

CITY OF SHERWOOD, OREGON

RESOLUTION NO. 270

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERWOOD DECLARING THE NECESSITY OF ACQUIRING EASEMENTS IN CONNECTION WITH THE SUNSET BOULEVARD LOCAL IMPROVEMENT DISTRICT, AUTHORIZING FURTHER NEGOTIATION FOR THE ACQUISITION THEREOF, COMMENCEMENT OF CONDEMNATION PROCEEDINGS TO ACQUIRE SAID EASEMENTS AND AUTHORIZING THE ACQUISITION OF IMMEDIATE OCCUPANCY, POSSESSION AND USE OF THE PROPERTY FOR THE PURPOSES FOR WHICH IT IS APPROPRIATED.

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WHEREAS, by virtue of the laws of the State of Oregon and the Charter and ordinances of the City of Sherwood, Oregon, the City is authorized and empowered to acquire by purchase, or by the exercise of eminent domain, real property within and without its boundaries in fee simple or any lesser interest therein for a public purpose; and

WHEREAS, the City Council has determined that the Sunset Boulevard Local Improvement District (hereinafter termed "project") is necessary for the health, safety and welfare of the residents of the City, and has been planned, approved and undertaken in a manner which is most compatible with the public good and which will result in the least private injury; and

WHEREAS, the project provided for the construction of sewer lines and street improvements necessary to serve and service existing and proposed residential and industrial areas within the City; and

WHEREAS, the City finds it necessary to acquire a permanent roadway cut and fill slope easements (hereafter termed "easements") over and across certain properties as described in Exhibits A & B, attached hereto and by this reference made a part hereof, for the purpose of constructing, maintaining and using the improvements and that the location of said easements has been determined such that there will be the least possible interference with the owners' use and enjoyment of the property, consistent with the engineering and cost requirements of the project; and

WHEREAS, the City finds that where satisfactory agreements cannot be reached as to fair market value of the easements, condemnation proceedings should be instituted to acquire the easements in order to protect the health, safety and welfare of the residents of the City and to carry out the purposes and activities of the project as planned; and

WHEREAS, the City Attorney or his designate should be authorized to institute such proceedings as are necessary for condemnation of the easements; and

WHEREAS, in connection with carrying out such project, it is necessary that the City have the right to immediate entry, possession, occupancy and use of the property to be condemned as easements as described in Exhibit A and Exhibit B in order that the construction of the project may stay on schedule and within budgetary limitations;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERWOOD, OREGON:

Section 1. The City Council of the City of Sherwood, Oregon hereby finds and declares that it is necessary to acquire permanent easements for the purpose of carrying out the project by constructing, reconstructing, maintaining, repairing and using a roadway and street improvement over and across, in and through

certain tracts and parcels of land located within and without the corporate boundaries of the City in Washington County, Oregon, more particularly described in Exhibit A and Exhibit B hereto attached.

Section 2. The City Attorney or his designate is authorized to negotiate further with the owner of the property as to the amount of compensation to be paid for acquisition of the above-described easements.

Section 3. In the event a satisfactory agreement cannot be immediately reached with the owner of the property as to the purchase price of the easements, the City Attorney or his designate is authorized and directed to commence and prosecute to final determination such proceedings as may be necessary to acquire the necessary interest in the property. Such action shall be in accordance with all applicable laws, rules and regulations governing such acquisitions.

Section 4. Upon trial of any suit instituted for the condemnation of any easement described above, the City Attorney or his designate is hereby authorized to make such stipulation, agreement or admission as in his judgment may be in the best interests of the City.

Section 5. Upon final determination of any such proceedings, the deposit of funds thereby required and payment of judgment conveying any necessary easements to the City is hereby authorized.

Section 6. The City hereby finds it necessary to obtain immediate possession, occupancy, entry and use of the property necessary for the easements in order that construction of the project may proceed on schedule and within budgetary limitations. The City Attorney or his designate is hereby authorized, in accordance with all applicable laws and regulations, to take appropriate steps to acquire immediate possession of such property.

Section 7. There is hereby authorized the creation of a fund in the amount estimated to be just compensation for such easements and placed in the hands of the Treasurer of the City of Sherwood for deposit with the Clerk of the Court wherein the action was commenced for the use of defendants in the suit.

PASSED by the City Council this 15th day of August, 1983.

ATTEST:

Polly Blankenbaker  
Polly Blankenbaker, Recorder

ATTEST:

Mary L. Tobias  
Mary Tobias, Mayor

EASEMENT FOR  
ROADWAY CUT OR FILL SLOPE

KNOW ALL MEN BY THESE PRESENTS That Lawrence F. Minor and Jeraldine

W. Minor

of the County of Washington State of Oregon, in consideration of the sum of \_\_\_\_\_ to them in hand paid, do hereby grant and convey unto the City of Sherwood, a municipal corporation organized and existing under the laws of the State of Oregon, a right of way and easement over, across and under the following described real property situated in the County of Washington, State of Oregon, to-wit:

SEE EXHIBITS "A" AND "B"

This permanent easement is granted for the purpose of maintaining roadway cut or fill slopes thereunder, and the easement herein granted shall include the right for the Grantee to go over and under said land for the purpose of maintaining and repairing said slopes.

Grantors covenant to and with Grantee that they will not in any manner interfere with or restrict, except as herein stated, Grantee's use of said easement.

This right of way and easement is granted with the understanding that any work done by the City of Sherwood, pursuant hereto will be done as to leave the premises herein described in a condition reasonably similar to the previous state thereof when any work is finished thereon.

TO HAVE AND TO HOLD THE Herein described right of way and easement unto the City of Sherwood, its successors and assigns, forever.

IN WITNESS WHEREOF, We have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)

STATE OF OREGON            )  
                                  ) SS            \_\_\_\_\_  
COUNTY OF \_\_\_\_\_)

(SEAL)

BE IT REMEMBERED That on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned, a Notary Public in and for the said County and State, personally appeared the within named

who are known to be to be the identical individuals described in and who executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

SLOPE EASEMENT

An easement, for the purpose of constructing and maintaining a roadway cut or fill slope, across a tract of land situated in Section 32, T.2S., R.1W., W.M., Washington County, Oregon, more particularly described as follows:

Beginning at the intersection of the southerly right-of-way line of S.W. Sunset Boulevard and the westerly line of that tract of land described by Deed recorded in Book 474, page 549; thence easterly along the said southerly right-of-way line 45.00 feet to the TRUE POINT OF BEGINNING; thence continuing easterly along the said southerly right-of-way line 300.00 feet; thence leaving said southerly right-of-way line, southwesterly to a point that is 195.00 feet easterly of the said westerly line of said tract of land and 25.00 feet southerly of the said southerly right-of-way line; thence northwesterly to a point on the said southerly right-of-way line and the point of beginning.

SLOPE EASEMENT

An easement for the purpose of constructing and maintaining a roadway cut or fill slope, across a tract of land situated in Section 32, T.2S., R.1W., W.M., Washington County, Oregon, more particularly described as follows:

Beginning at the intersection of the southerly right-of-way line of S.W. Sunset Boulevard and the easterly line of that tract of land described by Deed recorded in Book 474, page 549; thence southerly along the said easterly line 5.00 feet; thence westerly, parallel with and 5.00 feet southerly of the said southerly right-of-way line, 60.00 feet; thence northwesterly to a point on the said southerly right-of-way line, said point being 85.00 feet westerly of the point of beginning; thence easterly, along the said southerly right-of-way line 85.00 feet to the point of beginning.

