

ORDINANCE NO. 1267

AN ORDINANCE AUTHORIZING PURCHASE OF ROAD RIGHT-OF-WAY FOR THE EXTENSION OF SE SEQUOIA PARKWAY AND DECLARING AN EMERGENCY.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Purchase Authorized. The City of Canby is hereby authorized to purchase from Leighton Glynn and Patricia M. Perkins, the following described property to be used for road right-of-way:

See Exhibit "A"

Section 2. Purchase Price. The total purchase price to be the sum of Twenty Three Thousand Eight Hundred Twenty-Five and no/100 dollars (\$23,825.00), plus such other consideration as set forth in a Letter Agreement dated February 1, 2008 between the parties. By this reference the attached Letter Agreement dated February 1, 2008 for the sale of road right-of-way is incorporated within as if set forth herein.

Section 3. Funds to Pay Purchase Price. The total sum of \$ 23,825.00 shall be paid from the City's current fiscal budget, account number 280-280-463-7363 titled "Sequoia Phase 5" fund.

Section 4. City Attorney to approve Title Report and Deed. The City Attorney shall first approve the preliminary title report and form of deed for the City's purchase of said right-of-way. All costs associated with the closing of this sale to be paid by the City.

Section 5. City Administrator to Execute Deed for Road Purposes. The City Administrator is authorized and directed to execute and deliver in the name of the City of Canby, as purchaser, the required deed and any other documents as may be required for closing the transaction.

Section 6. Emergency Declared. Inasmuch as it is necessary to proceed as quickly as possible with the extension of SE Sequoia Parkway for the use and benefit of the citizens of the City of Canby, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon final reading and enactment by the Canby City Council.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, February 20, 2008, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, March 5, 2008, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at 155 NW 2nd Avenue, Canby, Oregon.



Kimberly Scheafer, CMC
City Recorder - Pro Tem

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 5th day of March, 2008, by the following vote:


YEAS 6

NAYS 0



Melody Thompson
Mayor

ATTEST:



Kimberly Scheafer, CMC
City Recorder - Pro Tem

Exhibit "A"

A Portion of Township 3 South,
Range 1 East, Section 34, Tax Lot 2700

Sequoia Parkway Roadway Dedication & Temporary Construction Easement Legal Description

A portion of that tract of land conveyed to Leighton Glynn Perkins and Patricia May Perkins, husband and wife, in deed recorded under fee number 76-38960 Clackamas County Deed Records, in Section 34, Township 3 South, Range 1 East of the Willamette Meridian, more particularly described as follows: Beginning at the northwest corner of that parcel conveyed to Leighton and Patricia Perkins under said fee number, said point also being 15 feet east when measured perpendicular to the centerline of South Walnut Street; thence south 41.26 feet along the western boundary line of said Perkins tract to the true point of beginning; thence along a non-tangent curve left with radius of 269 feet and arc length of 63.45 feet to a point of reverse curve; thence along a tangent curve right with radius 331 feet and arc length of 128.13 feet to a point of tangency, said point being 56 feet east when measured perpendicular to the centerline of South Walnut Street; thence south 12.28 feet more or less to the southern property line of said Perkins Tract; thence southwesterly along said southern boundary line to the south west corner of said Perkins tract; thence north along the western property line of said Perkins tract and the eastern right of way line of South Walnut Street to the true point of beginning, said dedication containing 5,202 square feet more or less.

Additionally, a 12 foot wide temporary construction easement shall be created parallel and abutting the westerly right of way line of said Perkins tract as modified above, said easement containing 2,929 square feet more or less.



10186 SW Laurel Street
Beaverton, OR 97005
Ph 503.644.3436
Fax 503.644.7400
www.rowainc.com

February 1, 2008

Index #: 06-067-002

Leighton Glynn Perkins
Patricia Perkins
C/O Dolan Griggs, LLP
Attn: David Griggs
1130 S.W. Morrison
Suite 630
Portland, OR 97205

Subject: Sequoia Parkway & SE 4th Avenue Extension
Re: Tax Assessor's I.D.: 31E34 02600 02700
Letter of Agreement

Dear Mr. and Mrs. Perkins,

The City of Canby is planning the construction of the Sequoia Parkway & SE 4th Avenue Extension project. As you are aware through our discussions, property you own will be affected by this project. The City of Canby will need to acquire a strip of land and temporary use of a portion of the property in order to give the City the legal right to complete the construction of the road improvement project.

In order to reach agreement, and in exchange for executing the documents and granting the above property rights, and subject to approval by the City of Canby, the City agrees to the following:

1. To compensate you in full for the necessary right-of-way, in the form of a Dedication Deed and Temporary Construction Easement, in the amount of \$20,600.00.
2. To compensate you for the Austrian Pine trees adjacent to the right-of-way in the amount of \$1,400.00.
3. To replace fence along west side of tax lots 2600 and 2700 adjacent to the new right-of-way with a 6' high chain link fence with top rail and appropriate posts set in concrete, together with a 12' gate to be placed on the south end of tax lot 2700.
4. To compensate you in the amount of \$1,825 for the relocation of the irrigation lines.
5. To protect the well, and the electrical post with steel bollards.

6. To have the City extend water and sewer stubs to the property line at City expense located 42ft south from the northwest corner of tax lot 2600.
7. To clean up the construction debris at the conclusion of the project.

The total compensation for the above is \$23,825.00. Payment will be made in approximately 45 days.

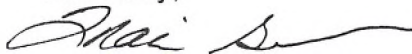
Relocation of Nursery Stock

We have reviewed the cost estimate provided for moving the nursery stock. Our review supports the cost estimate submitted. The City agrees to reimburse you in the amount of \$7,321.00 for the relocation of the nursery stock. Upon completion of the relocation of the trees, and your submittal of the claim form which we will provide you, the City will issue payment to you within 30 days.

Thank you for your cooperation with the City of Canby.

If you have any questions or concerns, please feel free to contact me. My phone is 503-644-3436, my email address is: Tracig@rowainc.com.

Sincerely,



Traci Gilkison, Agent

cc: Dwayne Barnes
John Kelley
Curt McLeod