



RESOLUTION 2012-045

A RESOLUTION OF THE CITY OF SHERWOOD DECLARING THE NEED TO ACQUIRE INTERESTS IN CERTAIN REAL PROPERTY AND ESTABLISH AGREEMENTS FOR CONSTRUCTING, INSTALLING AND THEREAFTER MAINTAINING INFRASTRUCTURE RELATED TO THE EXTENSION OF SW LANGER FARMS PARKWAY TO HIGHWAY 99W

WHEREAS, the Sherwood City Charter confers upon the City the authority to acquire real property (and interests therein) for all public purposes; and

WHEREAS, the City of Sherwood is additionally authorized by ORS 223.005 & 223.105 to acquire (by condemnation if necessary) interests in real property within or without its corporate limits for the construction, operation and maintenance of public or municipal uses (including public roads, streets, highways and utilities as well as other similar or complementary public uses) for the benefit and use of its inhabitants; and

WHEREAS, section C.1.j of the Langer Development Agreement (approved via Resolution 2010-033) requires the City to reimburse the owner of 15555 SW Tualatin-Sherwood Rd for the cost of relocating and rebuilding access to and from the existing commercial uses located on the property due to the construction of SW Langer Farms Parkway, including any relocation of administrative facilities associated with the use; and

WHEREAS, the City wishes to satisfy and confirm section C.1.j of the aforementioned agreement by establishing and executing a Reconfiguration Agreement with the owner 15555 SW Tualatin-Sherwood Rd (taxlot id 2S129B000900); and

WHEREAS, the City must execute an agreement with Bonneville Power Administration (BPA) to construct and maintain SW Langer Farms Parkway within BPA's power transmission easement; and

WHEREAS, the City must establish agreements with and obtain permits from the Oregon Department of Transportation (ODOT) and Washington County to allow public road approaches onto Highway 99W and SW Tualatin-Sherwood Road; and

WHEREAS, the City Council deems it necessary and in the public interest to acquire certain property interests, establish agreements and obtain permits needed for constructing, owning, operating and maintaining SW Langer Farms Parkway between SW Tualatin-Sherwood Road and Highway 99W.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1: The City of Sherwood Council hereby finds and declares there to be a need for the acquisition of interests in certain real property generally identified on Exhibits A and B, attached hereto for permanent dedicated rights-of-way, permanent easements and related temporary construction easements required to install and maintain street and utility infrastructure associated with the north extension of SW Langer Farms Parkway; and

Section 2: The City of Sherwood Council hereby finds and declares a need to execute a Reconfiguration Agreement with the owner of 15555 SW Tualatin-Sherwood Road (taxlot id 2S129B000900) to satisfy and confirm section C.1.j of the Langer Development Agreement; and

Section 3: The City of Sherwood Council hereby finds and declares a need to execute an agreement with Bonneville Power Administration (BPA) in order to construct and maintain the north extension of SW Langer Farms Parkway; and

Section 4: The City of Sherwood Council hereby finds and declares a need to establish agreements with and obtain permits from ODOT and Washington County to allow public approaches onto Highway 99W and SW Tualatin-Sherwood Road; and

Section 5: The real property and interests described herein are required and are being taken as necessary in the public interest. The improvements and use to said property have been 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

Section 6: The Sherwood City Manager, his designees and the City's attorneys are authorized to attempt to reach agreement with the owners and other persons with interest in the real property described herein as to the compensation to be paid for the property interest and, in the event that agreement cannot be reached, 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.

Section 7: The Sherwood City Manager is authorized to execute agreements and obtain permits necessary to construct and maintain the north extension of SW Langer Farms Parkway on forms approved by the City's attorneys.

Section 8: This resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 21st day of August 2012.


Keith S. Mays, Mayor

Attest:


Sylvia Murphy, CMC, City Recorder

Exhibit A – List of Taxlots/Addresses (8 Total)

Right-of-Way/Summary of Affected Parcels (North Extension of SW Langer Farms Parkway)						
OWNER1	OWNERADDR	CITY	STATE	OWNERZIP	SITEADDR	TLID
DYNAMIC FINANCE CORP	853 E VALLEY BLVD #200	SAN GABRIEL	CA	91776-3600		25129A001400
HOME DEPOT USA INC	PO BOX 105842	ATLANTA	GA	30348-5842	20260 SW PACIFIC HWY	25129A001300
HOME DEPOT USA INC	PO BOX 105842	ATLANTA	GA	30348-5842	n/a (access easement)	25129A001500
PORTLAND GENERAL	121 SW SALMON ST	PORTLAND	OR	97204-2908		25129A001100
PORTLAND GENERAL	121 SW SALMON ST	PORTLAND	OR	97204-2908		25129B001900
PORTLAND GENERAL	121 SW SALMON ST	PORTLAND	OR	97204-2908		25129B001800
PORTLAND GENERAL	121 SW SALMON ST	PORTLAND	OR	97204-2908		25129A001600
SENTINEL SELF STORAGE LLC	15585 SW TUALATIN SHERWOOD RD	SHERWOOD	OR	97140-8255	15555 SW TUALATIN SHERWOOD RD	25129B000900

