Home of the Tinalaiin River National Wildife Refuge
RESOLUTION 2018-088

## DECLARING THE NEED TO ACQUIRE REAL PROPERTY INTERESTS TO CONSTRUCT AND THEREAFTER OPERATE AND MAINTAIN INFRASTRUCTURE RELATED TO THE CEDAR CREEK TRAIL PROJECT

WHEREAS, the City has the authority to acquire real property, and interests therein, for all public purposes, including the establishment of public rights-of-way and easements for regional and local trails; and

WHEREAS, the City is additionally authorized by ORS $223.005 \& 223.105$ to acquire, by condemnation if necessary, real property interests within or without its corporate limits for the construction, operation and maintenance of public or municipal uses, including transportation facilities and utility infrastructure as well as other similar or complementary public uses, for the benefit and use of its inhabitants; and

WHEREAS, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("Uniform Act") outlines the requirements for property acquisition on federally funded projects, including a requirement for local municipalities to declare publicly, by resolution, the need to acquire interests in specific real properties in order to institute eminent domain proceedings and file for condemnation if settlement cannot be reached with a property owner; and

WHEREAS, the Cedar Creek Trail Project is a federally funded project in the final design phase and has an alignment set that will partially impact five (5) private properties per the draft legal descriptions \& exhibits depicted in Exhibit $C$, attached hereto, and identified by the following taxlot identification numbers: 2S130DD90000, 2S130DD01200, 2S130DD01100, 2S130D000802, and 2S129CC07800; and

WHEREAS, the Sherwood City Council deems it necessary and in the public interest to acquire real property interests for constructing, owning, operating, and maintaining the transportation corridor and infrastructure installed by the Cedar Creek Trail Project.

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

Section 1. The Sherwood City Council hereby finds and declares there to be a need for the acquisition of permanent and temporary interests in certain real property needed to install and maintain transportation and utility infrastructure associated with the Cedar Creek Trail Project. The affected properties are identified specifically on Exhibits A, B and C, attached hereto.

Section 2. The real property interests described herein are required, and are being acquired, in the public interest for the Cedar Creek Trail Project. The improvements to, and use of, said property have been planned, designed, and located, and will be constructed, in a manner

[^0]that will be most compatible with the greatest public benefit and the least private injury or damage.

Section 3. The Sherwood City Manager, his designees, and the City Attorney, and his designees, are authorized to attempt to reach agreement with the owners and other persons with interest in the real property interests described herein as to the compensation to be paid for the acquisition of the property interests.

Section 4. In the event that no satisfactory agreement or settlement can be reached with such owners and interest holders, the City Attorney is hereby directed and authorized to commence with condemnation and prosecute to final determination such proceedings as may be necessary to acquire the real property and interests therein. Upon the filing of such proceeding, including the advance deposit of the amount estimated to be the just compensation with the clerk of the circuit court, possession of the real property and interests therein may be taken immediately to the extent provided by law.

Section 5. The Sherwood City Manager is hereby authorized to execute intergovernmental agreements (IGAs), in a form approved by the City Attorney, as needed with the Oregon Department of Transportation (ODOT), Metro, and/or Washington County to administrate and transfer funds in an expeditious manner for the acquisition of real property interests for the Cedar Creek Trail Project.

Section 6. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 4 day of December, 2018.


Attest:


Sylvia Murphy, MMC, City Recorder

## List of Properties Impacted by Cedar Creek Trail Project between Stella Olsen Park \& Pacific Highway:

## Case\# Business/Last Name Mailing Address Situs Address Zoning Taxlot ID No.:

| $\mathbf{1}$ | Gleneagle Village <br> Condos HOA | N/A | NSA | HDR | 2S130DD90000 |
| :--- | :--- | :--- | :--- | :--- | :--- |
| $\mathbf{2}$ | Silva | 16574 SW <br> Gleneagle Drive, <br> Sherwood, OR <br> 97140 | 16574 SW <br> Gleneagle Drive, <br> Sherwood, OR <br> 97140 | LDR | 2S130DD01200 |
| 3 | Brewster | 16560 SW <br> Gleneagle Dr, <br> Sherwood, OR <br> 97140 | 16560 SW <br> Gleneagle Dr, <br> Sherwood, OR <br> 97140 | LDR | 2S130DD01100 |
| 4 | Lambert | 6936 Cape Lisburne <br> Lp, Anchorage, AK <br> 99504 | 17197 SW Smith <br> Ave, Sherwood, <br> OR 97140 | MDR | 2S130D000802 |
| 5 | Cedar Creek Church | 21901 SW <br> Sherwood Blvd, <br> Sherwood, OR <br> 97140 | 21901 SW <br> Sherwood Blvd, <br> Sherwood, OR <br> 97140 | Inst | 2S129CC07800 |

*Note: all 5 case files are partial takings and will not change or eliminate the existing uses on the property nor create any non-conforming uses or lot dimensions. The properties are identified on subsequent Taxlot Maps to help users identify the spatial location within the City limits and not intended to convey specifics on the size \& type of impact (see attached draft legal descriptions in Exhibit C for more details on the expected impacts).




## PARCEL 1 - PERMANENT EASEMENT

A parcel of land being a portion of that tract of real property lying in Section 29, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon and being more particularly described as Parcel 3 in a deed to Sherwood Presbyterian Church recorded in Document No. 2014-011312 in the Washington County Book of Records, said parcel being more particularly described as follows:

Beginning at the most westerly corner of said tract; thence $\mathrm{N} 45^{\circ} 32^{\prime} 23^{\prime \prime} \mathrm{E}$ along the northwesterly line of said tract 29.62 feet; thence 60.84 feet along the arc of a 87.00 foot radius curve to the right with a central angle of $40^{\circ} 04^{\prime} 13^{\prime \prime}$ (the long chord of which bears S $13^{\circ} 37^{\prime} 39^{\prime \prime}$ E, 59.61 feet) to the southwesterly line of said tract; thence $N 43^{\circ} 24^{\prime} 43^{\prime \prime} \mathrm{W}$ along said southwesterly line 51.20 feet to the Point of Beginning.

Parcel 1 contains 969 square feet, or 0.02 acres, more or less.

## PARCEL 2 - TEMPORARY CONSTRUCTION EASEMENT

A parcel of land being a portion of that tract of real property lying in Section 29, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon and being more particularly described as Parcel 3 in a deed to Sherwood Presbyterian Church recorded in Document No. 2014-011312 in the Washington County Book of Records, said parcel being more particularly described as follows:

A strip of land 5.00 feet in width lying parallel to, and along the northeasterly line of the above described Parcel 1.
Parcel 2 contains 326 square feet, or 0.01 acres, more or less.



## PARCEL 1 - PERMANENT EASEMENT

A parcel of land being a portion of that tract of real property lying in Section 30, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon and being more particularly described in a deed to Smith Farm Estates, LLC recorded in Document No. 2013056296 in the Washington County Book of Records, said parcel being more particularly described as follows:

Commencing at the southeast corner of Section 30, Township 2 South, Range 1 West, Willamette Meridian; thence $\mathrm{N} 56^{\circ} 50^{\prime} 45^{\prime \prime} \mathrm{W}$ along the northeasterly line of said tract 285.47 feet to the Point of Beginning; thence 121.12 feet along the arc of a 110.78 foot radius curve to the right with a central angle of $62^{\circ} 38^{\prime} 28^{\prime \prime}$ (the long chord of which bears $\mathrm{N} 85^{\circ} 42^{\prime} 47^{\prime \prime} \mathrm{W}, 115.17$ feet) to a point of compound curvature; thence 45.62 feet along the arc of a 100.00 foot radius curve to the right with a central angle of $26^{\circ} 08^{\prime} 24^{\prime \prime}$ (the long chord of which bears $\mathrm{N} 41^{\circ} 19^{\prime} 21^{\prime \prime}$ W, 45.23 feet); thence $\mathrm{N} 28^{\circ} 15^{\prime} 09^{\prime \prime} \mathrm{W} 34.37$ feet to a point of curvature; thence 68.01 feet along the arc of a 380.00 foot radius curve to the left with a central angle of $10^{\circ} 15^{\prime} 18^{\prime \prime}$ (the long chord of which bears $\mathrm{N} 33^{\circ} 22^{\prime} 48^{\prime \prime} \mathrm{W}, 67.92$ feet) to the northeasterly line of said tract; thence S $56^{\circ} 50^{\prime} 45^{\prime \prime}$ E along said northeasterly line 236.93 feet to the Point of Beginning.

Parcel 1 contains 8,139 square feet, or 0.19 acres, more or less.

## PARCEL 2 - TEMPORARY CONSTRUCTION EASEMENT

A parcel of land being a portion of that tract of real property lying in Section 30, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon and being more particularly described in a deed to Smith Farm Estates, LLC recorded in Document No. 2013056296 in the Washington County Book of Records, said parcel being more particularly described as follows:

A strip of land 5.00 feet in width lying parallel to, and along the southwesterly line of the above described Parcel 1. The southerly line of Parcel 2 shall be extended as to intersect with the northeasterly property line.

Parcel 2 contains 1,409 square feet, or 0.03 acres, more or less.



## PARCEL 1 - PERMANENT EASEMENT

A parcel of land being a portion of that tract of real property lying in Section 30, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon and being more particularly described in a deed to Charles A Brewster recorded in Document No. 2011-080118 in the Washington County Book of Records, said parcel being more particularly described as follows:

Beginning at the most westerly comer of said tract; thence N $57^{\circ} 59^{\prime} 40^{\prime \prime}$ E along the northwesterly line of said tract 11.87 feet; thence $S 42^{\circ} 51^{\prime} 21^{\prime \prime}$ E 50.10 feet; thence $S 41^{\circ} 59^{\prime} 02^{\prime \prime}$ E 11.80 feet to the southwesterly line of said tract; thence $\mathrm{N} 53^{\circ} 00^{\prime} 20^{\prime \prime} \mathrm{W}$ along said southwesterly line 65.15 feet to the point of Beginning.

Parcel 1 contains 366 square feet, or 0.01 acres, more or less.

## PARCEL 2 - TEMPORARY CONSTRUCTION EASEMENT

A parcel of land being a portion of that tract of real property lying in Section 30, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon and being more particularly described in a deed to Charles A Brewster recorded in Document No. 2011-080118 in the Washington County Book of Records, said parcel being more particularly described as follows:

A strip of land 5.00 feet in width lying parallel to, and along the northeasterly line of the above described Parcel 1. The northerly line of Parcel 2 shall be extended as to intersect with the southwesterly property line.
Parcel 2 contains 371 square feet, or 0.01 acres, more or less.


RENEWAL: 7/01/19
SIGNED: $10 / 17 / 2018$


## PARCEL 1 - PERMANENT EASEMENT

A parcel of land being a portion of that tract of real property lying in Section 30, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon and being more particularly described in a deed to Jodi Michelle Silva recorded in Document No. 2016-099698 in the Washington County Book of Records, said parcel being more particularly described as follows:

Beginning at the southwesterly corner of said tract; thence $\mathrm{N} 11^{\circ} 00^{\prime} 20^{\prime \prime} \mathrm{W}$ along the westerly line of said tract 23.47 feet; thence $S 40^{\circ} 58^{\prime} 07^{\prime \prime}$ E 22.18 feet to the southerly line of said tract; thence $\mathrm{S} 57^{\circ} 59^{\prime} 40^{\prime \prime} \mathrm{W}$ along said southerly line 11.87 feet to the point of Beginning.

Parcel 1 contains 130 square feet, or 0.003 acres, more or less.

## PARCEL 2 - TEMPORARY CONSTRUCTION EASEMENT

A parcel of land being a portion of that tract of real property lying in Section 30, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon and being more particularly described in a deed to Jodi Michelle Silva recorded in Document No. 2016-099698 in the Washington County Book of Records, said parcel being more particularly described as follows:

A strip of land 5.00 feet in width lying parallel to, and along the northeasterly line of the above described Parcel 1.

Parcel 2 contains 135 square feet, or 0.003 acres, more or less.


RENEWAL: 7/01/19 SIGNED: $\qquad$


## PARCEL 1 - PERMANENT EASEMENT

A parcel of land being a portion of that tract of real property lying in Section 30, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon and being more particularly described as Gleneagle Village Condominiums, Washington County Plat Records, said parcel being more particularly described as follows:

Beginning at a $5 / 8^{\prime \prime}$ iron rod on the easterly right of way of S.W. Pacific Highway marking the northwest corner of Partition Plat 1998-170; thence N $30^{\circ} 36^{\prime} 25^{\prime \prime}$ E along said east right of way, 5.81 feet; thence $\mathrm{N} 82^{\circ} 24^{\prime} 57^{\prime \prime} \mathrm{E} 44.51$ feet to a point of curvature; thence 58.68 feet along the arc of an 87.00 foot radius curve to the right with a central angle of $38^{\circ} 38^{\prime} 54^{\prime \prime}$ (the long chord of which bears $\mathrm{S} 78^{\circ} 15^{\prime} 36^{\prime \prime} \mathrm{E}, 57.58$ feet) to a point of reverse curve; thence 34.63 feet along the arc of a 403.00 foot radius curve to the left with a central angle of $4^{\circ} 55^{\prime} 23^{\prime \prime}$ (the long chord of which bears $\mathrm{S} 61^{\circ} 23^{\prime} 51^{\prime \prime} \mathrm{E}, 34.62$ feet) to a point of reverse curve; thence 56.50 feet along the arc of a 487.00 foot radius curve to the right with a central angle of $6^{\circ} 38^{\prime} 50^{\prime \prime \prime}$ (the long chord of which bears S $60^{\circ} 32^{\prime} 08^{\prime \prime}$ E, 56.47 feet); thence S $57^{\circ} 12^{\prime} 43^{\prime \prime}$ E 19.92 feet to a point of curvature; thence 78.27 feet along the arc of a 238.00 foot radius curve to the left with a central angle of $18^{\circ} 50^{\prime} 30^{\prime \prime \prime}$ (the long chord of which bears S $66^{\circ} 377^{\prime} 58^{\prime \prime} \mathrm{E}, 77.91$ feet); thence N $13^{\circ} 56^{\prime} 47^{\prime \prime} \mathrm{E}$ 10.00 feet to a point of curvature of a non-tangent curve; thence 27.34 feet along the arc of a 228.00 foot radius curve to the left with a central angle of $6^{\circ} 52^{\prime} 16^{\prime \prime}$ (the long chord of which bears S $79^{\circ} 29^{\prime} 21^{\prime \prime} \mathrm{E} ; 27.33$ feet); thence $\mathrm{S} 82^{\circ} 55^{\prime} 29^{\prime \prime} \mathrm{E} 22.92$ feet to a point of curvature; thence 137.63 feet along the arc of a 372.00 foot radius curve to the right with a central angle of $21^{\circ} 11^{\prime} 53^{\prime \prime}$ (the long chord of which bears S $72^{\circ} 19^{\prime} 32^{\prime \prime} \mathrm{E}, 136.85$ feet); thence S $61^{\circ} 43^{\prime} 36^{\prime \prime} \mathrm{E}$ 61.19 feet to the easterly line of Gleneagle Village Condominiums; thence $\mathrm{S} 53^{\circ} 00^{\prime} 06^{\prime \prime} \mathrm{W}$ along said east line 44.04 feet; thence N $61^{\circ} 43^{\prime} 36^{\prime \prime}$ W 25.30 feet to a point of curvature; thence 97.12 feet along the arc of a 330.00 foot radius curve to the left with a central angle of $16^{\circ} 51^{\prime} 46^{\prime \prime}$ (the long chord of which bears $\mathrm{N} 70^{\circ} 09^{\prime} 29^{\prime \prime} \mathrm{W}, 96.77$ feet); thence $\mathrm{N} 78^{\circ} 35^{\prime} 21^{\prime \prime} \mathrm{W} 97.46$ feet; thence N $61^{\circ} 388^{\prime} 55^{\prime \prime} \mathrm{W} 50.68$ feet to a point of curvature of a non-tangent curve; thence 36.78 feet along the arc of a 262.00 foot radius curve to the right with a central angle of $8^{\circ} 02^{\prime} 39^{\prime \prime}$ (the long chord of which bears $\mathrm{N} 61^{\circ} 14^{\prime} 02^{\prime \prime} \mathrm{W}, 36.75$ feet); thence $\mathrm{N} 57^{\circ} 12^{\prime} 43^{\prime \prime} \mathrm{W} 19.92$ feet to a point of curvature; thence 53.72 feet along the arc of a 463.00 foot radius curve to the left with a central angle of $6^{\circ} 38^{\prime} 50^{\prime \prime \prime}$ (the long chord of which bears $\mathrm{N} 60^{\circ} 32^{\prime} 08^{\prime \prime} \mathrm{W}, 53.69$ feet) to a point of reverse curve; thence 36.69 feet along the arc of a 427.00 foot radius curve to the right with a central angle of $4^{\circ} 55^{\prime} 23^{\prime \prime}$ (the long chord of which bears N $61^{\circ} 23^{\prime} 51^{\prime \prime} \mathrm{W}, 36.68$ feet) to a point of reverse curve; thence 42.50 feet along the arc of a 63.00 foot radius curve to the left with a central angle of $38^{\circ} 38^{\prime} 54^{\prime \prime}$ (the long chord of which bears N $78^{\circ} 15^{\prime} 36^{\prime \prime} \mathrm{W}, 41.69$ feet; thence S $82^{\circ} 24^{\prime} 57^{\prime \prime}$ W 25.54 feet to the northerly line of said Partition Plat 1998-170; thence N $56^{\circ} 50^{\prime} 45^{\prime \prime}$ W along said northerly line 29.78 feet to the Point of Beginning.

Parcel 1 contains 16,878 square feet, or 0.39 acres, more or less.

## City of Sherwood

## PARCEL 2 - TEMPORARY CONSTRUCTION EASEMENT

A parcel of land being a portion of that tract of real property lying in Section 30, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon and being more particularly described as Gleneagle Village Condominiums, Washington County Plat Records, said parcel being more particularly described as follows:

A strip of land 5.00 feet in width lying parallel to, and along both the northerly and southerly lines of the above described Parcel 1.

Parcel 2 contains 5,162 square feet, or 0.12 acres, more or less.

## PARCEL 3 - TEMPORARY CONSTRUCTION EASEMENT

A parcel of land being a portion of that tract of real property lying in Section 30, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon and being more particularly described as Gleneagle Village Condominiums, Washington County Plat Records, said parcel being more particularly described as follows:

A strip of land 18.00 feet in width lying parallel to and 9.00 feet on each side of the following described centerline:

Beginning at a point on the south right of way of line of S.W. Gleneagle Drive, said point being in the center of an existing asphalt access road into Gleneagle Village Condominiums and being N $33^{\circ} 13^{\prime} 43^{\prime \prime}$ W 1137.62 feet, more or less, from the southeast corner of Section 30, Township 2 South, Range 1 West of the Willamette Meridian; thence $S 29^{\circ} 12^{\prime} 45^{\prime \prime} \mathrm{W}$ along the center of said asphalt access 121.40 feet, more or less, to the south line of Gleneagle Village Condominiums and the terminus of said centerline.

Parcel 3 contains 2,185 square feet, or 0.05 acres, more or less.




[^0]:    Resolution 2018-088
    December 4, 2018
    Page 1 of 2 plus Exhibit A (List of Properties, 1 pg), Exhibit B (Tax Maps, 3 pgs), \& Exhibit C (Draft Legal Descriptions, 11 pgs)

