



## RESOLUTION 2023-066

### DECLARING THE NEED TO ACQUIRE REAL PROPERTY INTERESTS TO CONSTRUCT AND THEREAFTER OPERATE & MAINTAIN SW ICE AGE DRIVE THROUGH THE TONQUIN EMPLOYMENT AREA

**WHEREAS**, the Sherwood City Charter confers upon the City, a local municipal corporation, the authority to acquire real property, and interests therein, for all public purposes, including the establishment of public rights-of-way and easements for roadways and utilities; 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 the people of the City; 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 SW Ice Age Drive Improvements will establish a new collector street running east-west through the industrial lands in the Tonquin Employment Area (TEA) per the City's Transportation System Plan (TSP Project D20), including the utility infrastructure within the public right-of-way, and multi-modal transportation facilities through the corridor in compliance with the Americans with Disabilities Act of 1990; and

**WHEREAS**, this resolution declares the need to acquire property interests across the entire SW Ice Age Drive corridor between SW Oregon Street and SW 124<sup>th</sup> Avenue and includes a list of properties, by Tax lot ID, impacted by the proposed alignment; and

**WHEREAS**, the Sherwood City Council deems it necessary and in the public interest to acquire real property interests, specifically right-of-way, public utility easements, stormwater easements, and temporary construction easements, in the properties along the road corridor as identified in Exhibits A, B, and C, attached hereto and incorporated herein by reference, for the purpose of constructing, owning, operating, and maintaining the infrastructure installed by the SW Ice Age Drive Improvements Project between SW Oregon Street and SW 124<sup>th</sup> Avenue; and

**WHEREAS**, it appears that the proposed use, improvement, or project as described above is planned or located in a manner which will be most compatible with the greatest public good and the least private injury; and

**WHEREAS**, the City anticipates commencing use of the above-described property within ten years of the date of adoption of this Resolution.

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

**Section 1.** The Sherwood City Council hereby finds and declares that it is necessary and in the public interest that the City acquire right-of-way, public utility easements, stormwater easements, and temporary construction easements in the properties described in Exhibits A, B, and C, attached hereto and incorporated herein by reference, for the purpose of installing, operating, and maintaining transportation and utility infrastructure within the SW Ice Age Drive, which is a public or municipal use for the general benefit and use of the people of the City, as authorized by the City Charter and ORS 223.005-105.

**Section 2.** The Sherwood City Council further finds and declares that the proposed use described above is necessary and that the proposed use, improvement, or project described herein is 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 Council further finds and declares that the City anticipates commencing use of the above-described property within ten years of the date of adoption of this Resolution.

**Section 4.** The Sherwood City Council hereby authorizes the Sherwood City Manager, his designees, and the City Attorney, and his designees, 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, or designee, 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 15<sup>th</sup> day of August 2023.**

  
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Tim Rosener, Mayor

Attest:

  
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Sylvia Murphy, MMC, City Recorder

**Exhibit A (List of Properties Anticipated be Impacted by the SW Ice Age Drive Improvements Project)**

Exhibit to the ROW resolution to be adopted by City Council on August 15, 2023

See Exhibit B and Exhibit C for Taxlot Maps

List of Impacted Properties by Taxlot ID

1. 2s128C700
2. 2s128C600
3. 2s128D602
4. 2s128D600
5. 2s128D800
6. 2s128D700
7. 2s128D1200
8. 2s128D1300 (Bonneville Power Administration)
9. Kinder-Morgan (gas line easement deed holder on aforementioned properties)
10. 2S128C000102 (21389 SW Oregon St, 3.18 Acres) Traffic Signal
11. 2S128C000201 (21433 SW Oregon St, 7.68 Acres) Traffic Signal

**End of List of Impacted Properties**





