



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: September 19, 2022	Subject: Resolution No. 2986 Authorizing Acquisition of Property and Property Interests Related to Construction of the Willamette Water Supply Program Right-of-Way Enhancement Projects (CIP #1127) Staff Member: Andrew Barrett, PE, Capital Projects Engineering Manager Department: Community Development	
Action Required <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd 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	Advisory Board/Commission Recommendation <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: N/A	
Staff Recommendation: Staff recommends Council adopt Resolution No. 2986.		
Recommended Language for Motion: I move to adopt Resolution No. 2986.		
Project / Issue Relates To:		
<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 6,389 square feet (SF) for right-of-way, 3,528 SF for permanent easements, and 6,550 SF for temporary easements.

EXECUTIVE SUMMARY:

The Willamette Water Supply System (WWSS) Commission, an Oregon intergovernmental entity formed by Tualatin Valley Water District (TVWD), 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 WWSS 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 WWSS 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 WWSS 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 WWSS 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, as identified in the following table.

File No.	Property Owner	TLID	Right of Way (SF)	Easement Permanent (SF)	Easement Temporary (SF)
1	Stafford DC LLC	3S102DC00400	126	0	194
2	Rollins Leasing Corp.	3S102DC00401	186	0	157
3	GSB II, LLC	3S102DC00600	318	0	212
4	Prologis TLF (Portland), LLC	3S102DC00601	523	0	74
5	GSB II, LLC	31W11A00100	0	0	50
6	Prologis TLF (Portland), LLC	31W11A00103	2	0	41
7	ECT (BET) REBCO Properties LLC	31W11A00800	1308	0	732
8	Our Associates	31W11A01300	0	0	320
9	LBA RV-Company XXIII LP	31W11C00400	0	0	178

File No.	Property Owner	TLID	Right of Way (SF)	Easement Permanent (SF)	Easement Temporary (SF)
10	Harsch Investment Properties, LLC	31W11D00200	0	0	374
11	LBA RV-Company XXIII LP	31W11D00300	0	0	158
12	Norawesty LLC	31W11D00500	0	0	228
13	Van Bilsen Investments L.L.C.	31W14C00107	280	841	500
14	Fred Meyer Stores Inc	31W14C00301	2712	2687	1811
15	State of Oregon	31W1101903	0	0	395
16	Lexington Wilsonville LP	31W1103101	934	0	1126
			6389	3528	6550

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. 2986. The legal descriptions reflect the least amount of property necessary for the construction of the Enhancement Projects.

The legal descriptions included in **Exhibit A** include 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 2023 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 WWSS. City overhead costs will be reimbursed by the WWSS 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 WWSS 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. 2986
 - 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