



September 19, 2024

BCC Agenda Date/Item: _____

Board of County Commissioners
 Acting as the governing body of Water Environment Services
 Clackamas County

Approval of a Resolution of Necessity and Purpose Authorizing the Acquisition of Necessary Easements by Good Faith Negotiations, if Possible, or Condemnation, if Necessary for the South Welches Pump Station Upgrade. Total value is \$1,200,000. Funding is through WES Sanitary Sewer Construction Fund. No County General Funds are involved.

Previous Board Action/Review	Presented at Issues – September 24, 2024.		
Performance Clackamas	1. This project supports the County’s Strategic Plan of building a strong infrastructure that delivers services to customers and honors, utilizes, promotes and invest in our natural resources. 2. This project supports WES’ Strategic Plan to provide Enterprise Resiliency, infrastructure Strategy and Performance and Operational Optimization.		
Counsel Review	Yes	Procurement Review	Yes
Contact Person	Jessica Rinner	Contact Phone	503-484-0365

EXECUTIVE SUMMARY: Water Environment Services is preparing plans, specifications, and estimates for multiple pump station upgrade projects. One of the pump stations included in the Multiple Pump Station Upgrade project is the South Welches Pump Station. In order to construct the improvements as designed at the South Welches Pump Station, the acquisition of a temporary construction easement and a permanent access easement will be required. The project is expected to impact four properties abutting the project alignment. The approval of this Resolution of Necessity ensures that WES will be able to access, operate, maintain, and improve existing sanitary sewer assets, including the pump station itself. The final legal descriptions required for acquisition of the needed easements are attached. The temporary construction easement consists of approximately 2,000 square feet. The access easement consists of approximately 58,264 square feet.

The WES Board has authority to exercise the power of eminent domain under ORS Chapter 451, ORS Chapter 190, and ORS Chapter 35 to acquire the needed easements by purchase or condemnation proceedings. In accordance with the procedure set forth in ORS Chapter 35, a Resolution of Necessity is required before

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offers are made for easements in situations where the property is deemed essential for a public project.

WES will negotiate in good faith and in accordance with all applicable laws, rules, and regulations in an attempt to reach agreement as to the amount of just compensation owed each affected property owner. To fairly determine the amount of just compensation, staff will utilize the expertise of authorized real estate appraisers and other such experts.

The resolution directs WES staff to proceed with good faith negotiations for the acquisition of the needed property rights and to utilize the expertise of authorized real estate appraisers and other such experts to assist in the acquisition process.

In the event that the negotiations are unsuccessful, the resolution further requires the WES Director to notify the Board if the exercise of the power of eminent domain becomes necessary. Only after this process is completed does it authorize the Office of County Counsel to file a Condemnation Action on behalf of WES.

RECOMMENDATION: Staff recommends that the Board of County Commissioners of Clackamas County, acting as the governing body of Water Environment Services, approve the Resolution of Necessity and Purpose authorizing the acquisition of necessary easements by good faith negotiation, if possible, or condemnation, if necessary for the South Welches Pump Station Upgrade.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Greg Geist", with a long horizontal flourish extending to the right.

Greg Geist
Director, WES

Attachment: Resolution of Necessity for South Welches Pump Station Upgrade

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Declaring the Necessity and Purpose for Acquisition of Easements, and Authorizing Good Faith Negotiations and Condemnation Actions by Water Environment Services for the South Welches Pump Station Upgrades



Resolution No. _____

Page 1 of 2

This matter comes before the Board of County Commissioners of Clackamas County, Oregon, acting as the governing body of Water Environment Services (the “Board”), at its regularly scheduled meeting on September 19, 2024;

It appearing to the Board that the Multi Pump Station Upgrades Project will upgrade the South Welches Pump Station (the “Project”); is consistent with the powers and purposes of Water Environment Services; and is necessary for public use and the continued growth, safety and welfare of the community;

It further appearing that the Board has the responsibility of providing sufficient wastewater infrastructure for protecting public health, stewardship of healthy watersheds, and water resource recovery;

It further appearing to the Board that the Project has been planned in accordance with appropriate standards for the improvement of wastewater infrastructure such that property damage is minimized, and water quality is safeguarded;

It further appearing to the Board that the Project has been planned and located in a manner which is most compatible with the greatest public good and causes the least private injury;

It further appearing to the Board that easements within the boundaries described in Attachment 1, attached hereto and incorporated herein, are a necessary part of the Project; and

It further appearing that the Board has authority under ORS Chapter 451, ORS Chapter 190, and ORS Chapter 35 to acquire easements and fee property by good faith negotiation, agreement, and purchase or by exercise of the power of eminent domain with condemnation proceedings;

NOW, THEREFORE, IT IS HEREBY RESOLVED that this Board declares it necessary and in the public interest that Water Environment Services (the “District”), in connection with this Project, begin the acquisition process, in accordance with all applicable laws, rules, and regulations governing such process, for the necessary easements, either through good faith negotiation, agreement, and purchase, or, if necessary, by commencement of condemnation proceedings.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Declaring the Necessity and Purpose for Acquisition of Easements, and Authorizing Good Faith Negotiations and Condemnation Actions by Water Environment Services for the South Welches Pump Station Upgrades



Resolution No. _____

Page 2 of 2

IT IS FURTHER RESOLVED THAT:

1) The District be authorized to, in good faith, attempt to negotiate agreements of just compensation with owners of affected property identified in Attachment 1. In so doing, the District is authorized to retain real estate appraisers, negotiators, and other such experts deemed necessary to assist staff with the acquisition process; and,

2) If the Director of the District (the "Director") determines that changes to the design of the Project, unanticipated field conditions, or the need to accommodate uneconomic remnants makes it necessary or desirable to modify the easements required for the Project, the Director shall promptly bring before the Board, and the Board shall promptly consider a resolution amending Attachment 1; and,

3) It is the intention of the Board that the required easements be obtained through good faith negotiation. The Board acknowledges that the exercise of the power of eminent domain may be necessary. The Director shall inform the Board when the Director deems eminent domain necessary. After notification to the Board, the Clackamas County Office of County Counsel is authorized to file complaints of condemnation with the circuit court of Clackamas County and take such other steps as it determines necessary for the immediate possession of required easements and the successful litigation of the condemnation action, including the retention of real estate appraisers, experts, and other consultants deemed necessary to the successful conclusion of that litigation.

Dated this _____ day of _____, 2024.

Water Environment Services

Tootie Smith, Chair

Recording Secretary

ATTACHMENT 1



EXHIBIT "A"
Legal Description
Temporary Construction Easement

Being a tract of land of located in Parcel 10A of that property conveyed to Stanford Oregon Hotel, LLC as described by deed recorded under Deed Document No. 2016-018066 located in the Southwest One-Quarter of Section 4, Township 3 North, Range 7 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

COMMENCING from the northeast corner of said Tract G of "Rippling River", recorded as Plat No. 2303 in the Clackamas County Plat Records, said corner being in the west line of said Section 4 and bears South 00°19'20" West, 1,601.93 feet from the northwest corner of said Southwest One-Quarter of Section 4;

Thence South 00°19'20" West, 84.34 feet to an angle point;

Thence leaving said west line of Section 4, North 78°52'44" East, along the north line of said Parcel 10A, 182.49 feet to an angle point;

Thence leaving said north line, South 42°14'09" East, 41.74 feet to an angle point;

Thence South 47°45'51" West, 15.00 feet to **TRUE POINT OF BEGINNING** of the herein described easement;

Thence South 47°45'51" West, 40.00 feet to an angle point;

Thence South 42°14'09" East, 50.00 feet to an angle point;

Thence North 47°45'51" East, 40.00 feet to an angle point;

Thence North 42°14'09" West, 50.00 feet to the **POINT OF BEGINNING**;

The parcel of land to which this description applies contains 2,000 square feet, more or less.

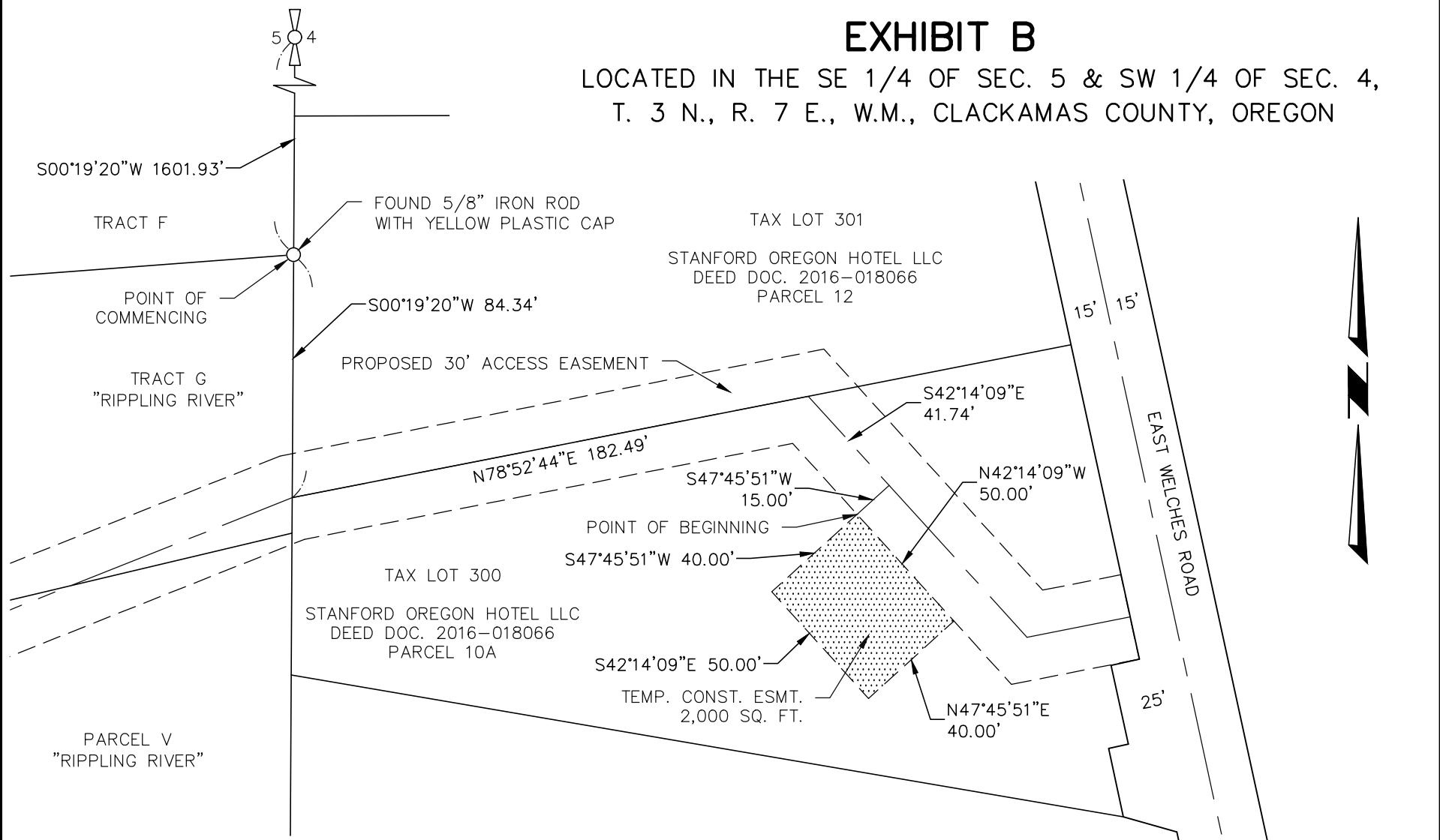
See Exhibit B attached hereto.



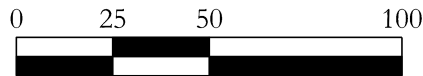
RENEWAL DATE: 6-30-25

EXHIBIT B

LOCATED IN THE SE 1/4 OF SEC. 5 & SW 1/4 OF SEC. 4,
T. 3 N., R. 7 E., W.M., CLACKAMAS COUNTY, OREGON



Scale 1" = 50'



DRAWN BY: TLG	SCALE: 1"=50'	6/19/2024
CHECKED BY: TLG	JOB NO.: 71287.009	SHEET 1 OF 1



EXHIBIT "A"
Legal Description

Being a 30.00 foot wide strip of land of located in Parcels 10A and 12 of that property conveyed to Stanford Oregon Hotel, LLC as described by deed recorded under Deed Document No. 2016-018066 located in the Southwest One-Quarter of Section 4, and in Tract G and Parcel V of "Rippling River" recorded as Plat No. 2303 in the Southeast One-Quarter of Section 5, Township 3 North, Range 7 East, Willamette Meridian, Clackamas County, Oregon, said 30.00 foot wide strip of land being 15.00 feet on each side of the following described centerline:

BEGINNING at the southwest corner of said Parcel 12, being in the west line of said Section 4, said corner bears South 00°19'20" West, 84.34 feet from a 5/8" iron rod with yellow plastic cap marking the northeast corner of said Tract G of "Rippling River";

Thence North 78°52'44" East, along the south line of said Parcel 12, 182.49 feet to an angle point;

Thence leaving said south line, South 42°14'09" East, 112.99 feet to an angle point;

Thence North 78°51'46" East, 36.45 feet to the westerly right-of-way line of East Welches Road and the easterly **POINT OF TERMINUS** of the herein described strip of land;

ALSO INCLUDING a 30.00 foot wide strip of land being 15.00 feet on each side of the following described centerline:

BEGINNING at said southwest corner of Parcel 12, being in the west line of said Section 4, said corner bears South 00°19'20" West, 84.34 feet from a 5/8" iron rod with yellow plastic cap marking the northeast corner of said Tract G of "Rippling River";

Thence South 68°19'12" West, 183.43 feet to an angle point;

Thence South 48°44'22" West, 185.44 feet to an angle point;

Thence South 74°32'05" West, 162.80 feet to an angle point;

Thence North 69°10'03" West, 239.88 feet to an angle point;

Thence North 49°35'42" West, 226.18 feet to an angle point;

Thence North 63°38'07" West, 315.99 feet to an angle point;

Thence North 50°55'36" West, 188.70 feet to an angle point;

Thence North 34°15'42" West, 107.77 feet to a point in the south line of said Tract G being the southeast corner of an easement described in Deed Document No. 81-5370 and the southwest corner of an easement described in Deed Document No. 81-5371, said point also being the westerly **POINT OF TERMINUS** of the herein described strip of land.

The parcel of land to which this description applies contains 58,264 square feet, more or less.

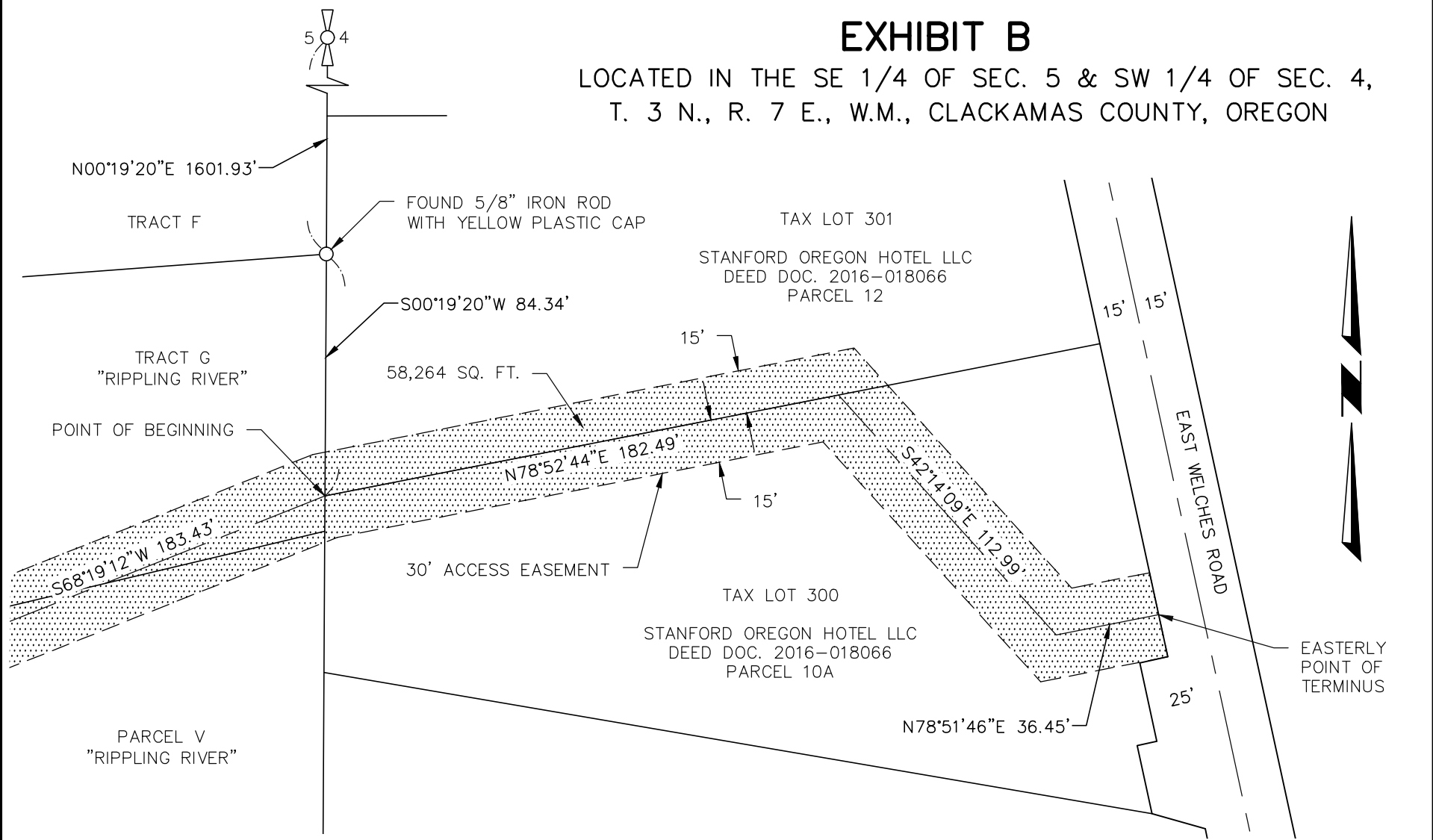
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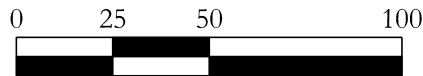
RENEWAL DATE: 6-30-25

EXHIBIT B

LOCATED IN THE SE 1/4 OF SEC. 5 & SW 1/4 OF SEC. 4,
T. 3 N., R. 7 E., W.M., CLACKAMAS COUNTY, OREGON



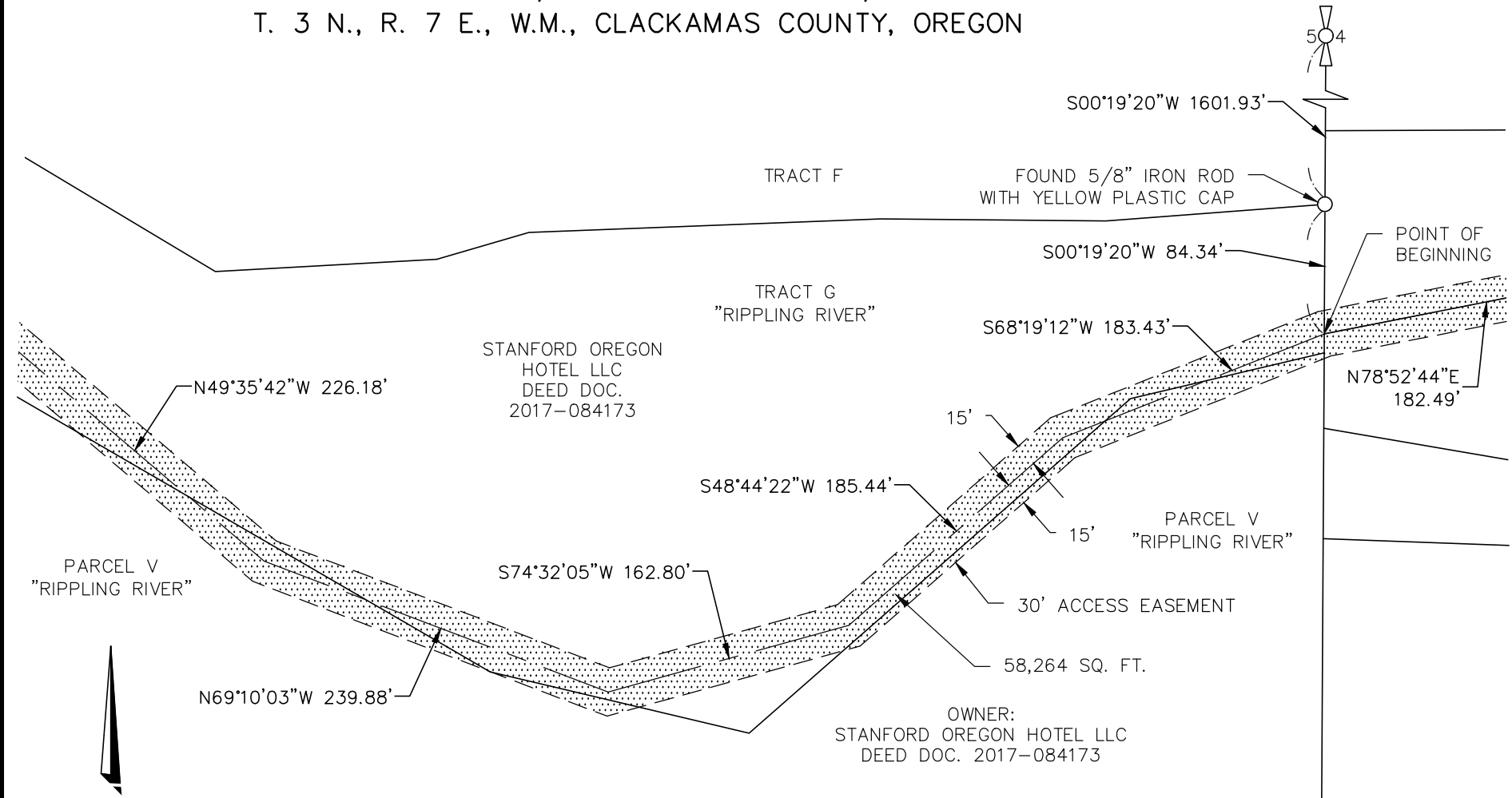
Scale 1" = 50'



DRAWN BY: TLG	SCALE: 1"=50'	6/18/2024
CHECKED BY: TLG	JOB NO.: 71287.009	SHEET 1 OF 3

EXHIBIT B

LOCATED IN THE SE 1/4 OF SEC. 5 & SW 1/4 OF SEC. 4,
T. 3 N., R. 7 E., W.M., CLACKAMAS COUNTY, OREGON



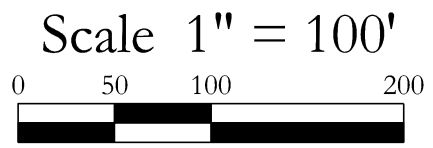
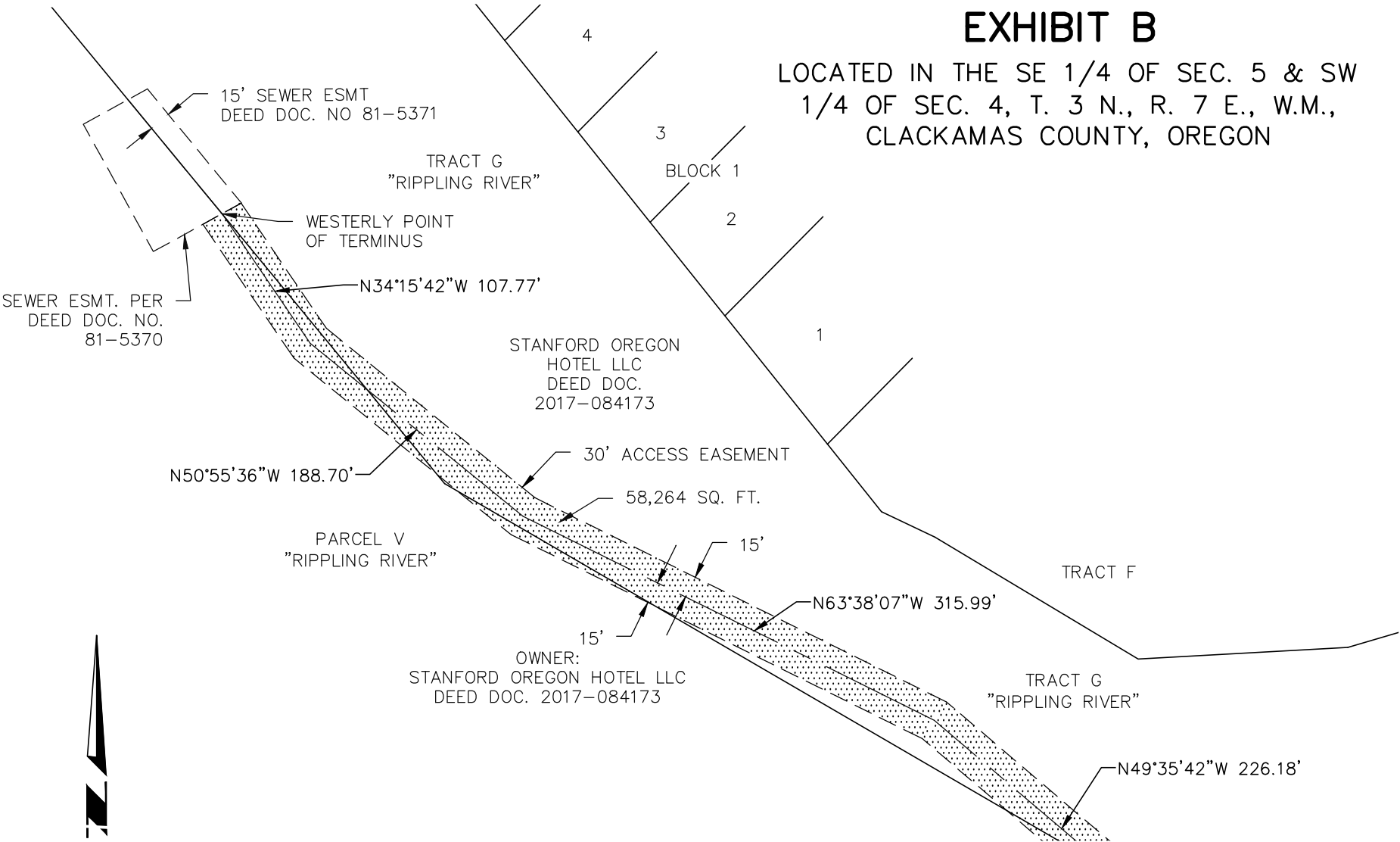
Scale 1" = 100'




DRAWN BY: TLG	SCALE: 1"=100'	6/18/2024
CHECKED BY: TLG	JOB NO.: 71287.009	SHEET 2 OF 3

EXHIBIT B

LOCATED IN THE SE 1/4 OF SEC. 5 & SW
1/4 OF SEC. 4, T. 3 N., R. 7 E., W.M.,
CLACKAMAS COUNTY, OREGON





DRAWN BY: TLG	SCALE: 1"=100'	6/18/2024
CHECKED BY: TLG	JOB NO.: 71287.009	SHEET 3 OF 3