



RESOLUTION 2007-009

A RESOLUTION OF THE CITY OF SHERWOOD, OREGON DECLARING THE NEED TO ACQUIRE INTERESTS IN CERTAIN REAL PROPERTY OUTSIDE THE CITY FOR CONSTRUCTING, INSTALLING AND THEREAFTER MAINTAINING WATER SUPPLY AND TRANSMISSION LINES, STORAGE FACILITIES AND RELATED APPURTENANCES TO SERVE THE CITY AND ITS RESIDENTS.

WHEREAS, the Sherwood City Charter confers upon the City authority to acquire land for public purposes; and

WHEREAS, the City of Sherwood is authorized by ORS 225.020 to acquire, by condemnation if necessary, interests in real property within or without its corporate limits for the operation and maintenance of waterworks and water systems for the benefit and use of its inhabitants; and

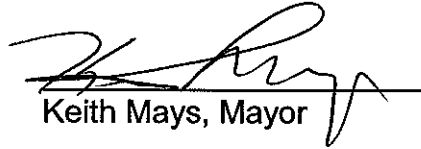
WHEREAS, the City Council deems it necessary and in the public interest to acquire certain property interests for the purpose of owning and operating waterworks and water systems including water transmission lines and storage facilities outside the corporate limits of the City of Sherwood for the benefit and use of its inhabitants as well as itself.

NOW, THEREFORE, BASED ON THE FOREGOING, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

1. The Sherwood City Council hereby finds and declare that there is needed and required for the benefit and use of the City's inhabitants and the City certain interests in real property located outside the City in Clackamas County for location of water transmission and supply lines, storage facilities and related improvements. The real property at issue is generally described in Exhibit "A" which are attached hereto and incorporated herein by this reference; and
2. The real property and interests described herein are required and are being taken as necessary in the public interest. The improvements to said property will be planned, designed, located and will be constructed in a manner that will be most compatible with the greatest public benefit and the least private injury or damage; and

3. The Sherwood City Manager, his designates and the City's attorneys are authorized to attempt to agree with the owners and other persons with interest in the real property described herein 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 be and the same hereby are directed and authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire the real property and interest therein and that upon the filing of such proceeding, possession of the real property and interest therein may be taken immediately to the extent provided by law.

Introduced and adopted by the City Council of the City of Sherwood, Oregon on this 6th day of February, 2007.


Keith Mays, Mayor

ATTEST:


Sylvia Murphy, City Recorder

Exhibit "A"

Real property in the County of Washington, State of Oregon, described as follows:

A TRACT OF LAND SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, BEING A PART OF THAT CERTAIN TRACT OF LAND CONVEYED TO ROSS L. PHILLIPPI JR. AND DAVID C. MEYER, AS RECORDED MAY 6, 1965 IN BOOK 656, PAGE 931, DEED RECORDS, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE ONE-QUARTER CORNER IN THE EASTERLY LINE OF SAID SECTION 9, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, FROM SAID PLACE OF BEGINNING; THENCE NORTH 89°52' WEST (BASES FOR BEARINGS) ALONG THE EAST-WEST CENTER LINE OF SAID SECTION 9, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, AND THE CENTER LINE OF TOOZE ROAD, COUNTY ROAD NO. 601, A DISTANCE OF 476.58 FEET TO THE EAST LINE OF A TRACT OF LAND CONVEYED TO ROSS A. PHILLIPPI, ET AL, BY DEED RECORDED APRIL 6, 1964 AS RECORDER'S FEE NO. 64-5624; THENCE LEAVING SAID CENTER LINE, NORTH 0°09' EAST ALONG SAID PHILLIPPI TRACT 20.00 FEET TO AN IRON ROD IN THE NORTHERLY RIGHT-OF-WAY LINE OF SAID TOOZE ROAD; THENCE CONTINUING NORTH 0°09' EAST ALONG SAID PHILLIPPI TRACT 440.39 FEET TO AN IRON ROD; THENCE SOUTH 89°52' EAST PARALLEL WITH SAID CENTER LINE OF TOOZE ROAD, 477.91 FEET TO THE EASTERLY LINE OF SAID SECTION 9, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 0°19' WEST ALONG SAID EASTERLY LINE, 460.30 FEET TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM THAT EASTERLY 60 FEET.

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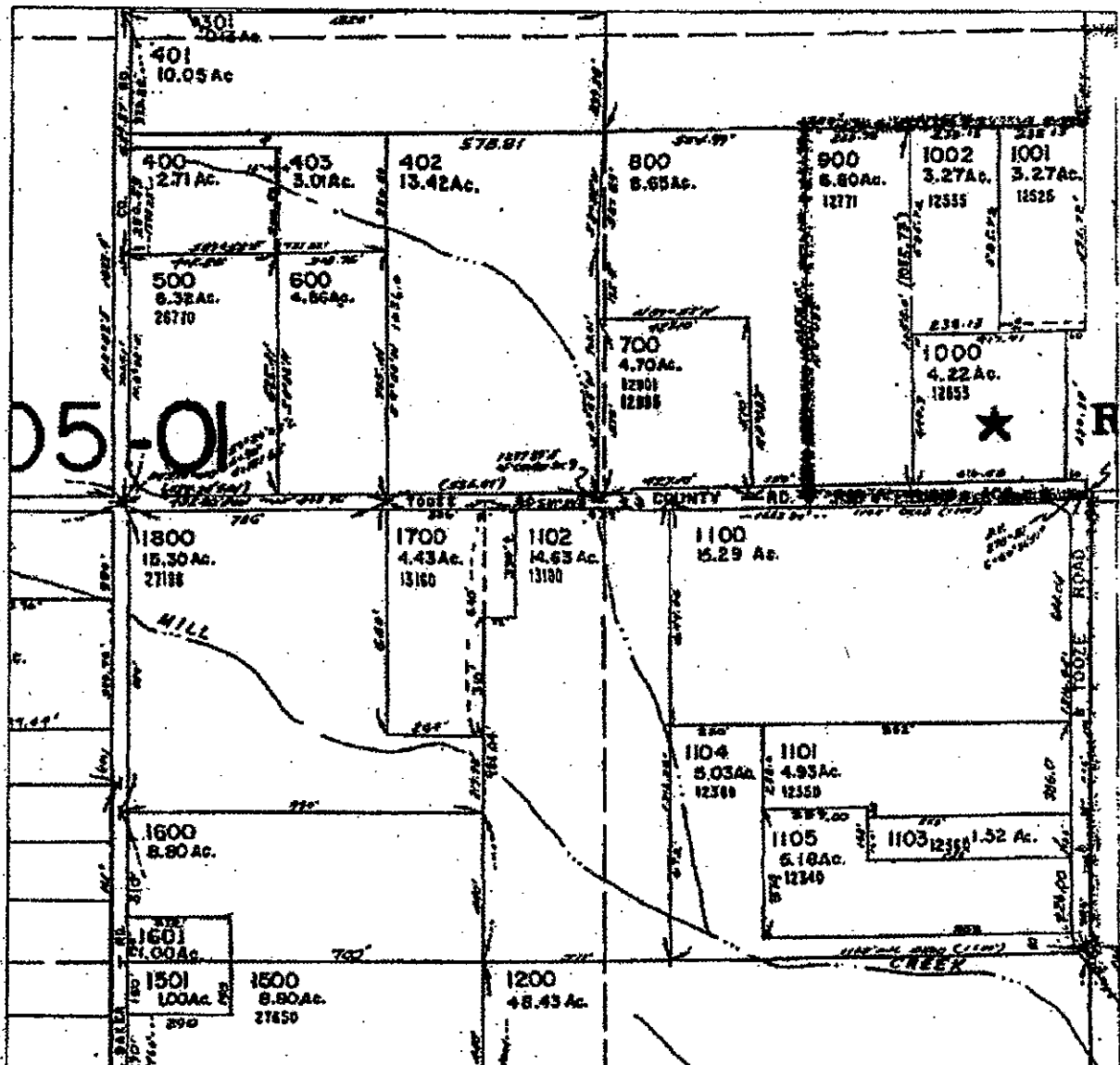


First American Title Insurance Company of Oregon

An assumed business name of TITLE INSURANCE COMPANY OF OREGON

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Reference Parcel Number 31W09 01000



Preliminary Report

Order No.: 7019-773664

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Exhibit "A"

Real property in the County of Clackamas, State of Oregon, described as follows:

A TRACT OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

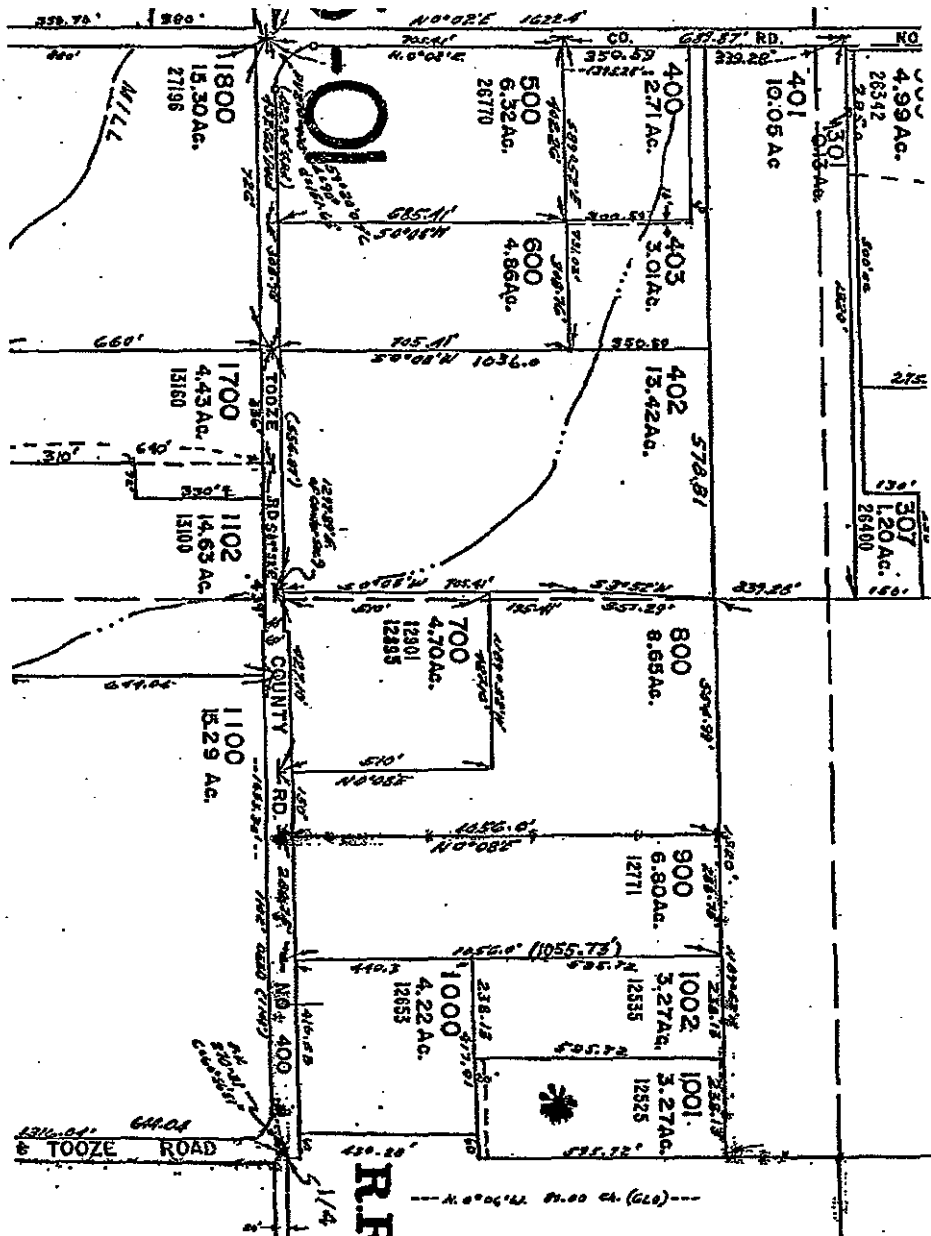
BEGINNING AT A POINT ON THE EAST LINE OF SAID NORTHEAST ONE-QUARTER THAT BEARS NORTH 460.30 FEET FROM THE EAST ONE-QUARTER SECTION CORNER OF SAID SECTION 9; THENCE NORTH ALONG SAID EAST LINE 595.72 FEET; THENCE NORTH 98°53'30" WEST, A DISTANCE OF 238.13 FEET TO THE NORTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO JAMES W. ELLIOTT, ET UX, BY DEED RECORDED MARCH 13, 1972, FEE NO. 72-6532; THENCE SOUTH 0°08' WEST ALONG THE EAST LINE OF SAID ELLIOTT TRACT, A DISTANCE OF 592.72 FEET TO THE SOUTHEAST CORNER THEREOF, SAID POINT BEING THE NORTH LINE OF THAT TRACT DESCRIBED IN CONTRACT TO DONALD E. BISCHOF BY INSTRUMENT RECORDED UNDER FEE NO. 7016703; THENCE SOUTH 89°52' EAST ALONG THE NORTH LINE OF SAID BISCHOF TRACT, 238.13 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

TOGETHER WITH A PERMANENT EASEMENT OVER, ACROSS AND UPON THE FOLLOWING DESCRIBED ROADWAY PROVIDING ACCESS FROM THE ABOVE DESCRIBED REAL PROPERTY TO TOOZE ROAD:

A TRACT OF LAND SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, BEING A PART OF THAT CERTAIN TRACT OF LAND CONVEYED TO ROSS L. PHILLIPPI JR. AND DAVID C. MEYER, AS RECORDED MAY 6, 1965 IN BOOK 656, PAGE 931, DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE ONE-QUARTER CORNER IN THE EASTERLY LINE OF SAID SECTION 9, TOWNSHIP 3 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, FROM SAID PLACE OF BEGINNING; THENCE NORTH 0°19' EAST ALONG SAID EASTERLY LINE OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, 480.30 FEET; THENCE LEAVING SAID EASTERLY LINE OF SAID SECTION 9, NORTH 89°52' WEST 238.13 FEET; THENCE SOUTH 0°19' WEST PARALLEL WITH SAID EASTERLY LINE OF SAID SECTION 9, A DISTANCE OF 20.0 FEET; THENCE SOUTH 89°52' EAST 178.13 FEET; THENCE SOUTH 0°19' WEST PARALLEL WITH SAID EASTERLY LINE OF SAID SECTION 9, A DISTANCE OF 460.30 FEET TO THE CENTER LINE OF TOOZE ROAD NO. 601; THENCE SOUTH 89°52' EAST ALONG SAID CENTER LINE OF SAID ROAD; 60.00 FEET TO THE POINT OF BEGINNING.

Tax Parcel Number: 00803811



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SEE MAP 3

Exhibit "A"

Real property in the County of Clackamas, State of Oregon, described as follows:

PARCEL I:

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE NORTH 4 CHAINS OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; ALL IN SECTION 9, TOWNSHIP 3 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON.

PARCEL II:

A ROADWAY 20 FEET IN WIDTH, BEING THE NORTH 20 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON.

PARCEL III

A TRACT OF LAND SITUATED IN SECTION 9, TOWNSHIP 3 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A RAILROAD SPIKE IN THE CENTER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN; THENCE NORTH 0° 08' EAST (BASIS FOR BEARINGS) ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 9, 1056.00 FEET TO THE TRUE PLACE OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED. FROM SAID TRUE PLACE OF BEGINNING; THENCE CONTINUING NORTH 0° 08' EAST ALONG SAID NORTH-SOUTH CENTERLINE 339.28 FEET; THENCE LEAVING SAID CENTERLINE SUCH 89° 52' EAST ALONG THE SOUTHERLY LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN CONTRACT OF SALE TO ALBERT L. MCDERMOTT AS RECORDED IN BOOK 587, PAGE 109, DEED RECORDS, 1320.00 FEET TO THE SOUTHEAST CORNER OF SAID MCDERMOTT TRACT; THENCE SOUTH 0° 08' WEST 339.28 FEET TO A 5/8 INCH IRON ROD; THENCE NORTH 89° 52' WEST PARALLEL WITH SAID SOUTHERLY LINE OF MCDERMOTT, 1320.00 FEET TO THE TRUE PLACE OF BEGINNING.

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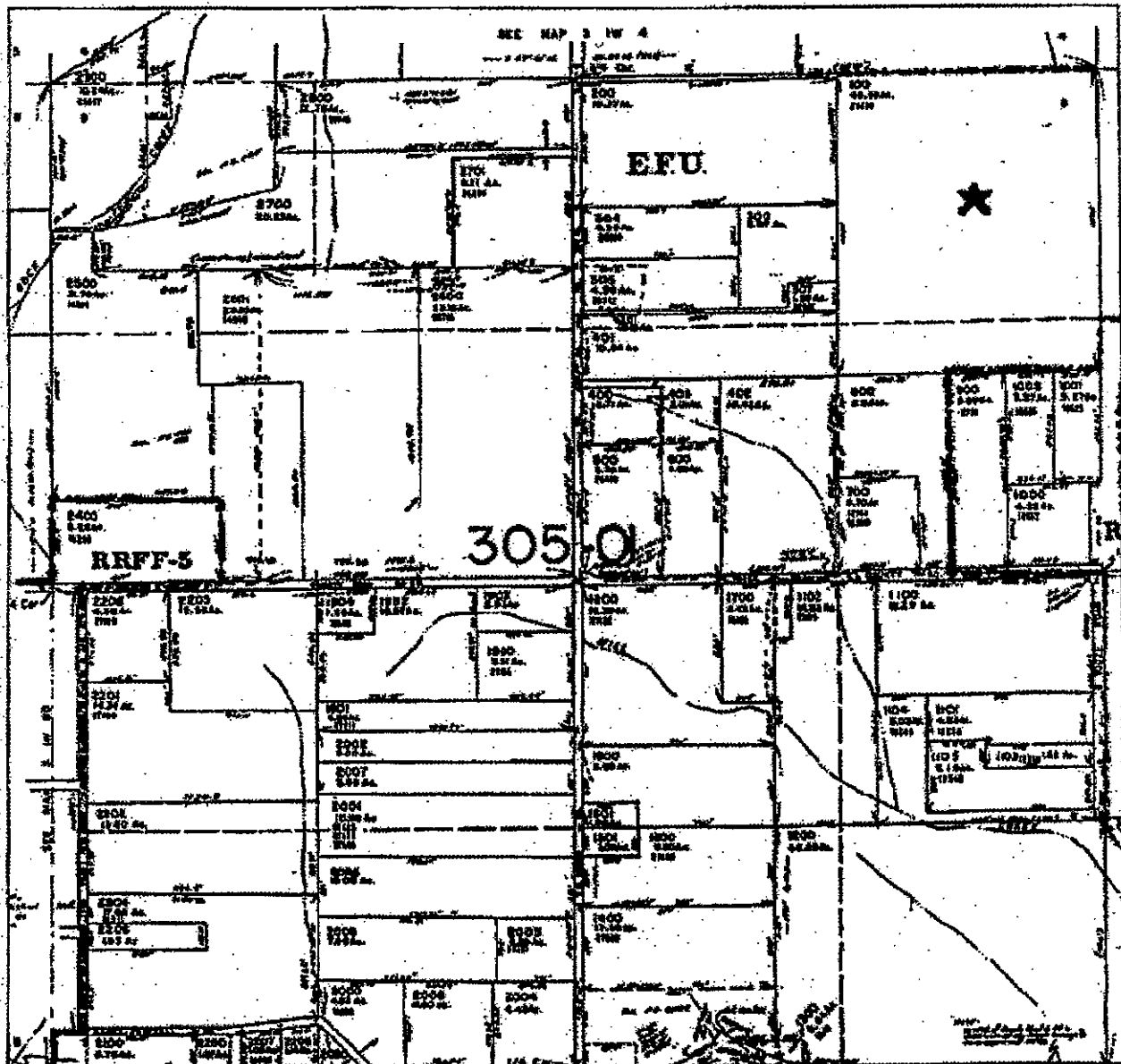


Exhibit "A"

Real property in the County of Clackamas, State of Oregon, described as follows:

BEGINNING AT A POINT 20 FEET SOUTH FROM THE ONE QUARTER SECTION CORNER BETWEEN SECTIONS 4 AND 9, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN; RUNNING THENCE EAST PARALLEL TO THE SECTION LINE 20.18 CHAINS TO A STONE; THENCE SOUTH 9.92 CHAINS TO AN IRON PIPE; THENCE WEST PARALLEL WITH NORTH BOUNDARY 20.18 CHAINS TO AN IRON PIPE; THENCE NORTH 9.92 CHAINS TO PLACE OF BEGINNING.

Tax Parcel Number: 00803633



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