09

located and constructed in a manner that will be most compatible with the greatest public benefit and the least private injury or damage.

SECTION 3: The city manager, city's agent, and the city's real estate attorney are authorized to negotiate and enter into an agreement with the owner and other persons who have an interest in the Property as to the compensation for right of way and easements on the Property.

SECTION 4: In the event that no satisfactory agreement can be reached on the acquisition of right of way and easements on the Property, the city's real estate attorney is directed and authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire such interests in the Property, including exercise of eminent domain, and upon the filing of such proceedings, possession of the Property therein may be taken immediately to the extent provided by law.

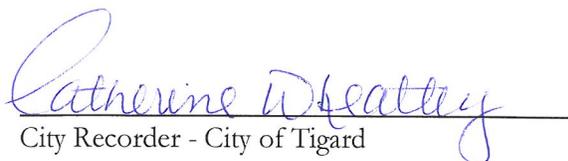
SECTION 5: This resolution is effective immediately upon passage.

PASSED: This 26th day of February 2013.



Mayor - City of Tigard
Council President

ATTEST:



City Recorder - City of Tigard

Exhibit A-1

A PORTION OF THAT TRACT OF LAND DESCRIBED IN WASHINGTON COUNTY DEED DOCUMENT NUMBER 88-40164, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF TIGARD, WASHINGTON COUNTY, OREGON. SAID PORTION LYING ON THE SOUTHEASTERLY SIDE OF THE CENTERLINE OF SOUTHWEST 92ND AVENUE, COUNTY ROAD NUMBER 2076, AS SHOWN ON THE INCLUDED EXHIBIT 'B'.

CENTERLINE OF SOUTHWEST 92ND AVENUE:

BEGINNING AT STATION 0+00, SAID POINT ALSO BEING ON THE CENTERLINE OF SOUTHWEST DURHAM ROAD, COUNTY ROAD NUMBER 429, THENCE PARALLEL WITH AND 25.0 FEET WEST OF THE WEST LINE OF THAT TRACT OF LAND CONVEYED TO TIGARD UNION HIGH SCHOOL BY DEED RECORDED IN BOOK 329 AT PAGE 222, WASHINGTON COUNTY DEED RECORDS, SOUTH 01°04'30" WEST 1,484.00 FEET TO THE POINT OF CURVATURE AT STATION 14+84.0 P.C.; THENCE 217.4 FEET ALONG THE ARC OF A 409.26 FOOT RADIUS CURVE CONCAVE WESTERLY (THE LONG CHORD OF WHICH BEARS SOUTH 16°17'30" WEST, 214.8 FEET) TO THE POINT OF TANGENCY AT STATION 17+01.4 P.T.; THENCE SOUTH 31°30'30" WEST, 111.9 FEET TO THE POINT OF CURVATURE AT STATION 18+13.2 P.C.; THENCE 213.8 FEET ALONG THE ARC OF A 409.26 FOOT RADIUS CURVE CONCAVE EASTERLY (THE LONG CHORD OF WHICH BEARS SOUTH 16°32'45" WEST, 211.3 FEET) TO THE POINT OF TANGENCY AT STATION 20+26.8 P.T.; THENCE PARALLEL WITH AND 25.0 FEET EAST OF THE WEST LINE OF THE JOHN SCHECKLA TRACT AND A SOUTHERLY PROLONGATION OF SAID WEST LINE SOUTH 01°35' WEST, 712.4 FEET TO AND TERMINATING AT A RADIUS POINT OF A 50.0 FOOT RADIUS TURN AROUND AT STATION 27+39.3.

EASEMENT AREA:

BEGINNING AT A POINT ON THE CENTERLINE OF AFORESAID SOUTHWEST 92ND AVENUE AT STATION 15+48.25; THENCE TO A POINT AT STATION 15+48.25, 30.37 FEET LEFT OF CENTERLINE; THENCE IN A STRAIGHT LINE TO A POINT AT STATION 15+62.63, 33.11 FEET LEFT OF CENTERLINE; THENCE TO A POINT ON AFORESAID CENTERLINE AT STATION 15+62.63.

BASIS OF BEARINGS IS WASHINGTON COUNTY ROAD FILE FOR COUNTY ROAD NUMBER 2076 FILED IN BOOK 45 AT PAGE 343.

EXCEPTING ANY PORTION LYING OUTSIDE OF SAID TRACT DESCRIBED IN DOCUMENT NUMBER 88-40164.

EXCEPTING ANY PORTION LYING WITH THE PUBLIC RIGHT-OF-WAY.

CONTAINS 26 SQUARE FEET MORE OR LESS.

PREPARED BY CESNW, INC.

2796 stm ease.DOC

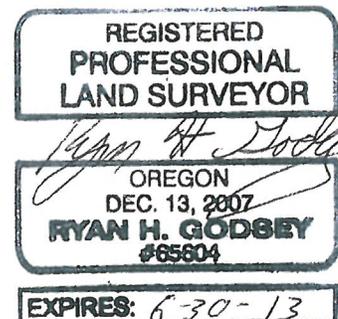


Exhibit A-2

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
DECEMBER 13, 2007
RYAN H. GODSEY
65604

RENEWS: 6/30/13

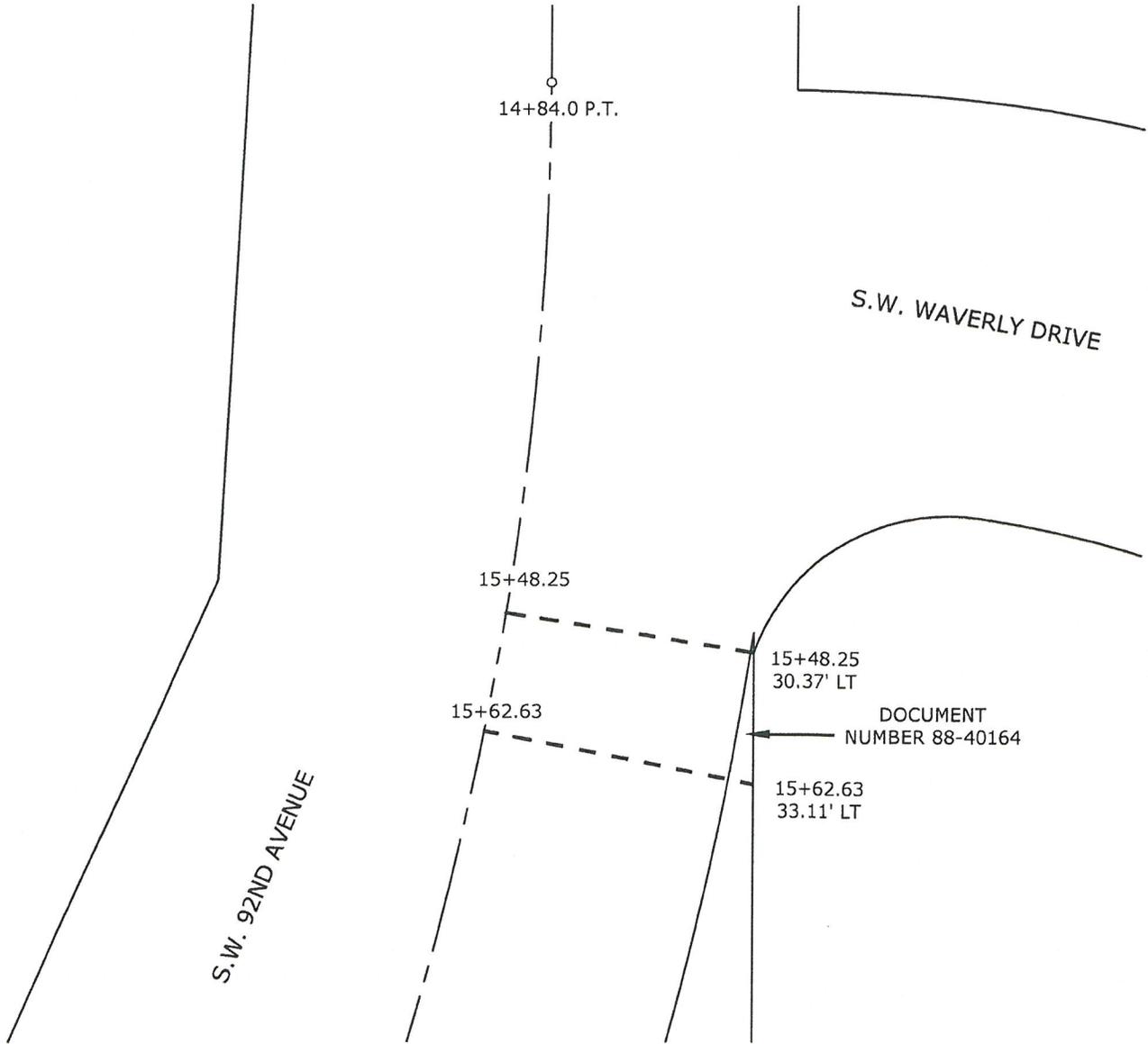


Exhibit B-1

A PORTION OF THAT TRACT OF LAND DESCRIBED IN WASHINGTON COUNTY DEED DOCUMENT NUMBER 88-40164, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF TIGARD, WASHINGTON COUNTY, OREGON. SAID PORTION LYING ON THE SOUTHEASTERLY SIDE OF THE CENTERLINE OF SOUTHWEST 92ND AVENUE, COUNTY ROAD NUMBER 2076, AS SHOWN ON THE INCLUDED EXHIBIT 'B'.

CENTERLINE OF SOUTHWEST 92ND AVENUE:

BEGINNING AT STATION 0+00, SAID POINT ALSO BEING ON THE CENTERLINE OF SOUTHWEST DURHAM ROAD, COUNTY ROAD NUMBER 429, THENCE PARALLEL WITH AND 25.0 FEET WEST OF THE WEST LINE OF THAT TRACT OF LAND CONVEYED TO TIGARD UNION HIGH SCHOOL BY DEED RECORDED IN BOOK 329 AT PAGE 222, WASHINGTON COUNTY DEED RECORDS, SOUTH 01°04'30" WEST 1,484.00 FEET TO THE POINT OF CURVATURE AT STATION 14+84.0 P.C.; THENCE 217.4 FEET ALONG THE ARC OF A 409.26 FOOT RADIUS CURVE CONCAVE WESTERLY (THE LONG CHORD OF WHICH BEARS SOUTH 16°17'30" WEST, 214.8 FEET) TO THE POINT OF TANGENCY AT STATION 17+01.4 P.T.; THENCE SOUTH 31°30'30" WEST, 111.9 FEET TO THE POINT OF CURVATURE AT STATION 18+13.2 P.C.; THENCE 213.8 FEET ALONG THE ARC OF A 409.26 FOOT RADIUS CURVE CONCAVE EASTERLY (THE LONG CHORD OF WHICH BEARS SOUTH 16°32'45" WEST, 211.3 FEET) TO THE POINT OF TANGENCY AT STATION 20+26.8 P.T.; THENCE PARALLEL WITH AND 25.0 FEET EAST OF THE WEST LINE OF THE JOHN SCHECKLA TRACT AND A SOUTHERLY PROLONGATION OF SAID WEST LINE SOUTH 01°35' WEST, 712.4 FEET TO AND TERMINATING AT A RADIUS POINT OF A 50.0 FOOT RADIUS TURN AROUND AT STATION 27+39.3.

EASEMENT AREA:

BEGINNING AT A POINT ON THE CENTERLINE OF AFORESAID SOUTHWEST 92ND AVENUE AT STATION 15+90.2 THENCE TO A POINT AT STATION 15+90.2, 40.00 FEET LEFT OF CENTERLINE; THENCE ALONG A LINE PARALLEL WITH AND 40.00 FEET SOUTHEASTERLY OF SAID CENTERLINE TO A POINT AT STATION 18+13.2P.C., 40.00 FEET LEFT OF CENTERLINE; THENCE TO A POINT ON SAID CENTERLINE AT STATION 18+13.2P.C..

BASIS OF BEARINGS IS WASHINGTON COUNTY ROAD FILE FOR COUNTY ROAD NUMBER 2076 FILED IN BOOK 45 AT PAGE 343.

EXCEPTING ANY PORTION LYING OUTSIDE OF SAID TRACT DESCRIBED IN DOCUMENT NUMBER 88-40164.

EXCEPTING ANY PORTION LYING WITH THE PUBLIC RIGHT-OF-WAY.

CONTAINS 2,326 SQUARE FEET MORE OR LESS.

PREPARED BY CESNW, INC.

2796 TCE north.DOC

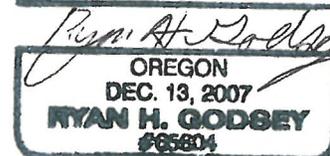


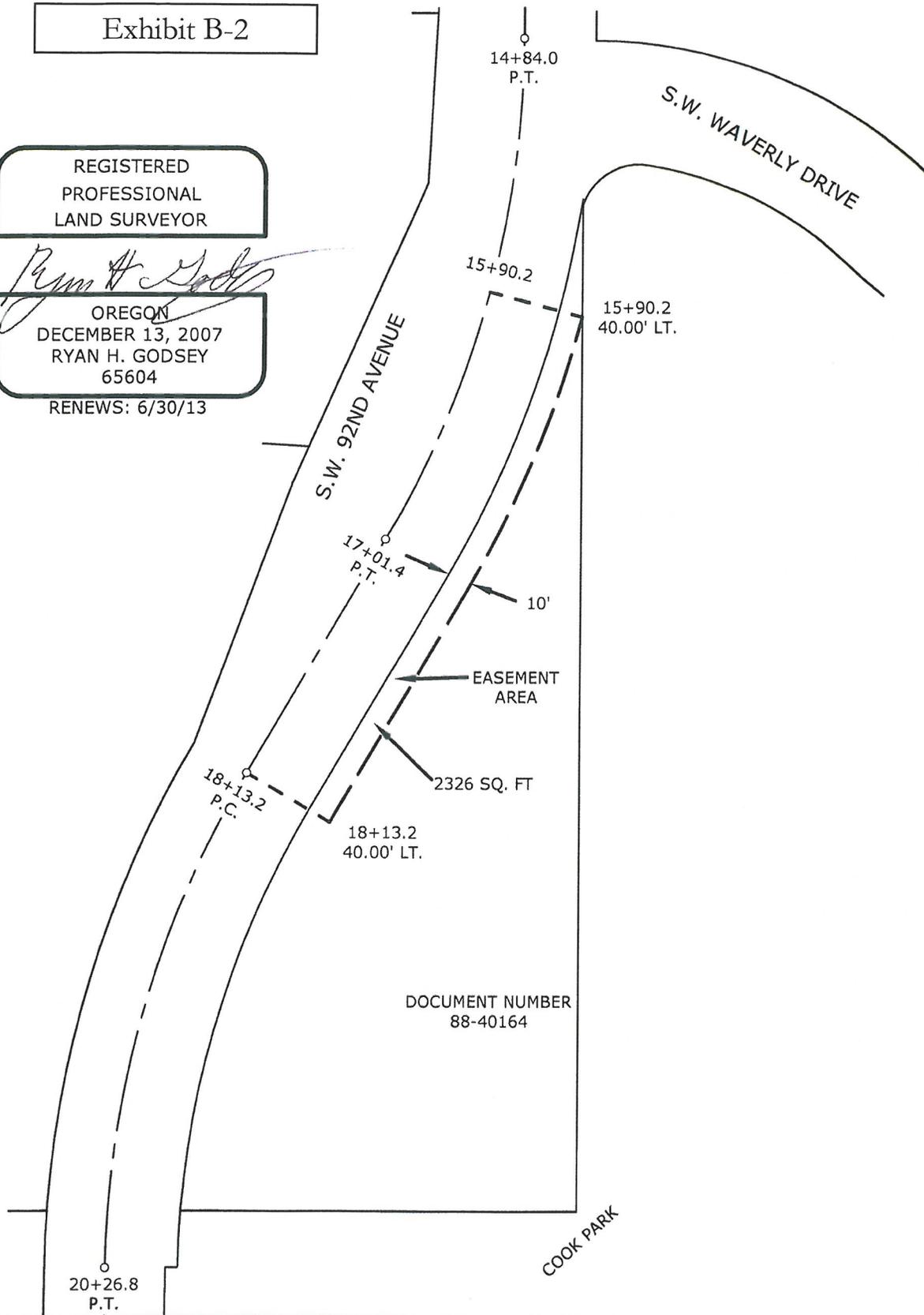
Exhibit B-2

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
DECEMBER 13, 2007
RYAN H. GODSEY
65604

RENEWS: 6/30/13



CES | NW 13190 SW 68th Parkway, Suite 150
Tigard, Oregon 97223
503.968.6655 www.cesnw.com

DATE
2-4-13

EXHIBIT

B-2

Exhibit C-1

A PORTION OF THAT TRACT OF LAND DESCRIBED IN WASHINGTON COUNTY DEED DOCUMENT NUMBER 88-40164, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF TIGARD, WASHINGTON COUNTY, OREGON. SAID PORTION LYING ON THE SOUTHEASTERLY SIDE OF THE CENTERLINE OF SOUTHWEST 92ND AVENUE, COUNTY ROAD NUMBER 2076, AS SHOWN ON THE INCLUDED EXHIBIT 'B'.

CENTERLINE OF SOUTHWEST 92ND AVENUE:

BEGINNING AT STATION 0+00, SAID POINT ALSO BEING ON THE CENTERLINE OF SOUTHWEST DURHAM ROAD, COUNTY ROAD NUMBER 429, THENCE PARALLEL WITH AND 25.0 FEET WEST OF THE WEST LINE OF THAT TRACT OF LAND CONVEYED TO TIGARD UNION HIGH SCHOOL BY DEED RECORDED IN BOOK 329 AT PAGE 222, WASHINGTON COUNTY DEED RECORDS, SOUTH 01°04'30" WEST 1,484.00 FEET TO THE POINT OF CURVATURE AT STATION 14+84.0 P.C.; THENCE 217.4 FEET ALONG THE ARC OF A 409.26 FOOT RADIUS CURVE CONCAVE WESTERLY (THE LONG CHORD OF WHICH BEARS SOUTH 16°17'30" WEST, 214.8 FEET) TO THE POINT OF TANGENCY AT STATION 17+01.4 P.T.; THENCE SOUTH 31°30'30" WEST, 111.9 FEET TO THE POINT OF CURVATURE AT STATION 18+13.2 P.C.; THENCE 213.8 FEET ALONG THE ARC OF A 409.26 FOOT RADIUS CURVE CONCAVE EASTERLY (THE LONG CHORD OF WHICH BEARS SOUTH 16°32'45" WEST, 211.3 FEET) TO THE POINT OF TANGENCY AT STATION 20+26.8 P.T.; THENCE PARALLEL WITH AND 25.0 FEET EAST OF THE WEST LINE OF THE JOHN SCHECKLA TRACT AND A SOUTHERLY PROLONGATION OF SAID WEST LINE SOUTH 01°35' WEST, 712.4 FEET TO AND TERMINATING AT A RADIUS POINT OF A 50.0 FOOT RADIUS TURN AROUND AT STATION 27+39.3.

EASEMENT AREA:

BEGINNING AT A POINT ON THE CENTERLINE OF AFORESAID SOUTHWEST 92ND AVENUE AT STATION 18+13.2P.C.; THENCE TO A POINT AT STATION 18+13.2P.C, 40.00 FEET LEFT OF CENTERLINE; THENCE ALONG A LINE PARALLEL WITH AND 40.00 FEET SOUTHEASTERLY OF SAID CENTERLINE TO A POINT AT STATION 20+01.60, 40.00 FEET LEFT OF CENTERLINE; THENCE TO A POINT ON SAID CENTERLINE AT STATION 20+01.60.

BASIS OF BEARINGS IS WASHINGTON COUNTY ROAD FILE FOR COUNTY ROAD NUMBER 2076 FILED IN BOOK 45 AT PAGE 343.

EXCEPTING ANY PORTION LYING OUTSIDE OF SAID TRACT DESCRIBED IN DOCUMENT NUMBER 88-40164.

EXCEPTING ANY PORTION LYING WITH THE PUBLIC RIGHT-OF-WAY.

CONTAINS 1,723 SQUARE FEET MORE OR LESS.

PREPARED BY CESNW, INC.

2796 TCE south.DOC

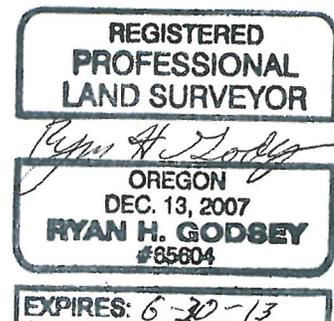


Exhibit C-2

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
DECEMBER 13, 2007
RYAN H. GODSEY
65604

RENEWS: 6/30/13

14+84.0
P.T.

S.W. WAVERLY DRIVE

S.W. 92ND AVENUE

17+01.4
P.T.

18+13.2
P.C.

18+13.2
40.00' LT.

1723 SQ. FT

10'

DOCUMENT NUMBER
88-40164

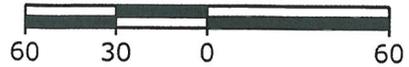
EASEMENT
AREA

20+01.6

20+01.6
40.00' LT.

20+26.8
P.T.

COOK PARK



1" = 60'

CES|NW 13190 SW 68th Parkway, Suite 150
Tigard, Oregon 97223
503.968.6655 www.cesnw.com

DATE
2-04-13

EXHIBIT

C-2

Exhibit D-1

A 5 FOOT WIDE STRIP OF LAND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN WASHINGTON COUNTY DEED DOCUMENT NUMBER 88-40164, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF TIGARD, WASHINGTON COUNTY, OREGON. SAID 5 FOOT STRIP LYING ON THE SOUTHEASTERLY SIDE OF THE CENTERLINE OF SOUTHWEST 92ND AVENUE, COUNTY ROAD NUMBER 2076, AS SHOWN ON THE INCLUDED EXHIBIT 'B', THE CENTERLINE OF WHICH BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT STATION 0+00, SAID POINT ALSO BEING ON THE CENTERLINE OF SOUTHWEST DURHAM ROAD, COUNTY ROAD NUMBER 429, THENCE PARALLEL WITH AND 25.0 FEET WEST OF THE WEST LINE OF THAT TRACT OF LAND CONVEYED TO TIGARD UNION HIGH SCHOOL BY DEED RECORDED IN BOOK 329 AT PAGE 222, WASHINGTON COUNTY DEED RECORDS, SOUTH 01°04'30" WEST 1,484.00 FEET TO THE POINT OF CURVATURE AT STATION 14+84.0 P.C.; THENCE 217.4 FEET ALONG THE ARC OF A 409.26 FOOT RADIUS CURVE CONCAVE WESTERLY (THE LONG CHORD OF WHICH BEARS SOUTH 16°17'30" WEST, 214.8 FEET) TO THE POINT OF TANGENCY AT STATION 17+01.4 P.T.; THENCE SOUTH 31°30'30" WEST, 111.9 FEET TO THE POINT OF CURVATURE AT STATION 18+13.2 P.C.; THENCE 213.8 FEET ALONG THE ARC OF A 409.26 FOOT RADIUS CURVE CONCAVE EASTERLY (THE LONG CHORD OF WHICH BEARS SOUTH 16°32'45" WEST, 211.3 FEET) TO THE POINT OF TANGENCY AT STATION 20+26.8 P.T.; THENCE PARALLEL WITH AND 25.0 FEET EAST OF THE WEST LINE OF THE JOHN SCHECKLA TRACT AND A SOUTHERLY PROLONGATION OF SAID WEST LINE SOUTH 01°35' WEST, 712.4 FEET TO AND TERMINATING AT A RADIUS POINT OF A 50.0 FOOT RADIUS TURN AROUND AT STATION 27+39.3.

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EXCEPTING ANY PORTION LYING WITH THE PUBLIC RIGHT-OF-WAY.

CONTAINS 1,448 SQUARE FEET MORE OR LESS.

PREPARED BY CESNW, INC.

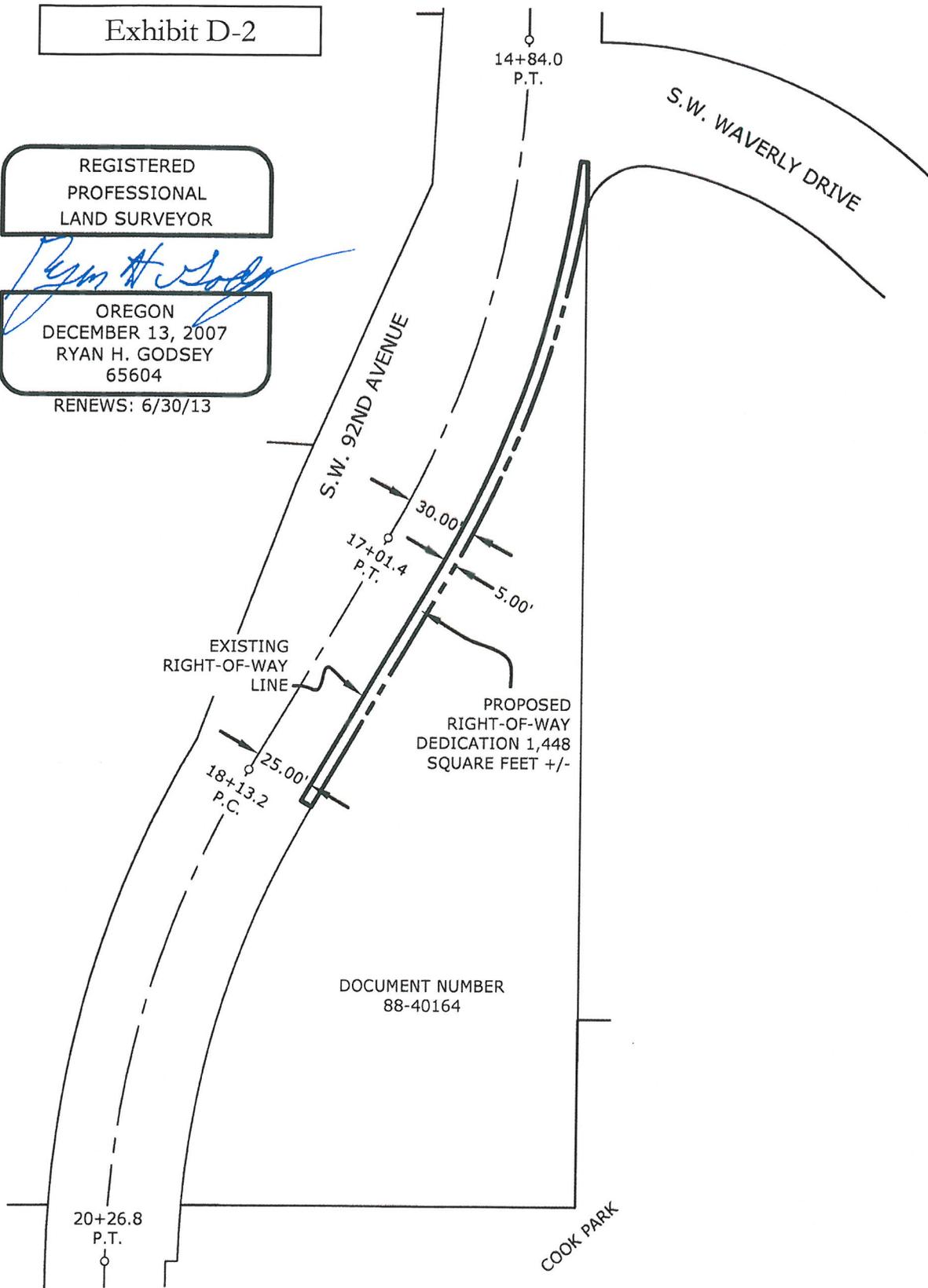


Exhibit D-2

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
DECEMBER 13, 2007
RYAN H. GODSEY
65604

RENEWS: 6/30/13



CES|NW 13190 SW 68th Parkway, Suite 150
Tigard, Oregon 97223
503.968.6655 www.cesnw.com

DATE
1-22-13

EXHIBIT

D-2