

RESOLUTION 2019-059

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 the Law of the State of Oregon, specifically 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 City previously adopted Resolution 2018-088 declaring the need to acquire real property interests from five (5) private properties and desires to adopt a single, all-inclusive resolution that includes an additional impacted property discovered during final plan review, for a total of six (6) right-of-way case files; 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 six (6) private properties per the draft legal descriptions & exhibits depicted in Exhibit C, attached hereto, and identified by the following tax lot identification numbers: 2S130DD90000, 2S130DD01200, 2S130DD01100, 2S130D000802, 2S129CC07800, and 2S130DC04000; 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.
- 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 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.
- 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. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 2nd day of July, 2019.

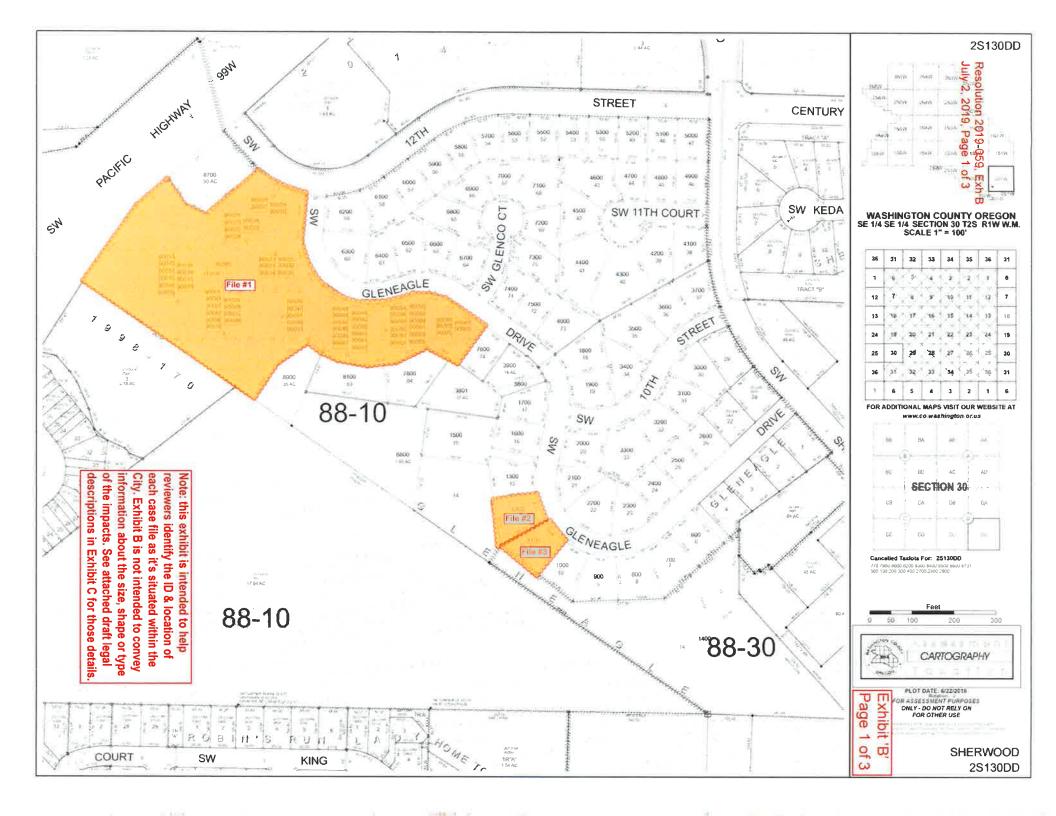
Keith Mays, Mayor

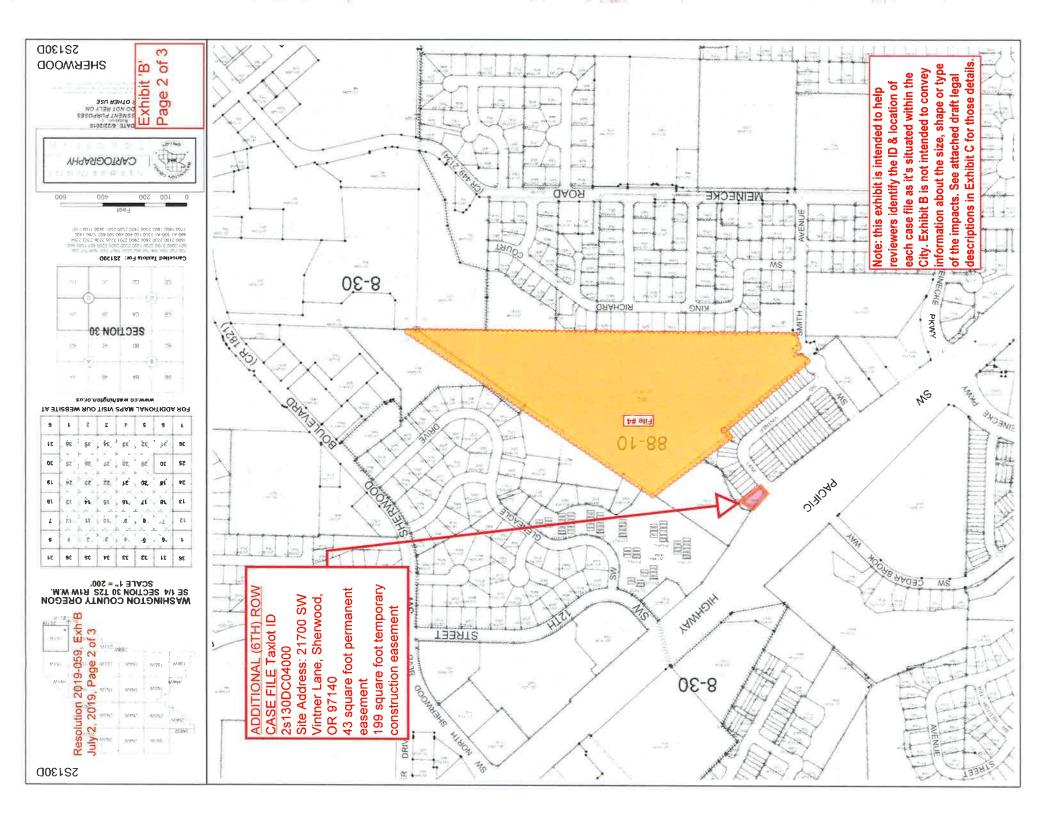
Attest:

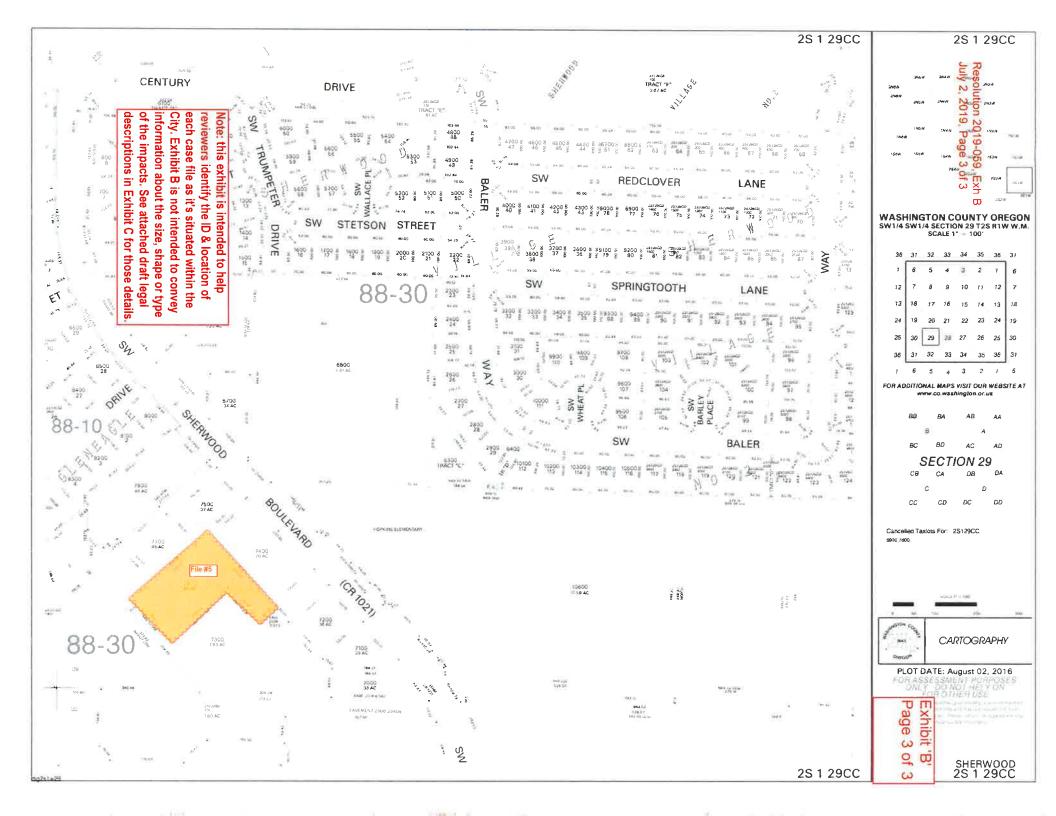
Sylvia Murphy, MMO, City Recorder

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CEDAR CREEK TRAIL PROJECT, CITY ROW RESOLUTION, UPDATED JULY 2019				LIST OF ROW CASE-FILES (6 FILES)			EXHIBIT 'A'		
ltem	TLID	RNO	OWNERSORT	OWNER1	OWNER2	OWNERCITY	OWNERSTATE	SITEADDR	Resolution
	1 2S129CC07800	R2035321	CEDAR	CEDAR CREEK CHURCH		SHERWOOD	OR	21901 SW SHERWOOD BLVD	2018-088
	2 2S130DD00900	R549071	GARDN	GARDNER MARION LEE &	OCIE-ELLEN B LIVING TRUST	SHERWOOD	OR	16538 SW GLENEAGLE DR	2018-088
	3 2S130DD90000	R549810	GLENE	GLENEAGLE VILLAGE CONDO (HOA)	UNIT OWNERS				2018-088
	4 2S130DD01000	R549080	HEYMA	HEYMANN MARISA &	HEYMANN STEPHEN	SHERWOOD	OR	16546 SW GLENEAGLE DR	2018-088
	5 2S130D000802	R1292096	SMITH	SMITH FARM ESTATES LLC		SOLVANG	CA	17197 SW SMITH AVE	2018-088
3	6 2S130DC04000	R2117605	JOSEP	JOSEPH HENDERSON &	JOSEPH JUDY	SHERWOOD	OR	21700 SW VINTNER LN	NEW CASE FILE







City of Sherwood June 17, 2019 Tax Map No. 2S130DC 04000

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 Henderson Joseph and Judy Joseph recorded in Document No. 2017-039208 in the Washington County Book of Records, said parcel being more particularly described as follows:

Beginning at the north corner of said tract and being the north corner of Lot 40, Vintage Creek Townhomes subdivision and on the easterly right of way of SW Pacific Highway; thence along said right of way 24.09 feet along the arc of a 848.51 foot radius curve to the right with a central angle of 1°37′37" (the long chord of which bears S 32°46′20" W, 24.09 feet); thence N 41°52′29" E 10.84 feet to a point of curvature; thence 13.54 feet along the arc of a 212.00 foot radius curve to the left with a central angle of 3°39′31" (the long chord of which bears N 40°02′44" E, 13.54 feet) to the northeasterly line of said Lot 40; thence N 57°49′54" W along said northeasterly line 3.43 feet to the Point of Beginning.

Parcel 1 contains 43 square feet, or 0.001 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 Henderson Joseph and Judy Joseph recorded in Document No. 2017-039208 in the Washington County Book of Records, said parcel being more particularly described as follows:

Beginning at the north corner of said tract and being the north corner of Lot 40, Vintage Creek Townhomes subdivision and on the easterly right of way of SW Pacific Highway; thence along said right of way 45.56 feet along the arc of a 848.51 foot radius curve to the right with a central angle of 3°04'36" (the long chord of which bears S 33°29'49" W, 45.56 feet); thence S 54°57'53" E 2.19 feet; thence N 41°52'29" E 31.86 feet to a point of curvature; thence 14.39 feet along the arc of a 217.00 foot radius curve to the left with a central angle of 3°47'55" (the long chord of which bears N 39°58'32" E, 14.38 feet) to the northeasterly line of said Lot 40; thence N 57°49'54" W along said northeasterly line 8.46 feet to the Point of Beginning.

Except therefrom Parcel 1

Parcel 2 contains 199 square feet, or 0.005 acres, more or less.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JAN. 14, 2003 JOSEPH W. HURLIMAN 58960LS

RENEWAL: 7/01/19 SIGNED: <u>06/17/20</u>19

Tax Map No. 2S129CC 07800

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 N 45°32'23" 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°04'13" (the long chord of which bears S 13°37'39" E, 59.61 feet) to the southwesterly line of said tract; thence N 43°24'43" 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.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JAN. 14. 2003 JOSEPH W. HURLIMAN

58960LS

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

Tax Map No. 2S130D 00802

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. 2013-056296 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 N 56°50'45" 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°38'28" (the long chord of which bears N 85°42'47" 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°08'24" (the long chord of which bears N 41°19'21" W, 45.23 feet); thence N 28°15'09" 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°15'18" (the long chord of which bears N 33°22'48" W, 67.92 feet) to the northeasterly line of said tract; thence S 56°50'45" 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. 2013-056296 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.

REGISTERED PROFESSIONAL LAND SURVEYOR

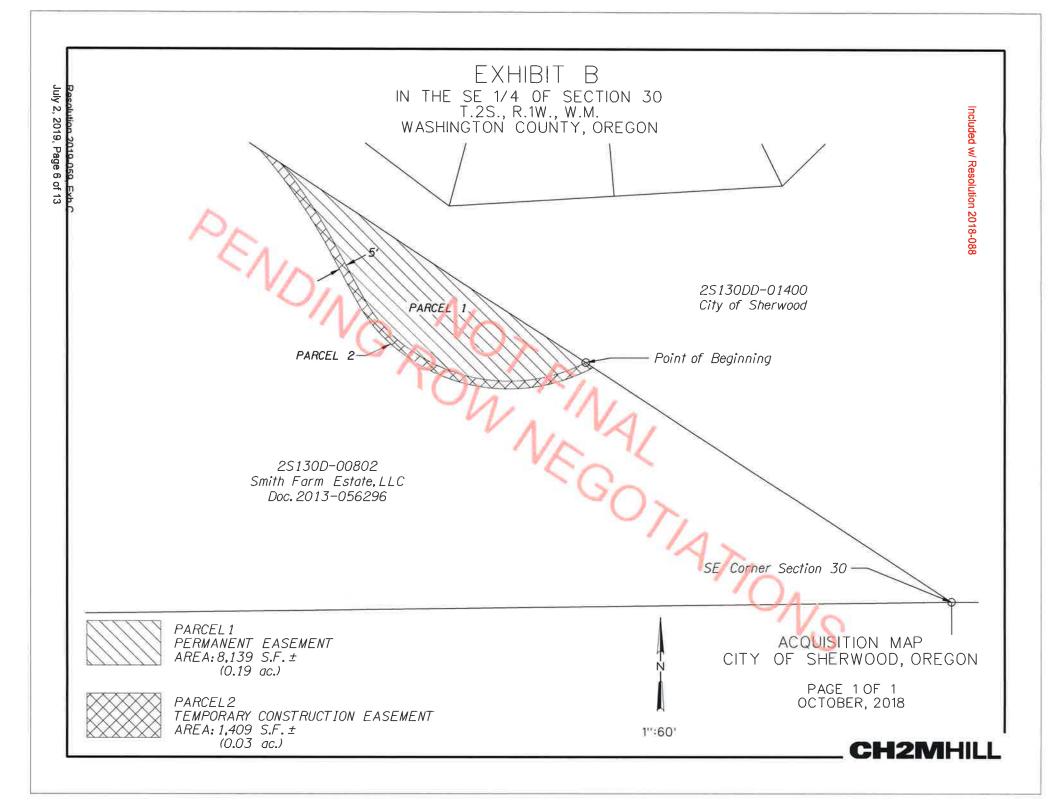
OREGON

JAN 14 2003

OSEPH W. HURLIMAN

58960LS

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



Tax Map No. 2S130DD 01100

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 corner of said tract; thence N 57°59'40" E along the northwesterly line of said tract 11.87 feet; thence S 42°51'21" E 50.10 feet; thence S 41°59'02" E 11.80 feet to the southwesterly line of said tract; thence N 53°00'20" 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:

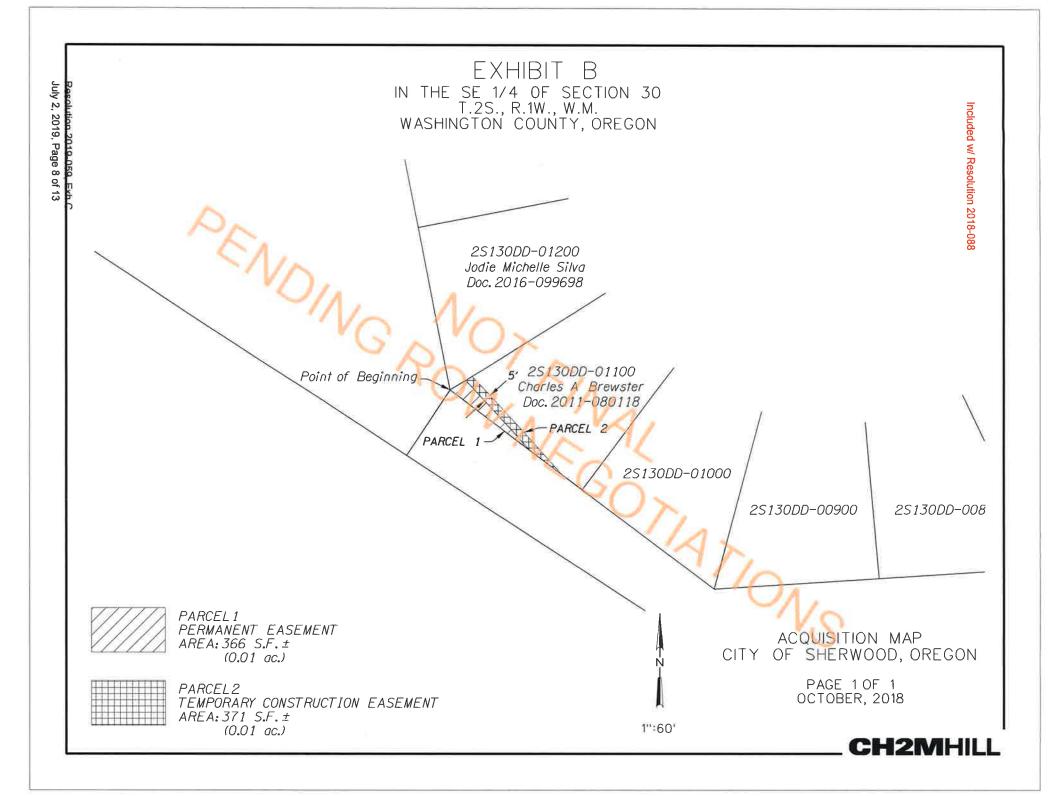
A strip of land 5.00 feet in width lying parallel to, and along the northeasterly line of the above described Parcel 1. The northerly line of Parcel 2 shall be extended as to intersect with the southwesterly property line.

Parcel 2 contains 371 square feet, or 0.01 acres, more or less.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON Jan. 14, 2003 JOSEPH W. HURLIMAN 58960LS

RENEWAL: 7/01/19 SIGNED: 16/17/2018



Tax Map No. 2S130DD 01200

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 N 11°00'20" W along the westerly line of said tract 23.47 feet; thence S 40°58'07" E 22.18 feet to the southerly line of said tract; thence S 57°59'40" 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.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON JAN 14 2003 OSEPH W. HURLIMAN 58960LS

RENEWAL: 7/01/19 SIGNED: _____

EXHIBIT A

Included w/ Resolution 2018-088 City of Sherwood May 15, 2019

Tax Map No. 2S130DD 90000

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" 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°36'25" E along said east right of way, 5.81 feet; thence N 82°24'57" E 44.55 feet to a point of curvature; thence 47.47 feet along the arc of a 72.00 foot radius curve to the right with a central angle of 37°46'25" (the long chord of which bears S 78°41'51" E, 46.61 feet); thence S 59°48'39" E 2.66 feet; thence S 48°33'36" E 6.14 feet; thence S 65°51'12" E 6.06 feet; thence S 81°08'15" E 6.19 feet to a point of curvature of a non-tangent curve; thence 81.22 feet along the arc of a 487.00 foot radius curve to the right with a central angle of 9°33'21" (the long chord of which bears S 61°59'23" E, 81.13 feet): thence S 57°12'43" 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°50'30" (the long chord of which bears S 66°37'58" E, 77.91 feet); thence N 13°56'47" 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°52'16" (the long chord of which bears S 79°29'21" E, 27.33 feet); thence S 82°55'29" 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°11'53" (the long chord of which bears S 72°19'32" E, 136.85 feet); thence S 61°43'36" E 61.19 feet to the easterly line of Gleneagle Village Condominiums; thence S 53°00'06" W along said east line 44.04 feet; thence N 61°43'36" 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°51'46" (the long chord of which bears N 70°09'29" W, 96.77 feet); thence N 78°35'21" W 97.46 feet; thence N 61°38'55" 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°02'39" (the long chord of which bears N 61°14'02" W, 36.75 feet); thence N 57°12'43" W 19.92 feet to a point of curvature; thence 82.89 feet along the arc of a 463.00 foot radius curve to the left with a central angle of 10°15'26" (the long chord of which bears N 62°20'26" W, 82.78 feet) to a point of reverse curve; thence 17.80 feet along the arc of a 132.00 foot radius curve to the right with a central angle of 7°43'29" (the long chord of which bears N 63°36'24" W, 17.78 feet) to a point of reverse curve; thence 31.70 feet along the arc of a 48.00 foot radius curve to the left with a central angle of 37°50'24" (the long chord of which bears N 78°39'51" W, 31.13 feet; thence S 82°24'57" W 25.54 feet to the northerly line of said Partition Plat 1998-170; thence N 56°50'45" W along said northerly line 29.78 feet to the Point of Beginning.

Parcel 1 contains 16,848 square feet, or 0.39 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 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 5,159 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°13'43" 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°12'45" 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.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JAN. 14, 2003 JOSEPH W. HURLIMAN 58960LS

RENEWAL: 7/01/19 SIGNED: 5/15/2019

