



**CITY COUNCIL MEETING  
STAFF REPORT**

<b>Meeting Date:</b> October 2, 2023		<b>Subject: Resolution No. 3082</b> Authorizing Acquisition of Property and Property Interests Related to Construction of the Willamette Water Supply Program Right-of-Way Enhancement Projects (CIP #1127)	
		<b>Staff Members:</b> Andrew Barrett, PE, Capital Projects Engineering Manager and Marissa Rauthouse, PE, Civil Engineer	
		<b>Department:</b> Community Development	
<b>Action Required</b>		<b>Advisory Board/Commission Recommendation</b>	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		<b>Comments:</b> N/A	
<b>Staff Recommendation:</b> Staff recommends Council adopt Resolution No. 3082			
<b>Recommended Language for Motion:</b> I move to adopt Resolution No. 3082.			
<b>Project / Issue Relates To:</b>			
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable	

**ISSUE BEFORE COUNCIL:**

A City of Wilsonville Resolution authorizing acquisition of property and property interests, with the potential for eminent domain procedures, needed to construct the Willamette Water Supply Program (WWSP) Right-of-Way Enhancement Projects. The properties consist of approximately 2,150 square feet for right-of-way, 1,209 square feet for permanent easements, and 2,026 square feet for temporary easements.

**EXECUTIVE SUMMARY:**

The Willamette Water Supply System (WWSS) Commission, an Oregon intergovernmental entity formed by Tualatin Valley Water District, the City of Hillsboro, and the City of Beaverton is developing an additional, resilient water supply for Washington County. The new water supply consists of raw water intake improvements at the Willamette River Water Treatment Plant in Wilsonville, currently under construction. From there, raw water is to be pumped to the Willamette Water Supply System Water Treatment Plant, a new, seismically resilient water treatment plant near the intersection of SW 124th Avenue and SW Tualatin-Sherwood Road. A new 66-inch diameter pipeline will carry the raw Willamette River water from the intake structure, through Wilsonville, to the new Willamette Water Supply System treatment plant.

On May 1, 2017, Wilsonville City Council approved Resolution No. 2628 authorizing the City Manager to enter into a Ground Lease Agreement with the Willamette Water Supply System Commission in which the City leased land along an agreed upon route for a period of 99 years to place underground the 66-inch diameter raw water pipeline. As additional consideration, the Ground Lease Agreement includes six (6) significant infrastructure improvements, referred to as Right-of-Way Enhancement Projects and Deficiencies (Enhancement Projects). These projects are needed City infrastructure improvements along the raw water pipeline route to be constructed as part of the Willamette Water Supply System project.

On September 20, 2021, the City Council approved Resolution No. 2919 to amend the original Ground Lease agreement terms to add and remove certain elements of the Enhancement Projects project list.

In order to construct the Enhancement Projects, the City Council needs to authorize acquisition of property and use of eminent domain. On September 19, 2022, the City Council approved Resolution No. 2986, authorizing the first phase of property and property interest acquisition related to construction of the Willamette Water Supply Program Right-of-Way Enhancement Projects.

Design of the remaining Enhancement Projects is nearing completion and City Council authorization is needed to acquire the second and final phase of property and property interests, as identified in the following table:

<b>File No.</b>	<b>Property Owner</b>	<b>TLID</b>	<b>Right of Way (square feet)</b>	<b>Easement Permanent (square feet)</b>	<b>Easement Temporary (square feet)</b>
1	McLellen Estate Co.	31W11C00603	953	0	0
2	McLellen Estate Co.	31W11C00603	0	0	1682
3	Portland General Electric Co.	31W14A02200	0	0	344
4	Swire Pacific Holdings Inc.	31W14C00103	1197	1209	0
			2150	1209	2026

Detailed legal descriptions of the property to be acquired along with an illustrative map showing impacted properties are included as **Exhibit A** and **Exhibit B** to Resolution No. 3082. The legal descriptions reflect the least amount of property necessary for the construction of the Enhancement Projects.

The legal descriptions included in **Exhibit A** provide the best estimates of areas to be acquired based on the most current design plans. They are considered to be reasonably accurate at this time, although modifications may need to occur depending on final design details and site conditions, to be approved and verified by the City Engineer.

**EXPECTED RESULTS:**

Upon Council authorization to begin acquisition of the property necessary to construct the Project, WWSS staff will proceed with updating appraisals and initiate negotiations with property owners. If settlement has not been achieved by the end of the mandatory 40-day consideration period, the Council will be updated on the status of negotiations and any recommendations to commence with condemnation proceedings.

**TIMELINE:**

Property acquisition is anticipated to be completed in the first quarter of 2024 and construction of the Enhancement Projects commencing shortly thereafter.

**CURRENT YEAR BUDGET IMPACTS:**

Cost associated with property acquisition for the Enhancement Projects will be paid for by the Willamette Water Supply System. City overhead costs will be reimbursed by the Willamette Water Supply System in accordance with the Ground Lease Agreement.

**COMMUNITY INVOLVEMENT PROCESS:**

The WWSS is implementing a robust and inclusive public outreach process for the construction of the raw water pipeline and enhancement projects, including regular stakeholder and interested citizen meetings, newsletter updates, and coordination with Wilsonville public information staff.

**POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:**

Construction of the raw water pipeline will result in temporary traffic congestion and delays through the City as the project continues along the planned alignment. This inconvenience is offset by the regional need for this facility and the Enhancement Projects that WWSS will be constructing, improving City infrastructure that directly benefits the citizens of Wilsonville.

**ALTERNATIVES:**

Council authorization to proceed with acquisition of property is necessary to construct the Enhancement Projects. Council could choose not to authorize acquisition of property, which would prevent the Willamette Water Supply System from moving forward with construction of the Enhancement Projects required by the Ground Lease Agreement. This option is not recommended.

**CITY MANAGER COMMENT:**

N/A

**ATTACHMENTS:**

1. Resolution No. 3082
  - A. Willamette Water Supply Program Right-of-Way Enhancement Projects Property Acquisition Legal Descriptions
  - B. Willamette Water Supply Program Right-of-Way Enhancement Project Property Acquisition Map