



RESOLUTION No. 2013-3063

A RESOLUTION APPROVING THE SALE OF 9.74 ACRES OF CITY PROPERTY TO THE OREGON DEPARTMENT OF TRANSPORTATION FOR THE AMOUNT OF \$995,091.00; APPROVING THE SALES AGREEMENT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS TO COMPLETE THE SALE OF THE PROPERTY

RECITALS:

1. The Oregon Department of Transportation (ODOT) is in the design and right-of-way acquisition phase of the Newberg-Dundee Bypass Project. The proposed Bypass alignment passes through several properties owned by the city.
2. ODOT desires to purchase approximately 9.74 acres of city property in order to facilitate the construction of the Bypass improvements, including the right-of-way necessary to construct the future interchange at Highway 219. A location sketch of the proposed right-of-way purchases is attached as Exhibit "A".
3. A real estate appraisal dated October 10, 2012, was completed by Powell Valuation Inc., for purchase of 9.74 acres of right-of-way from the city of Newberg for the ODOT Newberg-Dundee Bypass Project. The appraisal total for land, improvements, and damages was \$597,863.00, or approximately \$1.41 per square foot for the purchase. In 2009, by Resolution No. 2009-2856, the city purchased the 19.68 acre property for \$1,930,000.00 from Baker Rock, or approximately \$2.25 per square foot, with the understanding that the future Bypass right-of-way would be dedicated from the property. The proposed purchase price of \$995,091.00 for the 9.74 acre right-of-way purchase is approximately \$2.35 per square foot.
4. In accordance to ORS 221.725 dealing with the sale of property, the city has advertised in the Daily Journal of Commerce on July 3, 2013, The Newberg Graphic on July 10, 2013, and another public notice will be in the Daily Journal of Commerce prior to the August 5, 2013, Council meeting.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

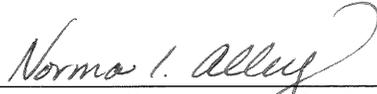
1. The City Council approves the purchase and sales agreement for 9.74 acres of city property as shown in Exhibit "A", which is hereby adopted and by this reference incorporated. The purchase and sales agreement is attached as Exhibit "B", which is hereby adopted and by this reference incorporated.
2. The City Council delegates, authorizes, and directs the city manager to perform all necessary acts, sign all necessary documents, and carry out any other necessary matters in order to complete the sale of the property to the Oregon Department of Transportation (ODOT). This delegation includes the authority of the city manager to sign a deed transferring ownership of the property to ODOT.

3. All documents shall be approved by the city attorney as to form and content.
4. The City Council makes the following findings:
 - A. The City of Newberg owns approximately 47.5 acres of property shown as Tax Lots 601 and 700 on Yamhill County Assessors Map 3S-2W-20, and Tax Lots 100 and 102 on Yamhill County Assessors Map 3S-2W-29, commonly known as the City of Newberg Wastewater Treatment Plant, Baker Rock Property, and the Newberg Animal Shelter property, and generally located between the easterly right-of-way of Wynooski Road, and westerly right-of-way of Sandoz Road.
 - B. The city has owned the Wastewater Treatment Plant (WWTP) property since the 1980's and in 2009 purchased the 19.7 acre Baker Rock property (tax lot 100) for future WWTP expansions. In the spring of 2013, the Newberg Animal Shelter was completed in the Southeast corner of the Baker Rock property adjacent to Sandoz Road.
 - C. The Oregon Department of Transportation is currently in the design and right-of-way acquisition phase for the Newberg-Dundee Bypass Project. ODOT is proposing to purchase approximately 9.74 acres of city owned property. The proposed right-of-way purchase is needed for the ultimate Bypass roadway improvements, including the right-of-way necessary to construct the future interchange at Highway 219. A location sketch of the proposed right-of-way purchases is attached as Exhibit "A".
 - D. City engineering department staff have reviewed the proposed property purchase boundaries and determined the sale of the property would not have an adverse impact on existing city operations or the future expansion of the WWTP or animal shelter facilities. Excess property between the WWTP and animal shelter sites may be utilized as a future location for the city maintenance division.
 - E. It is necessary and convenient for the city to sell its interest in this portion of the real property (9.74 acres of the aforementioned described city property) to ODOT. It would be a benefit to the city to sell the excess city owned property to allow for the expansion of highway system capacity to the region. The increased capacity will provide for future economic growth to new regions in the city and enhance the existing downtown corridor by reducing truck traffic and pass through vehicular traffic.
 - F. The city has met the conditions of ORS 221.725 concerning the sale of real property which includes advertising of a public hearing, which shall describe the interest to be sold and the use of the property as well as the reasons why the Council considers it necessary and convenient to sell the property.

5. The \$995,091.00 in revenue from the proposed property sale will be deposited in account #46-000-36400, sale of assets, and will be used to fund future sanitary sewer System Development Charge eligible master plan projects in the city.

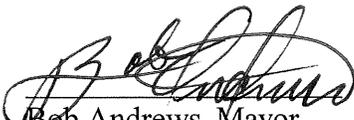
➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: August 6th, 2013.

ADOPTED by the City Council of the City of Newberg, Oregon, this 5th day of August, 2013.



Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 8th day of August, 2013.



Bob Andrews, Mayor

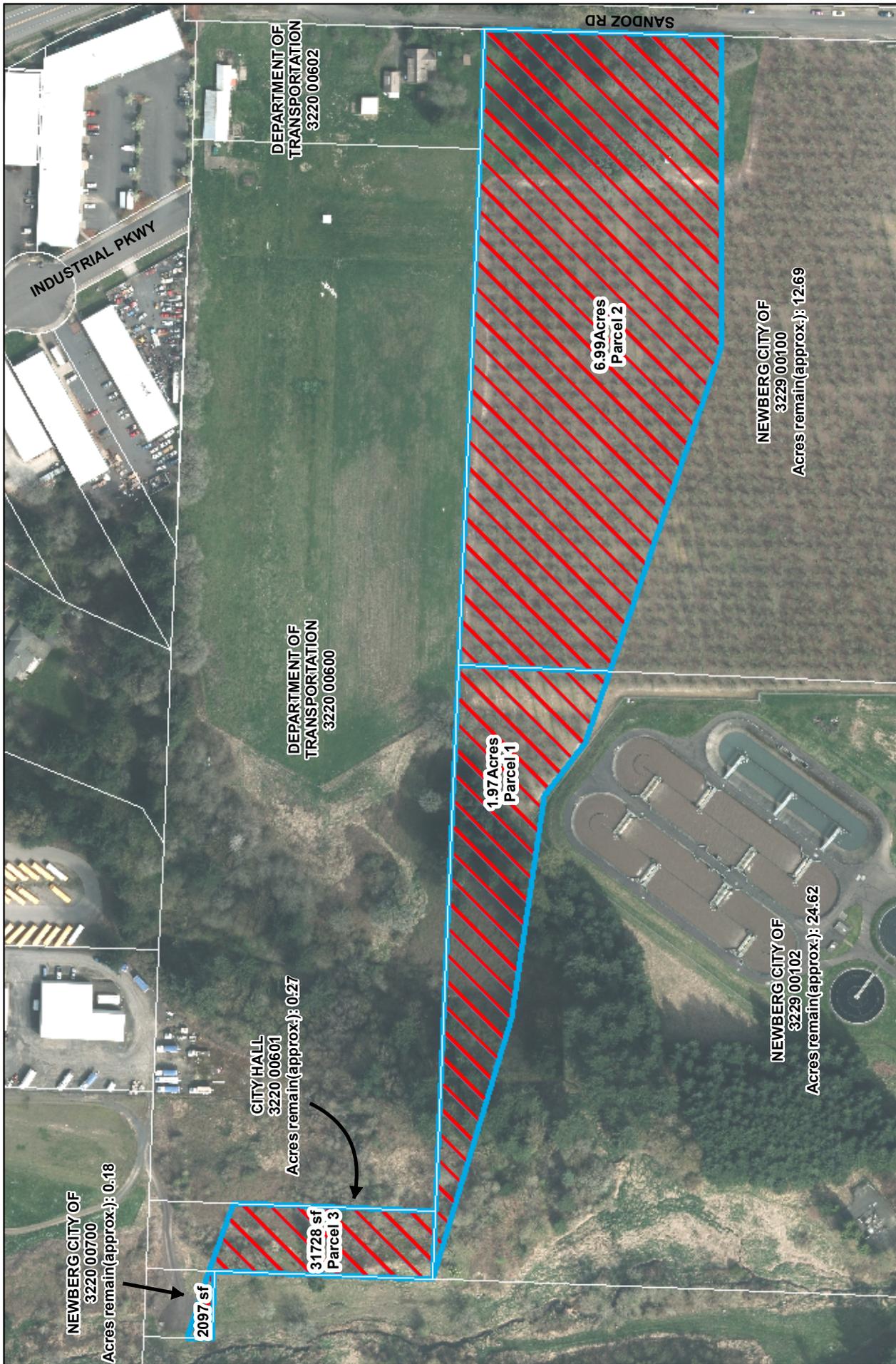


EXHIBIT 'A'

RIGHT OF WAY

PURCHASE SKETCH

This map is intended for general planning purposes. The data used to produce this map comes from various sources and is subject to error and omission.



Date Saved: 06/06/2013 4:28:25 PM
Path: O:\GIS\Bypass Related\ODOT_rw_acquisition.mxd



Oregon

John A. Kitzhaber, MD, Governor

EXHIBIT 'B'

Department of Transportation

Region 2 Tech Center

Right of Way & Utilities

455 Airport Rd SE, Bldg. A

Salem, OR 97301-5397

(503) 986-2601

Fax: (503) 986-2622

File Code:

Oregon Department of Transportation
Region 2 Tech Center
455 Airport Rd SE Bldg # A
Salem, Or. 97301

April 25, 2013

File # 7588-470

City Of Newberg
Attn: Jay Harris
414 E. First Street - PO Box 970
Newberg, Or 97132

My name is Dan and I will be helping you with the ODOT acquisition for the Newberg/Dundee BI-Pass (Phase1) Project in Newberg Or.

I have listed the individual documents contained within this packet for your convenience.

- 1 Warranty Deed with Exhibit "A" (sign, notarize & return)
- 2 Quitclaim Deed for tenant farmer Dennis Melcher (sign, notarize & return)
- 3 W-9 Request for Taxpayers Identification Number & Certification (complete, date, sign & return)
- 4 Return envelope
- 5 Tax Payment Instruction Form
- 6 Assignment of Sale Proceeds Form

Additional documents requested

- 1 Provide a City Resolution for approval of sale to ODOT & naming the authorized signer.
- 2 Provide a letter stating the City of Newberg will retain the remainder land of 19,158 SF.

If you have any questions please call me at 503-986-2615. I will follow up with you in a couple of days so that we can discuss the materials concerning the acquisition.

Thank you, Dan


Dan Rodrigues
503-986-2615 Bus.
503-986-2622 Fax
dan.rodrigues@odot.state.or.us



WARRANTY DEED

CITY OF NEWBERG, an Oregon municipal corporation, its successors and assigns, Grantor, for the true and actual consideration of **\$995,091** does convey unto the **STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION** Grantee, fee title to the property described as **Parcels 1, 2 and 3 on Exhibit "A" dated 4/07/2012**, attached hereto and by this reference made a part hereof.

Pursuant to Oregon law, ORS 374.405, there is no right of access to or from the remainder of Grantor's parcel(s) and any highway constructed on the property subject of this conveyance.

Grantor covenants to and with Grantee, its successors and assigns, that grantor is the owner of said property which is free from encumbrances, except for easements, conditions, and restrictions of record, and will warrant the same from all lawful claims whatsoever, except as stated herein.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all reduction in value to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

RETURN TO AND TAX STATEMENT TO:
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
4040 FAIRVIEW INDUSTRIAL DRIVE SE, MS#2
SALEM OR 97302-1142

Map and Tax Lot #: 3-2-29-100,102 and
3-2-20-601, 700
Property Address:

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

The statement above is required by law to be included in this instrument. PLEASE NOTE: the property described in this instrument is not a "lot" or "parcel" as defined in ORS 92.010 or 215.010. Nevertheless, the property is a legally created unit of land as described in ORS 92.010 (9) (d) or (e).

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this _____ day of _____, 20_____.

APPROVED AS TO FORM:

CITY OF NEWBERG, an Oregon municipal corporation

By _____

By _____
Mayor

By _____
Auditor

STATE OF OREGON, County of _____

Dated _____, 20____. Personally appeared _____

and _____, who, being sworn, stated that they are the Mayor and Auditor of the

City of Newberg, an Oregon municipal corporation, and that this instrument was voluntarily signed on behalf of said

municipal corporation by authority of its Ordinance No. _____, passed by the Council of said City on

this _____ day of _____, 20_____.

Notary Public for Oregon
My Commission expires _____

Accepted on behalf of the Oregon Department of Transportation

PARCEL 1 - Fee

A parcel of land lying in the Samuel D. Snowden D.L.C No. 68, Township 3 South, Range 2 West, W.M., Yamhill County, Oregon and being a portion of that property described in that Personal Representative's Deed to City of Newberg, recorded June 22, 1984 in Film Volume 187, Page 503, Records of Yamhill County; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Southerly side of the 'L' center line, which center line is described as follows:

Beginning at Engineer's center line Station 'L' 510+000.00, said station being 1,251.50 feet North and 2,273.41 feet East of the Southwest corner of the Joseph B. Rodgers D.L.C. No. 55, Township 3 South, Range 2 West, W.M.; thence North 51° 48' 20" East 56.019 feet; thence on a spiral curve right (the long chord of which bears North 53° 44' 50" East 599.72 feet) 600.00 feet; thence on a 2,950.86 foot radius curve right (the long chord of which bears North 73° 25' 10" East 1,605.82 feet) 1,626.33 feet; thence on a spiral curve right (the long chord of which bears South 88° 11' 29" East 324.91 feet) 325.00 feet; thence on a 6,250.45 foot radius curve right (the long chord of which bears South 80° 11' 02" East 1,298.62 feet) 1,300.96 feet; thence on a spiral curve right (the long chord of which bears South 72° 23' 16" East 599.86 feet) 600.00 feet; thence South 71° 28' 16" East 369.00 feet to Engineer's center line Station 'L' 558+77.38 Back equals 'L' 559+00.00 Ahead; thence South 71° 28' 16" East 616.05 feet; thence on a spiral curve left (the long chord of which bears South 75° 22' 34" East 623.84 feet) 625.00 feet; thence on a 1,527.89 foot radius curve left (the long chord of which bears North 59° 54' 17" East 1,834.98 feet) 1,968.29 feet; thence on a spiral curve left (the long chord of which bears North 15° 11' 08" East 623.84 feet) 625.00 feet; thence North 11° 16' 50" East 265.66 feet to Engineer's center line station 600+00.00.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Southerly Side of Center Line
'L' 556+00.00		'L' 561+00.00	194.24 in a straight line to 175.00
'L' 561+00.00		'L' 564+25.00	175.00 in a straight line to 116.37
'L' 564+25.00		'L' 565+16.05	116.37 in a straight line to 146.13
'L' 565+16.05		'L' 571+00.00	146.13 in a straight line to 182.00

ALSO that portion of said property lying Northerly of the 'L' center line.

Bearings are based on County Survey No. 12330, filed October 1, 2007, Yamhill County, Oregon.

This parcel of land contains 1.97 acres, more or less.

PARCEL 2 - Fee

A parcel of land lying in the Samuel D. Snowden D.L.C No. 68, Township 3 South, Range 2 West, W.M., Yamhill County, Oregon and being a portion of that property described in that Statutory Warranty Deed to City of Newberg, recorded July 7, 2009 as Instrument No. 200910510, Records of Yamhill County; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Southerly side of the 'L' center line, which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Southerly Side of Center Line
'L' 565+16.05		'L' 571+00.00	146.13 in a straight line to 182.00
'L' 571+00.00		'L' 575+45.00	182.00 in a straight line to 182.13

ALSO that portion of said property lying on the Northerly side of the 'L' center line.

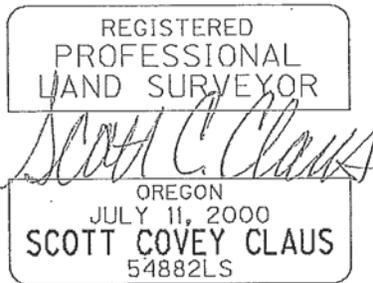
This parcel of land contains 6.99 acres, more or less, outside the existing right of way.

PARCEL 3 - Fee

A parcel of land lying in the Samuel D. Snowden D.L.C No. 68, Township 3 South, Range 2 West, W.M., Yamhill County, Oregon and being a portion of that property described in that Warranty Deed to City of Newberg, recorded March 5, 1971 in Film Volume 83, Page 93 and that Bargain and Sale Deed to City of Newberg, recorded May 9, 1969 in Film Volume 77, Page 706, both in Records of Yamhill County; the said parcel being that portion of said property included in a strip of land 130.00 feet in width, lying on the Northerly side of the 'L' center line, which center line is described in Parcel 1.

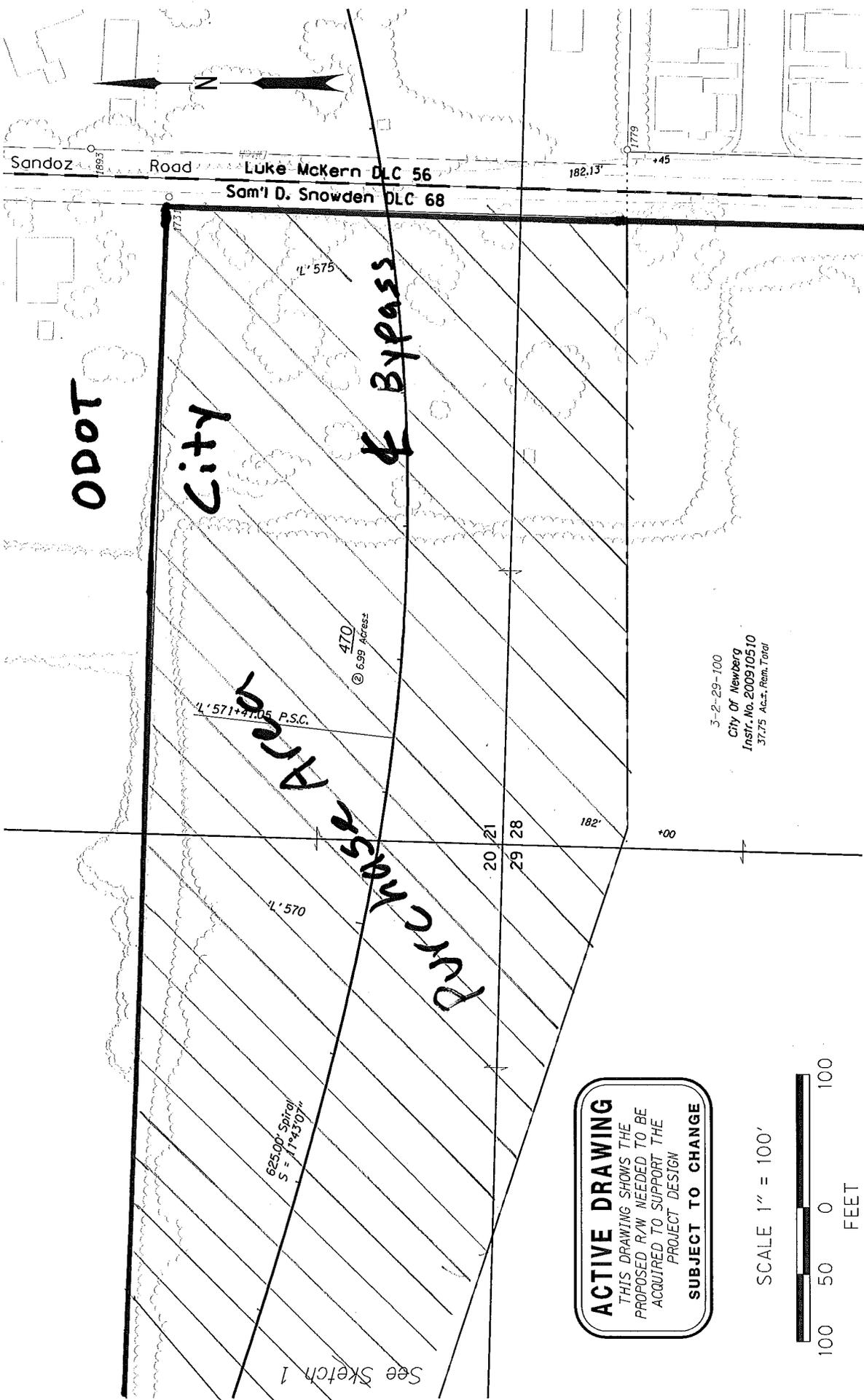
ALSO that portion of said property lying on the Southerly side of the 'L' center line.

This parcel of land contains 33,825 square feet, more or less.



RENEWAL DATE: 12/31/13

SEC. 19 & 20, T. 3 S., R. 2 W., W.M.



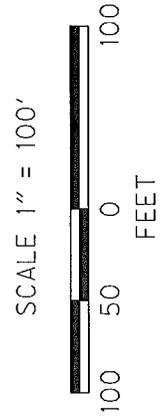
ODOT

City

BYPASS

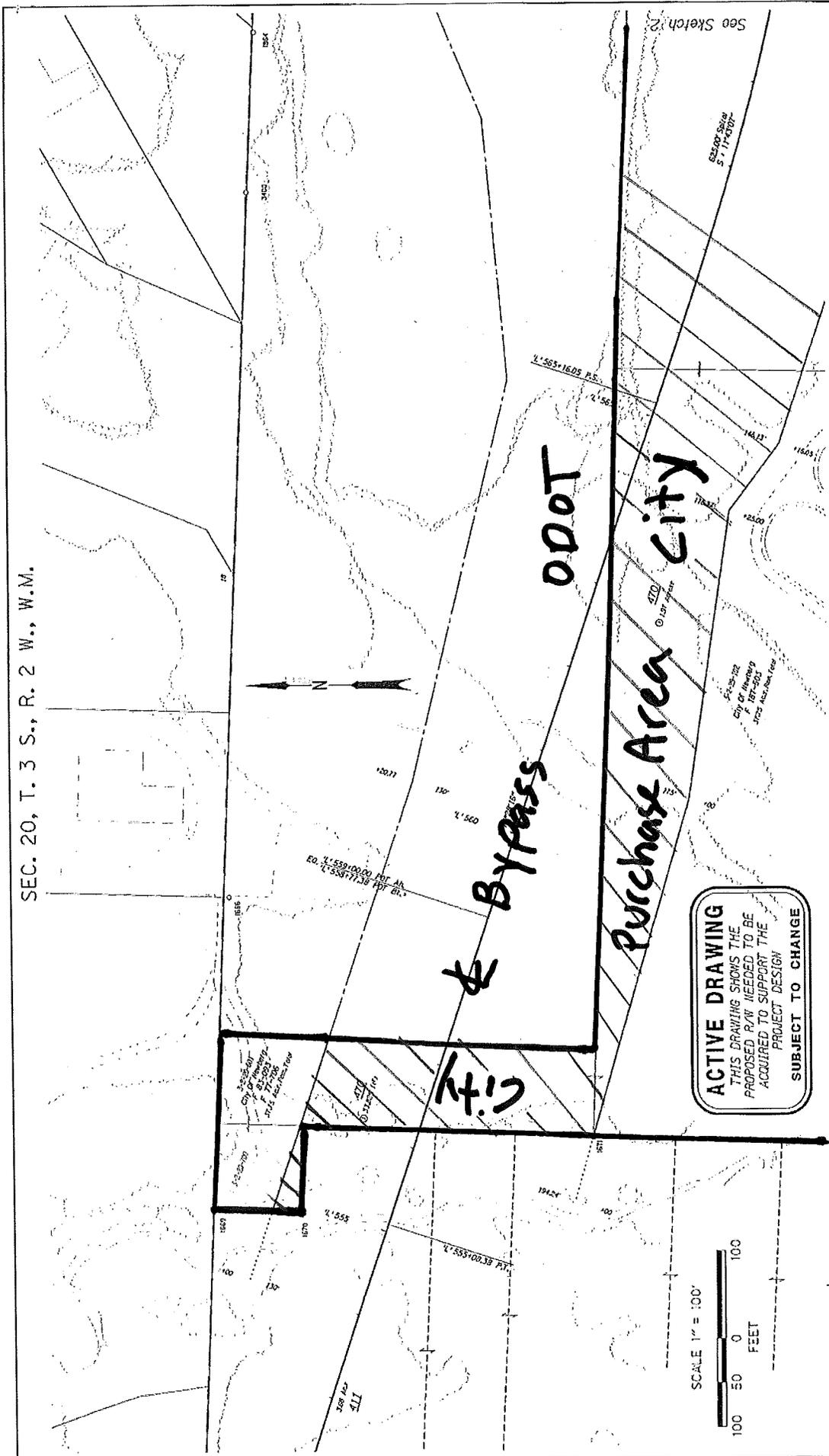
PURCHASE AREA

ACTIVE DRAWING
 THIS DRAWING SHOWS THE
 PROPOSED R/W NEEDED TO BE
 ACQUIRED TO SUPPORT THE
 PROJECT DESIGN
SUBJECT TO CHANGE



OREGON DEPARTMENT OF TRANSPORTATION		Section	OR18: Newberg-Dundee Bypass (Phase 1)	Scale	1" = 100'
RIGHT OF WAY		Highway	Salmon River	Date	April, 2012
ENGINEERING		County	Yamhill	File	7588 470
SKETCH MAP 2 OF 2		Purpose	R/W Acquisition	See Drawing 1A-23-29	

SEC. 20, T. 3 S., R. 2 W., W.M.



<p>OREGON DEPARTMENT OF TRANSPORTATION</p> <p>RIGHT OF WAY ENGINEERING SKETCH MAP 1 OF 2</p>	Section:	OR 18, Newberg-Dundee Bypass (Phase 1)	Scale:	1" = 100'
	Highway:	Salmon River	Date:	April 2012
	County:	Yamhill	File:	7588 470
	Purpose:	R/W Acquisition	See Drawing 14-23-29	

QUITCLAIM DEED

DENNIS MELCHER, Grantor, being the holder of a leasehold interest in the hereinafter described property, for no monetary consideration does relinquish and forever quitclaim unto the **STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION**, Grantee, all of Grantor's right, title, and interest in and to the property described as **Parcels 1, 2 and 3 on Exhibit "A" dated 4/07/2012**, attached hereto and by this reference made a part hereof.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all reduction in value to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

SEND TAX STATEMENT TO: NO CHANGE

AFTER RECORDING RETURN TO:
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
4040 FAIRVIEW INDUSTRIAL DRIVE SE MS#2
SALEM OR 97302-1142

Map and Tax Lot #: 3-2-29-100, 102 and
3-2-20-601, 701

Property Address:

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this _____ day of _____, 20_____.

Dennis Melcher

STATE OF OREGON, County of _____

Dated _____, 20_____. Personally appeared, and signed before me by the above named Dennis Melcher, who acknowledged the foregoing instrument to be his voluntary act. Before me:

Notary Public for Oregon

My Commission expires _____

Accepted on behalf of the Oregon Department of Transportation
