

**RESOLUTION NO. 3098**

**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING ACQUISITION OF PROPERTY AND PROPERTY INTERESTS RELATED TO CONSTRUCTION OF THE PRIORITY 1B WATER DISTRIBUTION IMPROVEMENTS PROJECT.**

WHEREAS, under and by virtue of the laws of the State of Oregon, the City of Wilsonville is duly authorized and lawfully empowered to construct certain planned public improvement projects, and to acquire real property as may be deemed necessary and proper for such planned public improvements; and

WHEREAS, the 2022 to 2023 portion of the Priority 1B Water Distributions Improvements Project (the "Project"), as outlined in the Water Distribution System Master Plan updated in 2012, consists of water system upgrades to a 10-inch-loop at Wilsonville Summit Apartments and Canyon Creek Apartments and an 8-inch-loop at Sundial Apartments; and

WHEREAS, these two water system upgrades are identified in the Fiscal Year 2022/2023 Capital Improvement Project Budget; and

WHEREAS, the total project cost estimate for the Project, including design, land acquisition, construction and project management, is \$ 965,135; and

WHEREAS, the Project will receive funding through the Water Operating fund; and

WHEREAS, construction is anticipated to begin in the second quarter of 2024; and

WHEREAS, in order to construct the Project, the City needs to acquire waterline easements at two properties; and

WHEREAS, the properties consist of approximately 4,958 square feet (SF) of waterline easements; and

WHEREAS, the property interests to be acquired for the Project include those legally described in **EXHIBIT A**, attached hereto and incorporated herein; and

WHEREAS, although the attached legal descriptions and estimated areas of taking are considered to be reasonably accurate at this time, modifications may need to occur depending on final design details and site conditions, to be approved and verified by the City Engineer; and

WHEREAS, the acquisition of the properties described in **EXHIBIT A** is necessary and will benefit the general public and will be used for public purposes; and

WHEREAS, the City acquires real property in accordance with guidelines set forth by law;  
and

WHEREAS, the City is authorized to acquire property by any legal means, including eminent domain, to achieve the objectives of the City's Capital Improvement Program and shall conform to all statutory requirements to ensure that property owners' rights are fully respected;  
and

WHEREAS, ORS Chapter 35 empowers cities and agencies to acquire by condemnation real property whenever in the judgment of the City there is a public necessity for the proposed use of the property, the property is necessary for such proposed use and the proposed use planned is located in a manner which will be most compatible with the greatest public good and the least private injury; and

WHEREAS, the acquisitions presented herein are estimated to reflect the least amount of property interest to be acquired to ensure safe, efficient and adequate public improvements.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

Section 1. The Wilsonville City Council finds that:

- a) There is a public necessity for the construction of the aforementioned water improvements;
- b) The legal descriptions for the land set forth in **EXHIBIT A** are necessary for the construction of said public improvements but may be modified as set forth in Section 3 below, as design is refined; and
- c) The proposed water system improvements are planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 2. The City's project consultant, Common Street Consulting, City staff, and the City Attorney are authorized and directed to:

- a) Negotiate with the owners of the real property herein described as to the compensation to be paid for the acquisition of the property.
- b) In the event agreement cannot be reached, to commence and prosecute to final determination such proceedings as may be necessary, including condemnation of

the property, to acquire the real property and interest therein, and that upon the filing of such proceeding may seek immediate possession of any of the real properties described in **EXHIBIT A** in order to meet the right-of-way certification deadline necessary to begin construction in the second quarter of 2024 or after and complete Project construction in a timely and efficient manner.

Section 3. In the event that there are required modifications to the legal descriptions as the Project moves forward, the City Engineer is authorized to modify the attached legal descriptions, as necessary, to conform to final engineering design for the Project.

Section 4. Effective Date. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 4<sup>th</sup> day of December, 2023, and filed with the Wilsonville City Recorder this date.

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JULIE FITZGERALD, MAYOR

ATTEST:

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Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Linville

Councilor Berry

Councilor Dunwell

EXHIBIT:

A. Priority 1B Water Improvements Property Acquisition Legal Descriptions