

CITY OF SHERWOOD

RESOLUTION NO. 271

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERWOOD DECLARING THE NECESSITY OF ACQUIRING EASEMENTS FOR SANITARY SEWER IN CONNECTION WITH THE MURDOCK ROAD LOCAL IMPROVEMENT DISTRICT, AUTHORIZING FURTHER NEGOTIATION TO ACQUIRE SAME, 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.

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 Murdock Road 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 provides for the construction of sewer lines and street improvements necessary to serve and service existing and proposed residential areas within the city; and

WHEREAS, the city finds it necessary to acquire easements for sanitary sewers over and across certain properties as described in Exhibits A, B, C and D attached hereto and by this reference made a part hereof, for the purpose of maintaining and repairing said sanitary sewers, 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 required 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 described in Exhibit A, B, C and D, in order that the project may stay on schedule and within budgetary limitations;

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

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 maintaining and repairing sanitary sewers over, across through and under certain tracts and parcels of land located within and without the corporate boundaries of the City in Washington County, Oregon, more particularly described in Exhibits A, B, C, and D attached hereto.

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 sanitary sewer easements.

Section 3. In the event a satisfactory agreement cannot be immediately reached with the owner of the property as to the purchase price, 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 herein, 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 easement 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 Recorder of the City of Sherwood for deposit with the Clerk of the Court wherein the action may be commenced for the use of defendants in the suit.

PASSED BY THE CITY COUNCIL THIS 24th day of August, 1983.

ATTEST:

Mary L. Tobias
Mary Tobias, Mayor

Polly Blankenbaker
Polly Blankenbaker, City Recorder

SANITARY SEWER EASEMENT

A fifteen (15') foot easement being seven and one-half (7.5') feet on each side of the following described line in Section 32, T.2S., R.1W., W.M., City of Sherwood, Washington County, Oregon:

Beginning at the intersection of the westerly right-of-way line of S.W. Murdock Road (forty-five (45.00') feet westerly of centerline) and the northerly line of that tract of land described by Deed recorded in Book 916 on page 825; thence N 86°13' W along the said northerly line 137.00 feet to the TRUE POINT OF BEGINNING; thence leaving said northerly line S 0°07'30" W, parallel with said S.W. Murdock Road, 131.12 feet to a point on the southerly line of said tract of land. TOGETHER WITH A TEMPORARY CONSTRUCTION EASEMENT being twenty (20') feet on each side of the above described line.

EXHIBIT "B "

25132AD(100)
ROME

Dale Construction

SANITARY SEWER EASEMENT

A fifteen (15') foot easement being seven and one-half (7.5') feet on each side of the following described line in Section 32, T.2S., R.1W., W.M., City of Sherwood, Washington County, Oregon:

Beginning at the intersection of the westerly right-of-way line of S.W. Murdock Road (sixty (60') feet in width) and the northerly line of that tract of land described by Deed recorded as Fee No. 81037293; thence N 86°49'00" W, along the said northerly line, 152.00 feet to the TRUE POINT OF BEGINNING; thence S 0°40'38" E, parallel with S.W. Murdock Road, 310.00 feet; thence S 7°07'09" W 213.78 feet; thence S 18°09'40" W 179.62 feet; thence S 13°17'48" E 68.66 feet; thence S 42°52'29" E 101.24 feet; thence S 18°12'10" E 119.55 feet; thence N 62°08'59" E 135.00 feet, more or less, to a point on the said westerly line of S.W. Murdock Road.

TOGETHER WITH A TEMPORARY CONSTRUCTION EASEMENT being twenty (20') feet on each side of the above described line.

SANITARY SEWER EASEMENT

A fifteen (15') foot easement being seven and one-half (7.5') feet on each side of the following described line in Section 32, T.2S., R.1W., W.M., City of Sherwood, Washington County, Oregon:

Beginning at the intersection of the westerly right-of-way line of S.W. Murdock Road (sixty (60') feet in width) and the northerly line of that tract of land described by Deed recorded in Book 956 on page 988; thence S 0°07'30" W, along the said westerly right-of-way line 7.50 feet to the TRUE POINT OF BEGINNING; thence N 86°16'45" W, parallel with and 7.50 feet southerly of the said northerly line of the said tract of land described by Deed recorded in Book 956 on page 988, 152.00 feet; thence S 0°07'30" W 294.42 feet, more or less, to a point on the southerly line of said tract of land described by Deed recorded in Book 956 on page 988.

TOGETHER WITH A TEMPORARY CONSTRUCTION EASEMENT being twenty (20') feet on each side of the above described line.

EXHIBIT "D."

2S132AA(1200)
DAILEY

SANITARY SEWER EASEMENT

A temporary construction easement across a parcel of land situated in Section 32, T.2S., R.1S., W.M., City of Sherwood, Washington County, Oregon, more particularly described as follows:

Beginning at the intersection of the westerly right-of-way line of S.W. Murdock Road (sixty (60') feet in width) and the southerly line of that tract of land described by Deed recorded in Book 1058 on page 987; thence N 86°16'45" W, along the said southerly line 170.00 feet; thence N 3°43'15" E, leaving said southerly line 20.00 feet; thence S 86°16'45" E, parallel with and 20.00 feet northerly of said southerly line 170.00 feet, more or less, to a point on the said westerly right-of-way line of S.W. Murdock Road; thence S 0°07'30" W, along the said westerly right-of-way line 20.00 feet, more or less, to the point of beginning.