

CITY OF SHERWOOD, OREGON

RESOLUTION NO. 272

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERWOOD DECLARING THE NECESSITY OF ACQUIRING RIGHT OF WAY IN CONNECTION WITH THE MURDOCK ROAD 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.

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 provided 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 a right of way for roadway and utilities to realign Murdock Road over and across certain properties as described in Exhibit A 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 right of way 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 right of way; 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 right of way as described in Exhibit A, 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:

Section 1. The City Council of the City of Sherwood, Oregon, hereby finds and declares that it is necessary to acquire permanent right of way for the purpose of carrying out the project by realigning, 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 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 right of way.

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 right of way, 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 right of way 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 right of way 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 and right of way 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:

Polly Blankenbaker
Polly Blankenbaker, Recorder

ATTEST:

Mary L. Tobias
Mary Tobias, Mayor

S.W. MURDOCK ROAD REALIGNMENT

RIGHT OF WAY DESCRIPTION

A parcel of land situated in the N.E. 1/4 of Section 32, and the N.W. 1/4 of Section 33 T.2S, R.1W., W.M., City of Sherwood, Washington County, Oregon more particularly described as follows:

Beginning at the intersection of the southerly line of S.W. Tualatin-Sherwood Road and the westerly line of S.W. Tonquin Road; thence along the said westerly line South 45°15'00" East 5.00 feet; thence leaving the said westerly line parallel with and 5.00 feet southerly of the said southerly line of S.W. Tualatin-Sherwood Road South 45°19'00" West 112.38 feet to the beginning of a tangent 315.00 foot radius curve to the left; thence along the arc of said curve 60.60 feet through a central angle of 11°01'18"; thence tangent to said curve South 34°07'42" West 547.41 feet to the beginning of a tangent 315.00 foot radius curve to the left; thence along the arc of said curve 190.45 feet through a central angle of 34°38'30"; thence tangent to said curve South 0°30'48" East 49.72 feet; thence South 89°29'12" West 5.00 feet to an angle point in the northeasterly line of S.W. Murdock Road; thence along said northeasterly line North 34°20'42" West 112.35 feet to a point; thence leaving the said northeasterly line of S.W. Murdock Road along the arc of a non-tangent 385.00 foot radius curve to the right (a radial line bears South 84°00'39" East from said point); thence along the arc of said curve 189.08 feet through a central angle of 28°08'21"; thence tangent to said curve North 34°07'42" East 243.49 feet; thence North 55°52'18" West 117.22 feet; thence North 18°30'33" West 126.53 feet to a point on the said southerly line of S.W. Tualatin-Sherwood Road; thence along the said southerly line South 89°03'40" East 113.82 feet; thence South 0°56'20" West 10.00 feet; thence South 89°03'40" East 63.97 feet to the beginning of a tangent 310.00 foot radius curve to the left; thence along the arc of said curve 246.84 feet through a central angle of 45°37'20"; thence tangent to said curve North 45°19'00" East 112.38 feet to the Point of Beginning.

EXHIBIT A

Cochran