



Resolution No. 2002-037

**A RESOLUTION DECLARING THE NECESSITY AND PURPOSE FOR OBTAINING
A PORTION OF THE PROPERTY COMMONLY KNOWN AS 1180 NORTHWEST
MEINECKE ROAD, SHERWOOD, OREGON FOR THE PURPOSE OF THE
HIGHWAY 99W/MEINECKE ROAD INTERSECTION IMPROVEMENT PROJECT**

WHEREAS, under and by virtue of the laws of the State of Oregon, the City of Sherwood is duly authorized and empowered to take or damage private property for the purpose of extending and widening streets or public highways as in the judgment of the City Council is necessary and proper for the City; and

WHEREAS, under and by virtue of the laws of the State of Oregon, the City of Sherwood may acquire by purchase, gift, devise, condemnation proceedings, or otherwise, such real and personal property interests, and rights of way, within or without the limits of the City as in the judgment of the City Council are necessary or proper; and

WHEREAS, for the purpose of improving vehicular and pedestrian circulation along Meinecke Road from Highway 99W to near Northwest Lee Drive and for the health, safety, benefit, and general welfare of the public, the City of Sherwood plans that the Meinecke Road right of way will be expanded to a 10.668 meter half width with an adjacent 2.000 meter easement which will accommodate two lanes of bi-directional traffic, a center turn lane and bike lanes with the roadway bordered by concrete curbing, gutters, intermittent planter strips, concrete sidewalks, and with all utilities placed underground, on a portion of the property commonly known as 1180 Northwest Meinecke Road, Sherwood, Oregon and more particularly described in Exhibit "A", attached hereto and by this reference incorporated herein, said property being suitable and necessary for roadway widening; and

WHEREAS, the City of Sherwood is fully committed to the acquisition of the said property through negotiation with the property owner and his representatives and the City is committed to compensating the owner a fair amount for the land; however, the City must also be prepared to move forward with the acquisition of this land if those negotiations fail to result in agreement.


NOW, THEREFORE, THE CITY RESOLVES AS FOLLOWS:

Section 1. The City of Sherwood does hereby find and declare that a portion of the property commonly known as 1180 Northwest Meinecke Road, Sherwood, Washington County, Oregon, and more particularly described in Exhibit "A" which is attached hereto and by this reference incorporated herein, is needed and required to improve vehicular and pedestrian circulation along Meinecke Road from Highway 99W to near Northwest Lee Drive. The right of way abutting the subject property will be expanded to 10.668 meter half width with an adjacent 2.000 meter easement which will accommodate two lanes of bi-directional traffic, a center turn lane and bike lanes with the roadway bordered by concrete curbing, gutters, intermittent planter strips and concrete sidewalks with all utilities placed underground. The land and easement described in Exhibit "A" are suitable and necessary for these purposes.

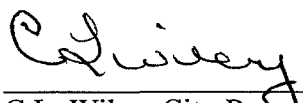
Section 2. The Highway 99W/Meinecke Road Intersection Improvement Project is planned and located in a manner that will be most compatible with the greatest public good and the least private injury.

Section 3. The City of Sherwood's City Manager and his designated agents be and they are hereby authorized to attempt to agree with the owner and other persons with interests in the real property described in Exhibit "A" attached hereto as to the compensation to be paid for the appropriation of the property, and, in the event that no satisfactory agreement can be reached, then the attorneys for the City of Sherwood be and the same hereby are directed and authorized to commence and prosecute to final determination such proceedings as may be necessary, including condemnation of the property, to acquire the real property and interest therein and that upon the filing of such proceeding, may seek immediate possession of the real property described in Exhibit "A" in order to complete construction of the project in a timely and efficient manner.

Duly passed by the City Council this 13th day of August 2002.


Mark O. Cottle, Mayor

ATTEST:



C.L. Wiley, City Recorder

Resolution 2002-037
EXHIBIT "A"

Fee title to the property described as Parcel 1 on Exhibit "A", Pages 2 and 3 attached hereto and by this reference made a part hereof, a permanent easement to construct and maintain slopes upon the property described as Parcel 2, on Exhibit "A", Pages 2 and 3 attached hereto and by this reference made a part hereof, and a temporary easement for a work area for construction purposes over and across the property described as "Temporary Easement Description" on Exhibit "A", Pages 4 and 5 attached hereto and by this reference made a part hereof. It is understood that the permanent easement herein described does not convey any right or interest in the above-described Parcel 2, except as stated herein, nor prevent the fee holder from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein described or endanger the lateral support of the public way, that the City of Sherwood, an Oregon municipal corporation shall never be required to remove the slope materials placed by it upon said property, nor shall the City of Sherwood be subject to any damages to fee holder and fee holder's heirs, successors and assigns, by reason thereof or by reason of any change of grade of the public way abutting on said property or any effect by the public project associated with this acquisition. It is understood that the temporary easement rights herein granted shall terminate one (1) year from the date of acquisition or upon completion of the above-mentioned construction project, whichever is sooner. It is also understood that the temporary easement herein granted does not convey any right or interest in the Temporary Easement Description, except as stated herein, nor prevent Grantor from the use of said property; provided, however that such use does not interfere with the rights herein granted.

ENGINEERING PLANNING

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SURVEYING

FORESTRY

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HDJ PARCEL 34

PARCEL 1 - Fee Description

A parcel of land lying in the NE1/4 of the NE1/4 of Section 31, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon. Being a portion of the property described in deed to Jack A. and Jeanette M. Perseghetti by Book 1049 Page 331 of Washington County Book of Records; the said parcel being that portion of said property included in a strip of land 10.668 meters in width, lying on the Northerly side of the center line of relocated Meinecke Road which center line is described as follows:

Beginning at Engineer's center line Station "ME" 4+101.449, said station being 203.040 meters south and 122.073 meters East of the North quarter corner of Section 31, Township 2 South, Range 1 West, Willamette Meridian; thence South 89°15'20" East 175.535 meters; thence South 89°16'51" East 323.016 meters to Engineer's center line Station "ME" 4+600.000.

Bearings are based upon the Oregon Coordinate System of 1983(91), north zone.

The above described parcel contains 125.4 square meters, more or less.

PARCEL 2 - Permanent Easement Description

A parcel of land lying in the NE1/4 of the NE1/4 of Section 31, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon. Being a portion of the property described in deed to Jack A. and Jeanette M. Perseghetti by Book 1049 Page 331 of Washington County Book of Records; the said parcel being that portion of said property included in a strip of land 12.668 meters in width, lying on the Northerly side of the center line of relocated Meinecke Road which center line is described in Parcel 1.

Except therefrom Parcel 1.

The above described parcel contains 54.9 square meters, more or less.

EXHIBIT A page 2 of 5

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HDJ PARCEL 34**Temporary Easement Description**

A parcel of land lying in the NE1/4 of the NE1/4 of Section 31, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon. Being a portion of the property described in deed to Jack A. and Jeanette M. Perseghetti by Book 1049 Page 331 of Washington County Book of Records; the said parcel being that portion of said property included in a strip of land lying on the Northerly side of the center line of relocated Meinecke Road, being at a distance greater than 12.668 meters and less than 13.918 meters from said center line, which is described as follows:

Beginning at Engineer's center line Station "ME" 4+101.449, said station being 203.040 meters south and 122.073 meters East of the North quarter corner of Section 31, Township 2 South, Range 1 West, Willamette Meridian; thence South 89°15'20" East 175.535 meters; thence South 89°16'51" East 323.016 meters to Engineer's center line Station "ME" 4+600.000.

Bearings are based upon the Oregon Coordinate System of 1983(91), north zone.

The above described parcel contains 34.3 square meters, more or less.

EXHIBIT MAP PARCEL 34 - TEMPORARY EASEMENT

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JOB NAME&#:	MEINECKE ROAD-618
JOB LOCATION:	CITY OF SHERWOOD WASHINGTON CO.
DRAWN BY:	CLINT STUBBS
DATE DRAWN:	3/3/02

SCALE 1" = 50 Feet



SCALE 1:500

