

Willamette Water Supply System Commission

Board Meeting
Thursday, August 5, 2021
12:00 PM

Microsoft Teams Meeting

Willamette Water Supply System Commission

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**Willamette Water Supply System Commission
Board Meeting Agenda
Thursday, August 5, 2021 | 12:00 – 1:30 PM**

Microsoft Teams Meeting

If you wish to attend via conference call and need dial-in information, please contact annette.rehms@twwd.org or call 971-222-5957 by 10:00 a.m. on August 5, 2021. If you wish to address the WWSS Board, please request the Public Comment Form and return it 48 hours prior to the day of the meeting. **All testimony is electronically recorded.**

REGULAR SESSION – 12:00 PM

CALL TO ORDER

1. GENERAL MANAGER'S REPORT – Dave Kraska

Brief presentation on current activities relative to the WWSS Commission

2. PUBLIC COMMENT

This time is set aside for persons wishing to address the Board on items on the Consent Agenda, as well as matters not on the agenda. Additional public comment will be invited on agenda items as they are presented. Each person is limited to five minutes unless an extension is granted by the Board. Should three or more people testify on the same topic, each person will be limited to three minutes.

3. CONSENT AGENDA

These items are considered to be routine and may be approved in one motion without separate discussion. Any Board member may request that an item be removed by motion for discussion and separate action. Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Board has approved those items which do not require discussion.

- A. Approve the July 1, 2021, meeting minutes

4. BUSINESS AGENDA

- A. Adopt PLM_1.3 Resolution of Need (first supplemental approval) – *Christina Walter*
- B. Adopt MPE_1.2 Resolution of Need (third supplemental approval) – *Christina Walter*

5. INFORMATION ITEMS

- A. Planned September Business Agenda Items – *Christina Walter*
- B. The next Board meeting is scheduled on September 2, 2021, via Microsoft Teams conference

6. COMMUNICATIONS AND NON-AGENDA ITEMS

- A. None scheduled

ADJOURNMENT

Willamette Water Supply System Commission

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GENERAL MANAGER'S REPORT

To: WWSS Board of Commissioners
From: David Kraska, P.E., WWSS General Manager
Date: August 5, 2021
Subject: Willamette Water Supply System General Manager's Report

The following items will be covered during the report by the General Manager:

1. **Remote Meetings Etiquette** – Thank you for your continued flexibility as we hold our meetings remotely. We request participants continue to adhere to three basic rules:
 - a. Please mute your microphone when you are not speaking.
 - b. Please identify yourself before you speak.
 - c. If someone other than a Board member would like to ask a question or make a comment, please use the “raise hand” feature to let the General Manager know and wait to be acknowledged.
2. **Safety Minute** – David Kraska will present today's safety minute.
3. **Approvals and Procurements Forecast** – Attached to this General Manager's Report is the approvals and procurements forecast (Forecast) for August through October 2021. The Forecast presents a view of WWSP activities that have recently been approved or are scheduled for approval over the next two months by either the WWSP Director/WWSS General Manager, WWSS Committees, or the WWSS Board. Christina Walter will present a staff report on these anticipated September business agenda items later in this meeting.
4. **Projects Planning, Permitting, and Communications Updates** – The WWSP permitting activity remains very active. Attached to this General Manager's Report is a tabulation of the permits and approvals that were recently granted, and the status of those that are currently in progress. Most notable this month was the long-anticipated action by the Department of State Lands (DSL). DSL approved the major permit modification related to a bundle of projects that included PLW_2.0, PLM_5.3, and MPE_1.0 submitted in June 2020. As the United States Army Corps of Engineers (USACE) also approved this permit modification last month (June 2021), the former Pipeline East (PLE)_1.0 route has now officially been replaced with the Metzger Pipeline East (MPE)_1.0 route. The WWSP program map and public outreach materials have been updated to reflect this official change.

The communications team focused outreach efforts in Wilsonville this past month, holding briefings with businesses and property owners along the Pipeline Main (PLM)_1.3 project route. These briefings included some of Wilsonville's largest companies as well as a Tualatin Valley Fire & Rescue fire station, providing these stakeholders with project background, schedule, and potential traffic impacts. These briefings also familiarize business and property owners with the Willamette Water Supply Program (WWSP) project team members who will be key points of contact during construction. WWSP staff utilize information gathered at these meetings to finalize design work with the latest information, plan to proactively manage construction impacts and access concerns, and limit disruptions to important local transportation routes.

5. **Projects Design Status Updates** – Work on multiple design projects continues, including seven pipeline projects, the Water Treatment Plant (WTP_1.0), the Distributed Controls System (DCS_1.0), and the Water Storage Tanks (RES_1.0). All design projects are progressing according to plan.
6. **Projects Construction Status Updates** – Attached to this General Manager's Report is a tabulation of the projects in construction and their current status; a few highlights are included here. Construction is quickly picking up pace as new projects get closer to pipeline installation milestones – MPE_1.1 on SW Western Boulevard is currently working through utility relocations and MPE_1.2, the SW Roy Rogers Road to SW Allen Boulevard pipeline project, is working on critical submittals for issuance of Notice to Proceed. Both these projects are in City of Beaverton and are combined with a City of Beaverton water line project. RWF_1.0 construction in Wilsonville continues with the installation of the raw water pipe header, seismic modifications to the raw water pump station building, and continuing raw water transmission pipeline installation through the park. Finally, two projects are reaching final completion: PLM_5.2, the Scholls Area pipeline project, deemed complete and not included in the table, and PLM_1.1, south of Wilsonville Road, anticipated to complete in late August.
7. **Steel Market Exposure Update** – In response to questions from the Board, the WWSP completed an analysis of steel market exposure for unbid construction projects, defined potential responses, and presented that information at the July 1, 2021, Board meeting. The market price of hot rolled band, the material used to fabricate WWSS pipe, increased by approximately four percent during the first half of July. Bids for fabricated pipe for the RES_1.0/PLM_5.3 project are due on August 12. This procurement of nearly 3,800 tons of steel pipeline will reduce WWSP's steel market exposure by approximately 21 percent. Staff are continuing to monitor the steel market and are not recommending a change in construction procurement plans and strategies at this time.
8. **Quarterly Financial Report** – Task 4.d. of the Annual Work Plan requires the Managing Agency to prepare quarterly financial reports and provide them to the WWSS Board as part of the packet. Attached to this General Manager's report is the WWSS quarterly financial statement for the period ending June 30, 2021.

Willamette Water Supply Program Permits and Approvals – Recent Actions and Status

Date of Report: July 22, 2021

Permits and Approvals Recently Granted

Agency	Projects Involved	Permit or Approval Granted
TriMet	MPE_1.2	Staging Area license issued
City of Tigard	MPE_1.2	Staging Area land use approval
WCLUT	PLW_1.3	ROW permit amendment approval
DSL	PLW_2.0, PLM_5.3 & MPE_1.0	Major permit modification approval

Permits and Approvals Submitted

Agency	Projects Involved	Permit or Approval Granted
DEQ	MPE_1.2	1200-c for Staging Area and Highway 217 crossing

Permits and Approvals in Progress

Agency	Projects Involved	Permit or Approval Granted
Genesee & Wyoming Railroad	PLM_1.3	Access agreement and occupancy license
City of Wilsonville	PLM_1.3	Landscape plan modification
TriMet & ODOT	MPE_1.1	Occupancy licenses
DSL	WTP_1.0, PLM_4.3, RES_1.0, PLW_1.3 & PLW_2.0	Minor permit modification

Willamette Water Supply Program Projects Construction – Recent Status Update

Date of Report: July 22, 2021

There are seven active construction projects:

Project	Description	Progress Since Last Month
1. RWF_1.0	Raw Water Facilities project located at the Willamette River Water Treatment Plant	<ul style="list-style-type: none"> - Completed spoils removal from tunnel and began installation of 66" RW line through casing - Continued concrete construction for new flow meter vault at Upper Site - Constructed temporary bypass road through Wilsonville Concrete Products to allow installation of new 66" RW through Arrowhead Creek Lane at the "pinch point" - Began installation of 66" RW through "pinch point" - Continued installation of 66" RW through Park area - Reinstalled refurbished pump 2-P-1 in RWPS - Completed new pump discharge header piping at RWPS - Began installation of new Fiber Optic cable and Conduit lines in Plant Road - Began structural seismic modifications on exterior portions of RWPS
2. PLM_1.1	Raw water pipeline project in Wilsonville that extends from our RWF_1.0 project to Wilsonville Road	<ul style="list-style-type: none"> - Performed test pit excavation in support of PLM_1.3 trenchless design - Planning to install rock for check dams in drainage swale -
3. PLM_1.2	Raw water pipeline project being completed in partnership with the City of Wilsonville's Garden Acres Road project	<ul style="list-style-type: none"> - Continued punch-list corrective items for both Schedule A (road work) and Schedule B (waterline work).
4. PLM_5.1	Finished water pipeline project being completed in partnership with Washington County's Roy Rogers Road project	<ul style="list-style-type: none"> - Continued installation of cathodic protection systems, CARV vault assemblies and access vaults. - Completed Tigard Turnout vault (s) construction. - Mainline disinfection anticipated for early August. - Tie-in to PLM_5.2 anticipated for late August.
5. PLW_1.3	Finished water pipeline project in South Hillsboro from SW Farmington Road to SE Blanton Street	<ul style="list-style-type: none"> - Continue 66-inch pipe installation (approximately 250 LF installed) - Continue installation of bypass piping and blowoff at the 30-inch to 66-inch pipe connection - Butternut Creek crossing – micro-tunneling is complete - Began 66-inch carrier pipe inside tunnel casing - Wellpoint dewatering system at the wetland crossing

6. MPE_1.1/ COB_1.1	Finished water pipeline project being completed in partnership with the City of Beaverton's SW Western Avenue project	<ul style="list-style-type: none"> - Franchise utility trench coordination and installation - Cut and cap of an existing City of Beaverton 12" Water main - Bore of utility casings beneath the PNWR / Trimet Railway
7. MPE_1.2/ COB_1.2	Finished water pipeline project in Beaverton from SW Scholls Ferry Road at Greenway to SW Allen Boulevard at Western Avenue	<ul style="list-style-type: none"> - Submittals and RFIs underway. - Utility coordination progressing. - Baseline schedule - Finalizing LNTP items

Willamette Water Supply System Commission

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Summer Safety In the Field: Avoiding Hazardous Plants

August 5, 2021

1

Hazardous Plants

- Do you know the poisonous plants in your area?



Poison Ivy



Poison Sumac



Poison Oak



2

Hazardous Plants

Poison ivy, poison sumac, and poison oak all contain urushiol, a substance that causes an itchy, red, oozing rash in over 50% of the population.

People contact urushiol through:



Direct contact with any poison ivy, sumac, or oak.



Indirect contact from contaminated clothing, skin, or objects. Urushiol can easily be spread and remains potent for months.



Airborne contact when a person inhales smoke containing droplets of urushiol, causing a severe internal reaction.

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Our Reliable Water

3

Hazardous Plants – Expanded Edition

Other poisonous plants include Giant Hogweed, Wild Parsnip and Stinging Nettle.

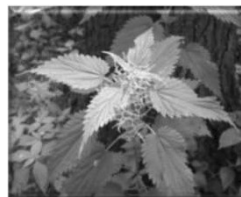
Giant Hogweed



Wild Parsnip



Stinging Nettle



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4

To prevent exposure to poisonous plants:



Avoid walking through brushy areas known to have hazardous plants. Wear long pants and sleeves.



Avoid direct contact with contaminated objects. Clean clothing, tools, and equipment thoroughly if you suspect contamination.



Use barrier creams prior to working in contaminated areas.



Even if you don't react to urushiol, you should avoid contact because you can still transmit the substance to other people.

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5

If you contact poisonous plants:

Wash the area for 3 to 5 minutes with cold water. This may prevent the chemical from penetrating into your skin.

If you have a reaction:



Use calamine lotion or hydrocortisone to help relieve itching. Be sure to use hydrocortisone according to instructions.



Avoid scratching to prevent secondary infection.



Call Occupational Nurse Service or see a doctor if the rash is severe.

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Willamette Water Supply System Commission

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Approvals and Procurement Forecast: August 2021 through October 2021

This report provides a three-month projection of (1) forthcoming actions under the WWSS Management Authority Matrix and (2) ongoing and forthcoming procurements.

a = Actual date
 e = Email approval
 FC = Finance Committee
 LCRB = Local Contract Review Board
 MC = Management Committee
 N/A = Not applicable
 OC = Operations Committee

Rec. = Recommendation
 t = Tentative date
 TBD = To be determined; sufficient information not available to project a date
 Note: Dates in red text indicate meetings needed outside the normal meeting schedule

Type	Description	Projected Action	Body/Position (projected action date)		
			Program Director	WWSS Committees	WWSS Board
Program Baseline or Related Plans (above Program Director's Authority)	1. None	Approve	N/A	N/A	N/A
		Execute	N/A	N/A	N/A
Real Estate	2. PLM_4.2 Resolution of Need and Delegation of Authority for Acquisition to Washington County	Approve	N/A	MC: 6/17/2021 a	7/1/2021 a
	3. PLM_1.3 Resolution of Need (second supplemental approval)	Approve	N/A	MC: 7/22/2021 t	8/5/2021 t
	4. MPE_1.2 Resolution of Need (third supplemental approval)	Approve	N/A	MC: 7/22/2021 t	8/5/2021 t
	5. PLM_1.3 Resolution of Need (third supplemental approval)	Approve	N/A	MC: 8/19/2021 t	9/2/2021 t
	6. PLM_1.3 Resolution of Need (fourth supplemental approval)	Approve	N/A	MC: 9/23/2021 t	10/7/2021 t
	IGAs, MOUs, Permit Commitments, & Similar Agreements	7. WTP 124 th Storm Line Developer Agreement with TCC	Approve	N/A	N/A
		Execute	7/13/2021 a	N/A	N/A
8. DCS_1.0 Sherwood Broadband Services IGA		Approve	N/A	MC: 3/18/2021 a	4/1/2021 a
		Execute	8/31/2021 t	N/A	N/A
9. PLW_2.0 Settlement Agreement with Metro and Hillsboro for OWNP		Approve	N/A	MC: 4/22/2021 a	5/6/2021 a
		Execute	7/30/2021 t	N/A	N/A
10. PLM_1.3 BPA Reimbursement Agreement		Approve	N/A	MC: 5/20/2021 a	6/3/2021 a
		Execute	7/30/2021 t	N/A	N/A
11. PLM_4.2 WCLUT Teton to Langer Design IGA Amendment 3		Approve	N/A	MC: 6/17/2021 a	7/1/2021 a
		Execute	8/31/2021 t	N/A	N/A
12. PLM_4.4 WCLUT RRR Design IGA Amendment 1		Approve	N/A	MC: 6/17/2021 a	7/1/2021 a
		Execute	8/31/2021 t	N/A	N/A
13. Execute WWSS IGA Exhibit 13 Intergovernmental Agreement for Financial Assurances Between City of Beaverton and Willamette Water Supply System (approved with WWSS IGA in 2019 but never signed)		Approve	N/A	MC: 6/17/2021 a	7/1/2021 a
		Execute	7/30/2021 t	N/A	N/A
14. PLW_1.2 WCLUT Construction IGA	Approve	N/A	MC: 8/19/2021 t	9/2/2021 t	
	Execute	9/30/2021 t	N/A	N/A	

Willamette Water Supply

Our Reliable Water

Type	Description	Projected Action	Body/Position (projected action date)		
			Program Director	WWSS Committees	WWSS Board
IGAs, MOUs, Permit Commitments, & Similar Agreements <i>continued</i>	15. RES_1.0 WCLUT Grabhorn Road Realignment IGA	Approve	N/A	MC: 8/19/2021 t	9/2/2021 t
		Execute	9/30/2021 t	N/A	N/A
	16. PLM_1.0 Wilsonville Ground Lease Amendment 1	Approve	N/A	MC: 8/19/2021 t	9/2/2021 t
		Execute	9/30/2021 t	N/A	N/A
	17. PLM_4.4 WCLUT Construction IGA	Approve	N/A	MC: 8/19/2021 t	9/2/2021 t
		Execute	9/30/2021 t	N/A	N/A
Contracts (above Program Director's Authority)	18. None	Approve	N/A	N/A	N/A
		Execute	N/A	N/A	N/A
Contract Amendments and Change Orders (above Program Director's Authority)	19. None	Approve	N/A	N/A	N/A
		Execute	N/A	N/A	N/A
Local Contract Review Board (LCRB) Actions	20. None	Approve	N/A	N/A	N/A

Willamette Water Supply System
For the annual budget period ending June 30, 2021
For the quarter ended June 30, 2021

<i>Activity for the Quarter</i>			<i>Unaudited</i>				
<i>Budget</i>	<i>Actual</i>	<i>Variance</i>	<i>Resources</i>		<i>Annual Budget</i>		
			<i>Annual Budget</i>	<i>Budget To date</i>	<i>Actual</i>	<i>Variance</i>	<i>Remaining Budget</i>
			Resources				
			Revenues				
\$ 222,139	\$ 154,795	\$ (67,344)	\$ 888,555	\$ 888,555	\$ 608,171	\$ (280,384)	\$ 280,384
-	-	-			30,000	30,000	(30,000)
31,440,889	34,953,234	3,512,345	125,763,556	125,763,556	87,135,470	(38,628,086)	38,628,086
31,663,028	35,108,029	3,445,002	126,652,111	126,652,111	87,773,641	(38,878,470)	38,878,470
-	30,000	30,000					
\$ 31,663,028	\$ 35,138,029	\$ 3,475,002	\$ 126,652,111	\$ 126,652,111	\$ 87,773,641	\$ (38,878,470)	\$ 38,878,470
			Requirements				
			Materials and Services				
\$ 144,014	\$ 17,923	\$ 126,091	\$ 576,055	\$ 576,055	\$ 117,531	\$ 458,524	\$ 458,524
33,750	126,787	(93,037)	135,000	135,000	419,413	(284,413)	(284,413)
8,000	7,734	266	32,000	32,000	27,898	4,102	4,102
1,050	26	1,024	4,200	4,200	26	4,174	4,174
7,500	55	7,445	30,000	30,000	22,961	7,039	7,039
-	-	-	-	-	-	-	-
3,825	250	3,575	15,300	15,300	15,250	50	50
4,000	2,020	1,980	16,000	16,000	5,091	10,909	10,909
202,139	154,795	47,344	808,555	808,555	608,171	200,384	200,384
31,440,889	34,953,234	(3,512,345)	125,763,556	125,763,556	87,135,470	38,628,086	38,628,086
20,000	-	20,000	80,000	80,000	-	80,000	80,000
31,663,028	35,108,029	(3,445,002)	126,652,111	126,652,111	87,743,641	38,908,470	38,908,470
-	30,000	(30,000)			30,000	(30,000)	(30,000)
\$ 31,663,028	\$ 35,138,029	\$ (3,475,002)	\$ 126,652,111	\$ 126,652,111	\$ 87,773,641	\$ 38,878,470	\$ 38,878,470

These unaudited statements are preliminary and incomplete for the fiscal year ending June 30, 2021. Future statements will include additional incurred expenses once those expenses are known.

Willamette Water Supply System Commission

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**Willamette Water Supply System Commission
Board Meeting Minutes
Thursday, July 1, 2021**

Commissioners present: ROLL CALL TABLE

City of Beaverton:	Marc San Soucie (<i>alternate</i>)
City of Hillsboro:	David Judah
Tualatin Valley Water District (TVWD):	Jim Duggan

Committee Members present:

City of Beaverton:	Chad Lynn David Winship
City of Hillsboro:	Eric Hielema (<i>alternate</i>)
TVWD:	Tom Hickmann

Managing Agency Staff present:

WWSS Commission General Manager / Willamette Water Supply Program (WWSP) Director	Dave Kraska
TVWD General Counsel	Clark Balfour
WWSP Assistant Director	Joelle Bennett
WWSP Program Manager	Bill Van Derveer
WWSP Engineering and Construction Manager	Mike Britch
WWSP Permitting and Outreach Manager	Christina Walter
WWSP Finance Manager	Lisa Houghton
WWSS Commission Recorder / WWSP Administrative Assistant	Annette Rehms

Other Attendees present:

TVWD Asset Management Division Manager	Matt Oglesby
TVWD Water Resources Division Manager	Joel Cary
TVWD, Controller	David Shick
TVWD, Technical Services Accountant	Shital Patel
Geosyntec Consultants, Inc. Senior Principal Engineer	Rob Annear
Stantec, Senior Principal	Patrick Lytle
Stantec, Vice President, Water Program Management	Jeff Schulz

REGULAR SESSION – 12:00 PM**CALL TO ORDER**

Chairman Judah called the regular Willamette Water Supply System (WWSS) Commission meeting to order at 12:00 p.m.

ROLL CALL

Ms. Rehms administered the roll call and noted attendance.

1. GENERAL MANAGER'S REPORT

Mr. Kraska presented a safety minute on fireworks safety (presentation on file).

The General Manager's report included an overview of etiquette for remote meetings; Board meeting appointment update; the Approvals and Procurement Forecast covering June through August 2021; updates on projects planning; permitting and communications; status updates on the design and construction of projects; and a steel market exposure update.

In response to question, staff said it is unknown if we have missed the window to procure steel at a lower price. The steel producers have the ability to produce the steel needed to meet current demands, but time is needed to recover from the shutdowns related to COVID-19. The WWSP's subject matter experts believe steel prices will come down and WWSP staff will continue to monitor the market closely.

Commissioners thanked Mr. Kraska for the thorough analysis and information presented. They acknowledge Alternative 1 (*Owner-procured Hot-rolled Coil and Rebar Only for Pipelines and Facilities*) and Alternative 2 (*Owner-procured Fabricated Pipe for Pipelines and Rebar/Other Steel for Pipelines and Facilities*) have inherent risks that preclude their selection until there are clear signals that either alternative is advantageous.

2. PUBLIC COMMENT

There were no public comments.

3. CONSENT AGENDA

- A. Approve the June 3, 2021, meeting minutes.

Motion was made by Duggan seconded by San Soucie, to approve the Consent Agenda as presented. The motion passed unanimously with San Soucie, Judah, and Duggan voting in favor.

4. BUSINESS AGENDA

- A. Approve PLM_4.2 Resolution of Need and Delegation of Authority for Acquisition to Washington County –
Joelle Bennett

Ms. Bennett described the project location and reported there are certain properties along the project that require acquisition solely for the WWSS, although this project is partnered with Washington County Land Use and Transportation. For efficiency for the project partners and simplicity for the property owners, Washington County has agreed to perform all property acquisitions for the project. This resolution is unique as it is authorizing Washington County to perform the property acquisition process, including negotiations with interest holders, and authorizes the acquisition of the property interests by eminent domain, to the extent negotiations fail on behalf of the WWSS Commission. Funds for purchase of easements are included in the WWSP baseline budget. (*Presentation on file*)

Motion was made by Duggan, seconded by San Soucie, to adopt Resolution No. WWSS-13-21 approving the Declaration of Public Necessity to acquire property interests over, upon, under, and through real property for pipeline section PLM_4.2 for the Willamette Water Supply System and delegating authority to Washington County. The motion passed unanimously with San Soucie, Judah, and Duggan voting in favor.

B. Adopt PLM_4.2 WCLUT Teton to Langer Design IGA Amendment 3 – *Mike Britch*

Mr. Britch provided an overview of the project design background, the partnership agreement with Washington County Land Use and Transportation (WCLUT) and reviewed the intergovernmental agreement (IGA) and prior amendments. The proposed resolution updates the project's design-related cost share details and adjusts schedule milestones to support design completion. These changes are mostly pertaining to topographic and utility survey, development of the traffic control plans, and railroad crossing permit support. The design milestones have also been adjusted to reflect recent partnership coordination. The project is anticipated to be bid in May 2022. He also noted the additional cost of work described in the IGA amendment will be accommodated through project contingency. *(Presentation on file)*

Motion was made by San Soucie, seconded by Duggan, to adopt Resolution WWSS-14-21 approving PLM_4.2 WCLUT Teton to Langer Design IGA Amendment 3. The motion passed unanimously with San Soucie, Judah, and Duggan voting in favor.

C. Adopt PLM_4.4 WCLUT Roy Rogers Road Design IGA Amendment 1 – *Mike Britch*

Mr. Britch provided an overview of the project design background, the partnership agreement with WCLUT and reviewed the IGA. The proposed resolution updates design-related cost share details and adjusts schedule milestones to reflect the current, refined plan for delivery of the partnership project. These changes are mostly pertaining to topographic and utility survey, development of the traffic control plans, and associated WCLUT project administration. The design milestones have also been adjusted to reflect recent partnership coordination. The project is anticipated to be bid in December 2021. He also noted the additional cost of work described in the IGA amendment will be accommodated through project contingency. *(Presentation on file)*

Mr. Britch concluded by listing the benefits of WWSP partnering with Washington County on the project.

Motion was made by Duggan, seconded by San Soucie, to adopt Resolution WWSS 15-21 approving PLM_4.4 WCLUT Roy Rogers Road Design IGA Amendment 1. The motion passed unanimously with San Soucie, Judah, and Duggan voting in favor.

D. Execute WWSS IGA Exhibit 13 Intergovernmental Agreement for Financial Assurances between City of Beaverton and Willamette Water Supply System – *Dave Kraska*

Mr. Kraska gave a background overview of the WWSS intergovernmental agreement (IGA). He indicated IGA Exhibit 13, for Financial Assurance between City of Beaverton and WWSS has yet to be independently authorized and executed. He noted as part of the continued development of the WWSS, there will be a need to provide financial assurance for some public improvements in the City of Beaverton. Funds for construction and maintenance (prior and up to when the WWSS is commissioned) for all WWSS facilities are included in the WWSS Baseline budget.

In response to a question, general counsel said it is appropriate for the City of Beaverton's WWSS Commission representative to vote on behalf of the commission. He indicated that the IGA including Exhibit 13 were approved by all governing bodies two years ago. However, Exhibit 13, still requires signatures in order to be fully executed.

Motion was made by San Soucie, seconded by Duggan, to adopt Resolution WWSS 16-21 approving the execution of the WWSS IGA Exhibit 13 Intergovernmental Agreement for Financial Assurances between City of Beaverton and Willamette Water Supply System. The motion passed unanimously with San Soucie, Judah, and Duggan voting in favor.

5. INFORMATION ITEMS

A. Early Procurement of Pipe for RES_1.0/PLM_5.3 by CM/GC – *Mike Britch*

Mr. Britch presented an overview of the Management Committee approved approach to perform early pipe procurement for the RES_1.0 and PLM_5.3 projects through the CM/GC contractor. He provided a list of expected benefits and estimated cash flow impacts. He also provided a summary of the steps taken for partner finance evaluation and the request for approval process that have been completed.

In response to a question, staff said, providing the contractor and pipeline manufacturer additional schedule flexibility has greater benefits to the program than waiting for steel prices to trend down. This earlier than originally planned procurement allows for the PLM_5.3 and RES_1.0 pipeline to be bid prior to other WWSP construction packages that we will be bid near the end of 2021.

Commissioners thanked staff for the information presented and encouraged the program team to continue keeping them informed on important decisions that influence risk management, cost, and schedule performance.

B. Planned August Business Agenda Items – *Joelle Bennett*

Ms. Bennett presented information on business agenda items planned for the August 6, 2021, WWSS Commission Board meeting.

Staff anticipates recommending approval of:

1. PLM_1.3 Supplemental Resolution of Need
2. MPE_1.2 Supplemental Resolution of Need
3. Adopt RES_1.0 WCLUT Grabhorn Road Realignment IGA
4. Adopt PLM_4.4 WCLUT Roy Rogers Road Construction IGA
5. Adopt PLW_1.2 WCLUT Cornelius Pass Road Construction IGA
6. Approve PLM_1.3 Settlement Agreement with W-4 LLC

B. The next Board meeting is scheduled on August 5, 2021, 12:00 PM via Microsoft Teams.

6. COMMUNICATIONS AND NON-AGENDA ITEMS

A. None scheduled.

In response to question, staff said the discussion of in-person meetings will be added to the September 2, 2021, Board meeting agenda.

ADJOURNMENT

There being no further business, Chairman Judah adjourned the meeting at 1:01 p.m.

David Judah, Chair

James Duggan, Vice Chair

STAFF REPORT

To: Board of Commissioners

From: Joelle Bennett, P.E., WWSP Assistant Program Director

Date: August 5, 2021

Subject: Supplemental Resolution Declaring Public Necessity to Acquire Property Interests Over, Upon, Under, and Through Real Property for Pipeline Section PLM_1.3 for the Willamette Water Supply System

Requested Board Action:

Consider adopting a resolution declaring public necessity to acquire permanent and temporary construction easements over, upon, under, and through real property for pipeline section PLM_1.3 for the Willamette Water Supply System (WWSS).

Key Concepts:

The WWSS includes a section of pipeline generally along SW Kinsman Road, SW Boeckman Road, SW 95th Avenue, and SW Ridder Roads, referred to as PLM_1.3.

- The Willamette Water Supply Program (WWSP) has progressed the design of this pipeline section to enable identification of property requirements for construction and long-term operation and maintenance of the pipeline.
- After consideration of various alignments and alternatives, the identified route will be located in a manner that will be most compatible with the greatest public good and the least injury to private property owners.
- This supplemental resolution declares the public need for additional property interests and enables the WWSS Commission's agents, including the WWSP team, to begin negotiating with respective property interest holders. The preceding resolution declaring property needs for PLM_1.3 was adopted on May 6, 2021.

Background:

The WWSS includes Pipeline Section PLM_1.3, a section of pipeline along SW Kinsman Road, SW Boeckman Road, SW 95th Avenue, and SW Ridder Roads. The PLM_1.3 project is located within the City of Wilsonville. The project area is shown in the attached map. The pipeline will be 66-inch diameter welded steel pipe.

The WWSP has progressed the design of this pipeline section to enable identification of property requirements for construction and long-term operation and maintenance of the pipeline. The PLM_1.3 pipeline alignment requires permanent and temporary easements to fulfill WWSP standard construction work zone requirements.

This resolution updates the declared real property needs for the project to include additional permanent and temporary easement areas.

Resolution Summary

The WWSS Commission has authority to acquire real property for the WWSS. The pipeline section PLM_1.3 requires the acquisition of temporary and permanent easements on private property. The PLM_1.3 pipeline alignment was selected through an extensive alternatives evaluation, and the preferred location was selected based on the best interests of the public and the least injury to private property owners. The resolution enables the initiation of the property acquisition process, including negotiations with interest holders, and also authorizes the acquisition of the property interests by eminent domain, to the extent negotiations fail.

Budget Impact:

The WWSP real estate team has completed an estimate that represents, in the professional judgment of the real estate team, the budget-level cost required to acquire the easements. The total estimated cost for PLM_1.3 real property needs identified in this proposed resolution is \$359,800. Funds for purchase of the easements described in the resolution are included in the WWSP baseline budget.

Staff Contact Information:

Dave Kraska, P.E., WWSS General Manager, 503-941-4561, david.kraska@tvwd.org

Clark Balfour, General Counsel, 503-848-3061, clark.balfour@tvwd.org

Joelle Bennett, P.E., WWSP Assistant Program Director, 503-941-4577, joelle.bennett@tvwd.org

Attachments:

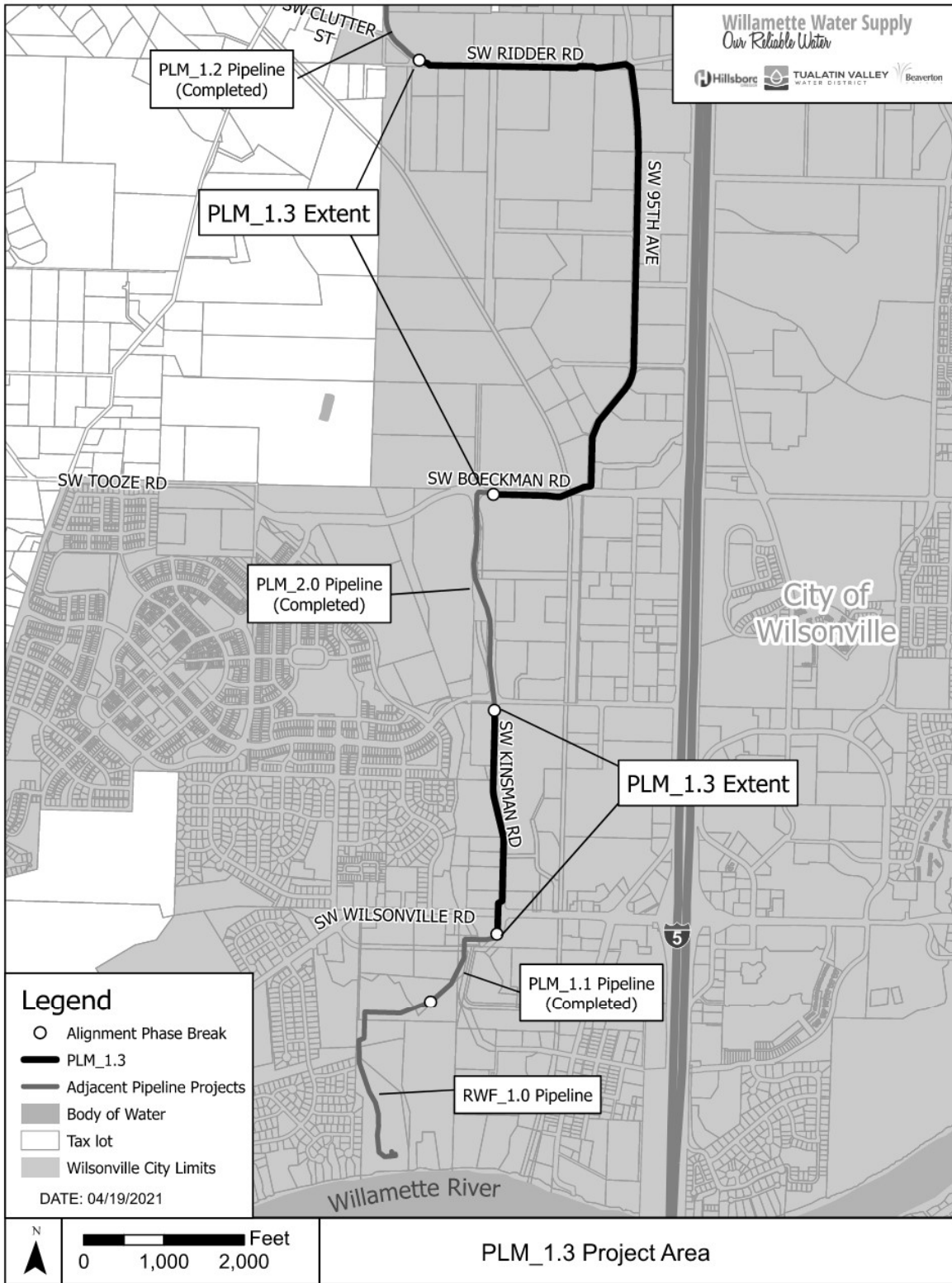
- Project area map
- Proposed Resolution
- Exhibit 1: Property Interests (including Exhibit A Legal Descriptions and Exhibit B Acquisition Maps)

Resolution Declaring Public Necessity to Acquire Property Interests for WWSP Pipeline Section PLM_1.3

August 5, 2021

Page 3 of 3

Project area map:



Willamette Water Supply System Commission

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RESOLUTION NO. WWSS-17-21

RESOLUTION DECLARING PUBLIC NECESSITY TO ACQUIRE PROPERTY INTERESTS OVER, UPON, UNDER AND THROUGH REAL PROPERTY FOR PIPELINE SECTION PLM_1.3 FOR THE WILLAMETTE WATER SUPPLY SYSTEM.

WHEREAS, the above-entitled matter came before the Willamette Water Supply System Commission (WWSS Commission) at its regular meeting on August 5, 2021; and,

WHEREAS, the Willamette Water Supply System Intergovernmental Agreement (Agreement) between Tualatin Valley Water District (TVWD), the City of Hillsboro (Hillsboro), and the City of Beaverton (Beaverton) (collectively, Members) created the WWSS Commission, an ORS Chapter 190 intergovernmental entity, effective July 1, 2019, to exercise the powers and duties set forth in the Agreement; and,

WHEREAS, pursuant to the Agreement, TVWD has been designated as the Managing Agency of the WWSS Commission; and,

WHEREAS, the Willamette Water Supply System (WWSS) includes, but is not limited to, an expanded and improved water intake on the Willamette River in the City of Wilsonville currently owned by TVWD and the City of Wilsonville, along with a new raw water pipeline, potable water treatment plant, finished water pipelines, pumping, storage, and other necessary water system facilities to enable the WWSS to utilize existing water rights to provide water system ownership and reliability to the Members' water system users; and,

WHEREAS, the WWSS Commission has been delegated authority by its Members under the Agreement and ORS Chapter 190 pursuant to City Charters, ORS 223.005 to 223.105, ORS 264.240 and Oregon Revised Statutes Chapter 35 to acquire real property by purchase or through eminent domain proceedings; and,

WHEREAS, the WWSS Commissioners determine, consistent with the powers and purposes of the WWSS Commission, that it is necessary for the economic well-being, public health, safety and welfare of the WWSS Commission and the Members' water system users, to acquire fee title to certain real property, as well as necessary rights-of-way, easements, and other property interests, in order to design, locate, construct, operate, and implement the WWSS; and,

WHEREAS, after investigation of various routes for a water pipeline and related water system facilities, the WWSS Commission has determined that certain property interests are necessary for the construction, location, and operation of the WWSS, and in particular, pipeline section PLM_1.3, and that such use is planned and located in a manner that is most compatible with the greatest public benefit and the least injury to private property owners; and,

WHEREAS, such property interests are preliminarily described on Exhibit A and depicted for illustration purposes only on Exhibit B attached hereto and incorporated by reference, with final legal descriptions and easement documents to be determined by TVWD staff, including the Willamette Water

Willamette Water Supply

Our Reliable Water

Supply Program (WWSP) and its consultants, as the Managing Agency and on behalf of the WWSS Commission, to be reasonably necessary to accommodate the design and operation of the WWSS (the Easement Interests); and,

WHEREAS, the WWSS Commission finds that declaration by resolution to acquire the Easement Interests for the WWSS is necessary and being so advised.

NOW, THEREFORE, BE IT RESOLVED BY THE WILLAMETTE WATER SUPPLY SYSTEM COMMISSION THAT:

Section 1: The above recitals shall form an integral part of this resolution and shall have the same force and effect as if fully stated herein.

Section 2: It is necessary for the preservation of economic well-being, public health, safety and welfare of the public served by the Members and the WWSS that the WWSS Commission commence the acquisition process for the Easement Interests through exercise of the power of eminent domain.

Section 3: TVWD staff, including the WWSP, and counsel are authorized to retain real estate appraisers, negotiators, and other consultants, with said appraisals to be prepared under the auspices of WWSS Commission counsel, for initiation of proceedings as described below.

Section 4: TVWD staff, including WWSP, consultants, and counsel, are authorized to negotiate in good faith necessary agreements to acquire the Easement Interests on behalf of and in the name of the WWSS Commission and to pay just compensation and applicable compensable damages in accordance with applicable law without necessity of further approval by the WWSS Commission.

Section 5: TVWD staff, including WWSP, and counsel, are authorized to file complaints in condemnation, on behalf of and in the name of the WWSS Commission, and to take other steps as they determine necessary as the Managing Agency, and to prosecute to final determination such actions to acquire title to the Easement Interests if negotiations fail.

Section 6: Upon the trial of any suit or action instituted to acquire the Easement Interests, counsel acting for and on behalf of the WWSS Commission are authorized to make such stipulation, agreement or admission as in their judgment may be for the best interest of the WWSS Commission and to take possession of the Easement Interests at such time as appropriate in their judgment without necessity of further WWSS Commission approval.

Approved and adopted at a regular meeting held on the 5th day of August 2021.

David Judah, Chair

James Duggan, Vice Chair

Exhibit A

Willamette Water Supply
July 21, 2021

WILLAMETTE RESOURCES, INC.
Portion of 3S102C 01400

Parcel 1 Permanent Facilities Easement Acquisition

A tract of land being a portion of Parcel 1, Partition Plat No. 1995-101 of the Washington County Plat Records said tract being a portion of that property conveyed to Willamette Resources, Inc. an Oregon corporation and described in that Statutory Warranty Deed, recorded July 7, 2014 as Document Number 2014-018840, Washington County Deed Records; said tract being described as follows:

Commencing at a 4" Aluminum Cap marking the Section Corner common to Sections R2, 3, 10 and 11, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas and Washington Counties, Oregon, in a monument box, set in Survey Number 21,593, Washington County Survey Records; thence along the south line of said Section 2, South 88°52'34" East a distance of 889.56 feet; thence leaving said south line, North 01°07'26" East a distance of 30.00 feet to a point on the North right of way line of Ridder Road and the **Point of Beginning**; thence along said North right of way line, South 88°52'34" East a distance of 15.25 feet; thence leaving said North right of way line, North 01°07'26" East a distance of 6.75 feet; thence North 88°52'34" West a distance of 15.25 feet; thence South 01°07'26" West a distance of 6.75 feet to the **Point of Beginning**.

Bearings and distances are based on grid, Oregon State Plane Coordinate System of 1983, North Zone.

This tract of land contains 103 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Digitally Signed
2021.07.22 16:14:29-07'00'

OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

RENEWS 6/30/2022

Exhibit A

Willamette Water Supply
July 21, 2021

WILLAMETTE RESOURCES, INC.
Portion of 3S102C 01400

Parcel 2 Temporary Construction Easement Acquisition

A tract of land being a portion of Parcel 1, Partition Plat No. 1995-101 of the Washington County Plat Records said tract being a portion of that property conveyed to Willamette Resources, Inc. an Oregon corporation and described in that Statutory Warranty Deed, recorded July 7, 2014 as Document Number 2014-018840, Washington County Deed Records; said tract being described as follows:

Commencing at a 4" Aluminum Cap marking the Section Corner common to Sections 2, 3, 10 and 11, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas and Washington Counties, Oregon, in a monument box, set in Survey Number 21,593, Washington County Survey Records; thence along the south line of said Section 2, South 88°52'34" East a distance of 884.56 feet; thence leaving said south line, North 01°07'26" East a distance of 30.00 feet to a point on the North right of way line of Ridder Road and the **Point of Beginning**; thence along said North right of way line, South 88°52'34" East a distance of 25.25 feet; thence leaving said North right of way line, North 01°07'26" East a distance of 11.75 feet; thence North 88°52'34" West a distance of 25.25 feet; thence South 01°07'26" West a distance of 11.75 feet to the **Point of Beginning**.

Except: Parcel 1

Bearings and distances are based on grid, Oregon State Plane Coordinate System of 1983, North Zone.

This tract of land contains 194 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

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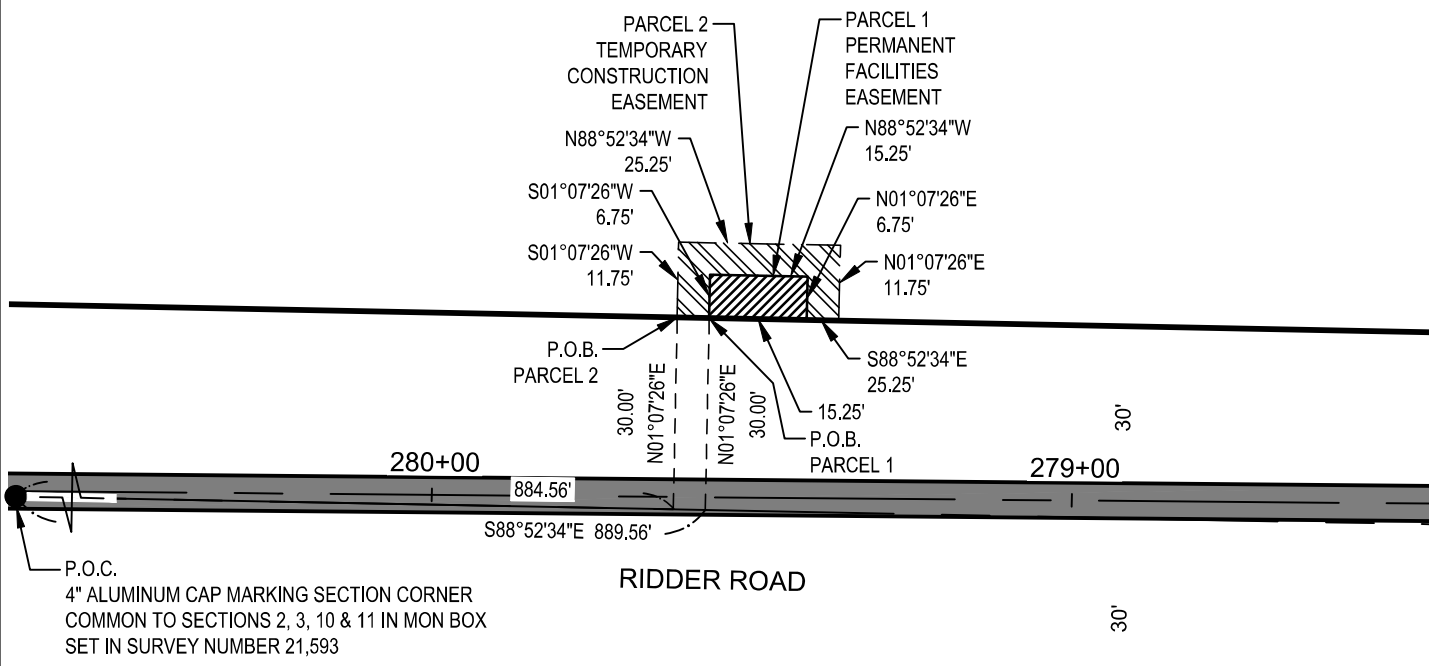
OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

RENEWS 6/30/2022



PARCEL 1
PARTITION PLAT NO. 1995-101

TAX LOT: 3S102C-01400
WILLAMETTE RESOURCES, INC.
DOC. NO. 2014-018840



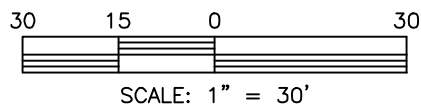
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING



PERMANENT FACILITIES
EASEMENT ACQUISITION
AREA = 103 SQ. FT.



TEMPORARY CONSTRUCTION
EASEMENT ACQUISITION
AREA = 194 SQ. FT.



Willamette Water Supply
Our Reliable Water

WILLAMETTE WATER
SUPPLY PROGRAM
1850 SW 170th Avenue
Beaverton, Oregon 97003
Phone: (503) 941-4563

ACQUISITION MAP
PAGE 1 OF 1
SW1/4 S02 T3S R1W - TAX LOT 1400

DATE
07/21/2021

DRAWN BY
DAC

CHECKED BY
JMY



808 SW 3rd Ave., Ste. 800
Portland, Oregon 97204
Phone: (503) 287-6825
www.otak.com
project: 18341

Exhibit A

Willamette Water Supply
July 21, 2021

STAFFORD DC LLC
Portion of 3S102CD 00500

Parcel 1 Permanent Facilities Easement Acquisitions

Two tracts of land being a portion of Lot 22, Edwards Business Industrial Park No. 2 of Washington County Plat Records, said tracts being a portion of that property conveyed to Stafford DC LLC, an Oregon limited liability company and described in that Statutory Warranty Deed, recorded January 8, 2018 as Document Number 2018-001466, Washington County Deed Records; said tracts being described as follows:

Commencing at a 3-1/4" Brass Cap marking the Quarter Section Corner common to Sections 2 and 11, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas and Washington Counties, in a monument box, set in USBT 2003-053, Washington County Survey Records; thence along the south line of said Section 2, North 88°52'34" West a distance of 316.08 feet; thence leaving said south line, North 01°07'26" East a distance of 42.00 feet to a point on the North right of way line of Ridder Road and the **Point of Beginning**; thence along said North right of way line, North 88°52'34" West a distance of 4.00 feet; thence leaving said North right of way line, North 01°07'26" East a distance of 3.50 feet; thence South 88°52'34" East a distance of 4.00 feet; thence South 01°07'26" West a distance of 3.50 feet to the **Point of Beginning**.

Together with: Commencing at said 3-1/4" Brass Cap; thence along the south line of said Section 2, North 88°52'34" West a distance of 250.66 feet; thence leaving said south line, North 01°07'26" East a distance of 42.00 feet to a point on the North right of way line of Ridder Road and the **Point of Beginning**; thence along said North right of way line, North 88°52'34" West a distance of 15.25 feet; thence leaving said North right of way line, North 01°07'26" East a distance of 10.50 feet; thence South 88°52'34" East a distance of 15.25 feet; thence South 01°07'26" West a distance of 10.50 feet to the **Point of Beginning**.

Bearings and distances are based on grid, Oregon State Plane Coordinate System of 1983, North Zone.

These tracts of land contain 174 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Digitally Signed
2021.07.23 10:57:32-07'00'

OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

RENEWS 6/30/2022

Exhibit A

Willamette Water Supply
July 21, 2021

STAFFORD DC LLC
Portion of 3S102CD 00500

Parcel 2 Temporary Construction Easement Acquisitions

Two tracts of land being a portion of Lot 22, Edwards Business Industrial Park No. 2 of Washington County Plat Records, said tracts being a portion of that property conveyed to Stafford DC LLC, an Oregon limited liability company and described in that Statutory Warranty Deed, recorded January 8, 2018 as Document Number 2018-001466, Washington County Deed Records; said tracts being described as follows:

Commencing at a 3-1/4" Brass Cap marking the Quarter Section Corner common to Sections 2 and 11, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas and Washington Counties, in a monument box, set in USBT 2003-053, Washington County Survey Records; thence along the south line of said Section 2, North 88°52'34" West a distance of 311.08 feet; thence leaving said south line, North 01°07'26" East a distance of 42.00 feet to a point on the North right of way line of Ridder Road and the **Point of Beginning**; thence along said North right of way line, North 88°52'34" West a distance of 14.00 feet; thence leaving said North right of way line, North 01°07'26" East a distance of 8.50 feet; thence South 88°52'34" East a distance of 14.00 feet; thence South 01°07'26" West a distance of 8.50 feet to the **Point of Beginning**.

Together with: Commencing at said 3-1/4" Brass Cap; thence along the south line of said Section 2, North 88°52'34" West a distance of 245.66 feet; thence leaving said south line, North 01°07'26" East a distance of 42.00 feet to a point on the North right of way line of Ridder Road and the **Point of Beginning**; thence along said North right of way line, North 88°52'34" West a distance of 25.25 feet; thence leaving said North right of way line, North 01°07'26" East a distance of 15.50 feet; thence South 88°52'34" East a distance of 25.25 feet; thence South 01°07'26" West a distance of 15.50 feet to the **Point of Beginning**.

Except: Parcel 1

Bearings and distances are based on grid, Oregon State Plane Coordinate System of 1983, North Zone.

These tracts of land contain 337 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Digitally Signed
2021.07.23 10:57:13-07'00'

OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

RENEWS 6/30/2022

LOT 22
EDWARDS BUSINESS
INDUSTRIAL PARK NO. 2

LOT 21
EDWARDS BUSINESS
INDUSTRIAL PARK NO. 2

TAX LOT: 3S102CD-00500
STAFFORD DC, LLC
DOC. NO. 2018-001466

PARCEL 1
PERMANENT
FACILITIES
EASEMENT
14 SQ. FT.

PARCEL 2
TEMPORARY
CONSTRUCTION
EASEMENT
105 SQ. FT.

PARCEL 2
TEMPORARY
CONSTRUCTION
EASEMENT
232 SQ. FT.

PARCEL 1
PERMANENT FACILITIES
EASEMENT - 160 SQ. FT.

S88°52'34"E
4.00'
S88°52'34"E
14.00'
N01°07'26"E
3.50'
N01°07'26"E
8.50'

S01°07'26"W
8.50'
N01°07'26"E
10.50'
N01°07'26"E
15.50'

S88°52'34"E
25.25'
N01°07'26"E
10.50'
N01°07'26"E
15.50'

S88°52'34"E
15.25'
S01°07'26"W
10.50'
S01°07'26"W
15.50'

N88°52'34"W
14.00'
4.00'
P.O.B.
PARCEL 1
42'
N01°07'26"E
42.00'
N01°07'26"E
42.00'

N88°52'34"W
25.25'
15.25'
P.O.B.
PARCEL 1
42.00'
N01°07'26"E
42.00'

265+00

264+00

311.08'
N88°52'34"W 316.08'

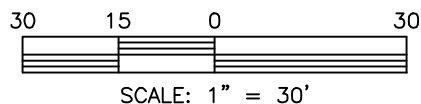
RIDDER ROAD

250.66'

245.66'

P.O.C.

3-1/4" BRASS CAP MARKING
QUARTER SECTION CORNER
COMMON TO 2 AND 11 IN MON BOX
SET IN USBT 2003-112



P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING



PARCEL 1 - PERMANENT FACILITIES
EASEMENT ACQUISITIONS
TOTAL AREA = 174 SQ. FT.



PARCEL 2 - TEMPORARY CONSTRUCTION
EASEMENT ACQUISITIONS
TOTAL AREA = 337 SQ. FT.

Willamette Water Supply
Our Reliable Water

WILLAMETTE WATER
SUPPLY PROGRAM
1850 SW 170th Avenue
Beaverton, Oregon 97003
Phone: (503) 941-4563

ACQUISITION MAP
PAGE 1 OF 1
SW1/4 S02 T3S R1W - TAX LOT 500

DATE
07/21/2021

DRAWN BY
DAC

CHECKED BY
JMY



808 SW 3rd Ave., Ste. 800
Portland, Oregon 97204
Phone: (503) 287-6825
www.otak.com
project: 18341

Exhibit A

Willamette Water Supply
July 30, 2021

IC INDUSTRIAL REIT
Portion of 31W11A 00102

Parcel 1 Permanent Facilities Easement

Two tracts of land being a portion of Parcel 2, Partition Plat No. 1994-158 of Clackamas County Plat Records, said tracts being portions of that property conveyed to IC Industrial REIT, a Maryland real estate investment trust and described in Document Number 2017-047208, Clackamas County Deed Records; said tracts being described as follows:

Commencing at a 5/8" Iron Rod with yellow plastic cap marked "PLS 1332" in a monument box, set in PS-25910, Clackamas County Survey Records, on the centerline of 95th Avenue; thence along said centerline of 95th Avenue, 437.82 feet along a curve to the right, said curve having a radius of 5,924.66 feet, a central angle of 04°14'03" and a chord which bears South 06°13'10" East a distance of 437.72 feet; thence leaving said centerline, North 85°53'51" East a distance of 31.00 feet to a point on a curve, being on the East right of way line of said 95th Avenue and the **Point of Beginning**; thence along said East right of way line, 4.00 feet along a non-tangential curve to the right, said curve having a radius of 5,955.66 feet, a central angle of 00°02'18" and a chord which bears South 04°05'00" East a distance of 4.00 feet; thence leaving said East right of way line, North 85°56'10" East a distance of 3.76 feet to a point of non-tangential curvature; thence 4.00 feet along a curve to the left, said curve having a radius of 5,959.41 feet, a central angle of 00°02'18" and a chord which bears North 04°05'00" West a distance of 4.00 feet; thence South 85°53'51" West a distance of 3.76 feet to the **Point of Beginning**.

Together with: Commencing at said 5/8" Iron Rod; thence along said centerline of 95th Avenue, 335.12 feet along a curve to the right, said curve having a radius of 5,924.66 feet, a central angle of 03°14'27" and a chord which bears South 06°42'58" East a distance of 335.08 feet; thence leaving said centerline, North 84°54'16" East a distance of 31.00 feet to a point on a curve, being on the East right of way line of said 95th Avenue and the **Point of Beginning**; thence along said East right of way line, 12.65 feet along a non-tangential curve to the right, said curve having a radius of 5,955.66 feet, a central angle of 00°07'18" and a chord which bears South 05°02'05" East a distance of 12.65 feet; thence leaving said East right of way line, North 85°01'34" East a distance of 7.00 feet to a point of non-tangential curvature; thence 12.67 feet along a curve to the left, said curve having a radius of 5,962.66 feet, a central angle of 00°07'18" and a chord which bears North 05°02'05" West a distance of 12.67 feet; thence South 84°54'16" West a distance of 7.00 feet to the **Point of Beginning**.

Bearings and distances are based on grid, Oregon State Plane Coordinate System of 1983, North Zone.

These tracts of land contain 104 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Digitally Signed
2021.07.30 07:33:31-07'00'

OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

RENEWS 6/30/2022

Exhibit A

Willamette Water Supply
July 30, 2021

IC INDUSTRIAL REIT
Portion of 31W11A 00102

Parcel 1 Temporary Construction Easement

Parcels of land in the Northeast One-Quarter of Section 11, Township 3 South, Range 1 West, said tract being a portion of that property conveyed to IC Industrial REIT, a Maryland real estate investment trust and described in Document Number 2017-047208, Clackamas County Deed Records; said tracts being described as follows:

Commencing at a 5/8" Iron Rod with yellow plastic cap marked "PLS 1332" set in PS-25910 on the centerline of 95th Avenue; thence along said centerline of 95th Avenue, 432.89 feet along a curve to the right, said curve having a radius of 5,924.66 feet, a central angle of 04°11'11" and a chord which bears South 06°14'36" East a distance of 432.79 feet; thence leaving said centerline, North 85°50'59" East a distance of 31.00 feet to a point on the East right of way line of said 95th Avenue and the **Point of Beginning**; thence along said East right of way line, 13.98 feet along a curve to the right, said curve having a radius of 5,955.66 feet, a central angle of 00°08'04" and a chord which bears South 04°04'58" East a distance of 13.98 feet; thence leaving said East right of way line, North 85°59'04" East a distance of 8.75 feet to a point of non-tangential curvature; thence 14.00 feet along a curve to the left, said curve having a radius of 5,964.41 feet, a central angle of 00°08'04" and a chord which bears North 04°04'58" West a distance of 14.00 feet; thence South 85°50'59" West a distance of 8.75 feet to the **Point of Beginning**.

Together with: Commencing at said 5/8" Iron Rod; thence along said centerline of 95th Avenue, 330.16 feet along a curve to the right, said curve having a radius of 5,924.66 feet, a central angle of 03°11'34" and a chord which bears South 06°44'24" East a distance of 330.12 feet; thence leaving said centerline, North 84°51'23" East a distance of 31.00 feet to a point on the East right of way line of said 95th Avenue and the **Point of Beginning**; thence along said East right of way line, 22.62 feet along a curve to the right, said curve having a radius of 5,955.66 feet, a central angle of 00°13'03" and a chord which bears South 05°02'05" East a distance of 22.62 feet; thence leaving said East right of way line, North 85°04'27" East a distance of 12.00 feet to a point of non-tangential curvature; thence 22.67 feet along a curve to the left, said curve having a radius of 5,967.66 feet, a central angle of 00°13'03" and a chord which bears North 05°02'05" West a distance of 22.67 feet; thence South 84°51'23" West a distance of 12.00 feet to the **Point of Beginning**.

EXCEPT: Parcel 1.

Bearings and distances are based on grid, Oregon State Plane Coordinate System of 1983, North Zone.

These tracts of land contain 292 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Digitally Signed
2021.07.30 07:33:05-07'00'

OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

RENEWS 6/30/2022

Exhibit A

Willamette Water Supply
July 21, 2021

MATTHEWS INTERNATIONAL CORP.
Portion of 31W11D 00702

Parcel 1 Permanent Facilities Easement

A tract of land being a portion of Parcel 4 of Partition Plat 1996-013, Clackamas County Plat Records, said tract being a portion of that property conveyed to Matthews International Corporation, a Pennsylvania corporation and described in Document Number 2015-016788, Clackamas County Deed Records; said tract being described as follows:

Commencing at a 5/8" Iron Rod with a Yellow Plastic Cap stamped "PLS 1332" set in Plat 2880, Clackamas County Plat Records, on the East right of way line of 95th Avenue; thence along said East right of way line, South 39°18'47" West a distance of 114.69 feet to the **Point of Beginning**; thence leaving said East right of way line, South 50°41'13" East a distance of 3.40 feet; thence South 39°18'47" West a distance of 4.00 feet; thence North 50°41'13" West a distance of 3.40 feet to said East right of way line; thence along said East right of way line North 39°18'47" East a distance of 4.00 feet to the **Point of Beginning**.

Bearings and distances are based on grid, Oregon State Plane Coordinate System of 1983, North Zone.

This tract of land contains 14 square feet, more or less.

Exhibit A

Willamette Water Supply
July 21, 2021

MATTHEWS INTERNATIONAL CORP.
Portion of 31W11D 00702

Parcel 2 Temporary Construction Easement

A tract of land being a portion of Parcel 4 of Partition Plat 1996-013, Clackamas County Plat Records, said tract being a portion of that property conveyed to Matthews International Corporation, a Pennsylvania corporation and described in Document Number 2015-016788, Clackamas County Deed Records; said tract being described as follows:

Commencing at a 5/8" Iron Rod with Yellow Plastic Cap stamped "PLS 1332" set in Plat 2880, Clackamas County Plat Records, on the East right of way line of 95th Avenue; thence along said East right of way line, South 39°18'47" West a distance of 109.69 feet to the **Point of Beginning**; thence leaving said East right of way line, South 50°41'13" East a distance of 8.40 feet; thence South 39°18'47" West a distance of 14.00 feet; thence North 50°41'13" West a distance of 8.40 feet to said East right of way line; thence along said East right of way line North 39°18'47" East a distance of 14.00 feet to the **Point of Beginning**.

Excepting therefrom: Parcel 1

Bearings and distances are based on grid, Oregon State Plane Coordinate System of 1983, North Zone.

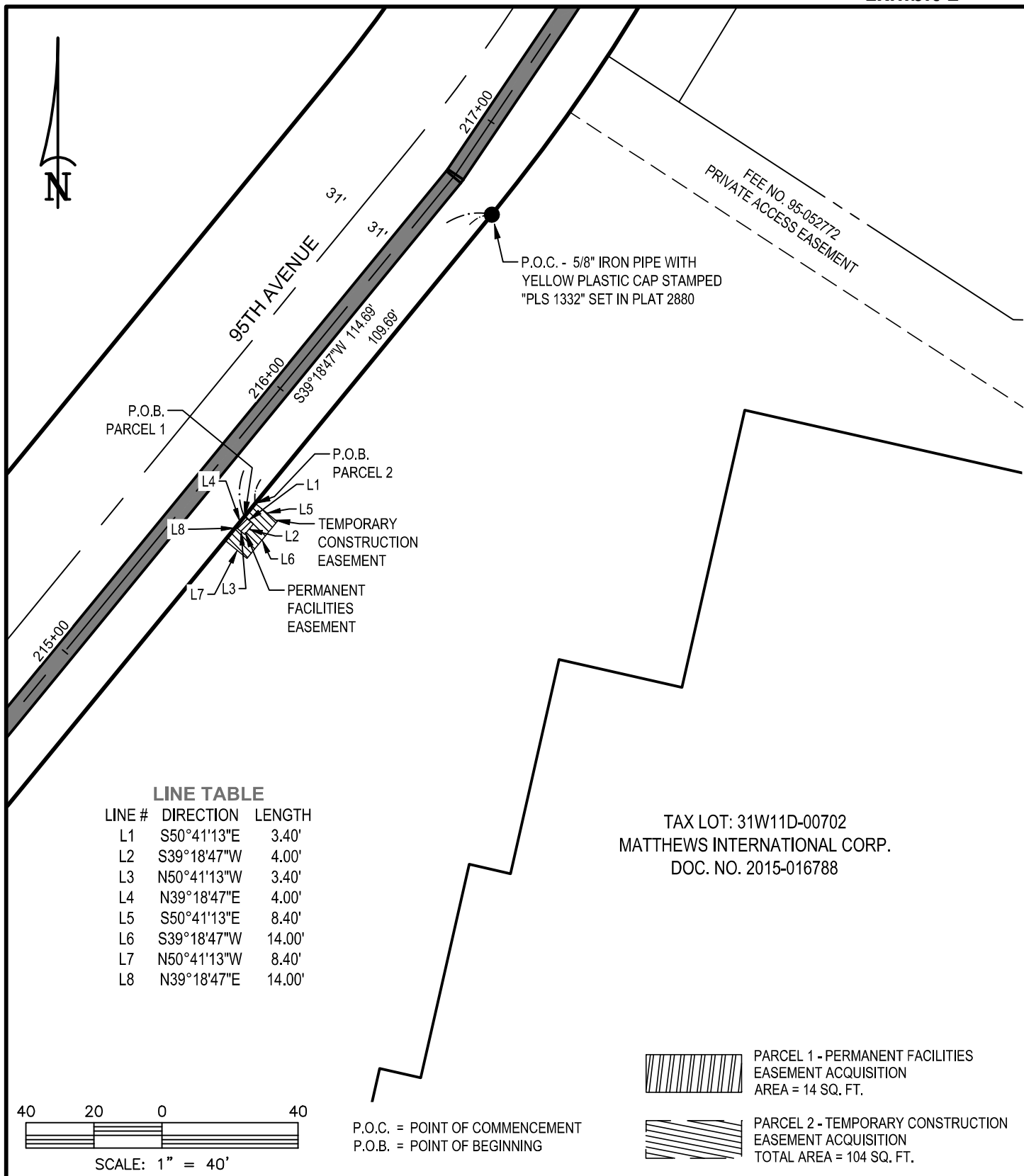
This tract of land contains 104 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Digitally Signed
2021.07.22 16:20:15-07'00'

OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

RENEWS 6/30/2022



Willamette Water Supply
Our Reliable Water

WILLAMETTE WATER
SUPPLY PROGRAM
1850 SW 170th Avenue
Beaverton, Oregon 97003
Phone: (503) 941-4563

ACQUISITION MAP
PAGE 1 OF 1
SE1/4 S11 T3S R1W - TAX LOT 702

DATE
07/21/2021

DRAWN BY
DAC

CHECKED BY
JMY



808 SW 3rd Ave., Ste. 800
Portland, Oregon 97204
Phone: (503) 287-6825
www.otak.com
project: 18341

Exhibit A

Willamette Water Supply
July 21, 2021

PACIFIC REALTY ASSOCIATES L.P.
Portion of 31W11D 00901

Parcel 1 Permanent Facilities Easement

Three tracts of land being portions of Parcel 8 of Partition Plat 2003-064, Clackamas County Plat Records, said tract being a portion of that property conveyed to Pacific Realty Associates, L.P., a Delaware limited partnership and described in Document Number 2002-055676, Clackamas County Deed Records; said tracts being described as follows:

Commencing at a 2½” Brass Cap in a monument box marked “City of Wilsonville 2008 PLS 53760” at the centerline-centerline intersection of Boeckman Road and 95th Avenue; thence along the centerline of said 95th Avenue, North 01°34’01” East a distance of 396.50 feet; thence leaving said centerline, South 88°25’59” East a distance of 31.00 feet to the East right of way line of said 95th Avenue being the **Point of Beginning**; thence along said East right of way line, North 01°34’01” East a distance of 4.00 feet; thence leaving said East right of way line, South 88°25’59” East a distance of 2.10 feet; thence parallel with said East right of way line South 01°34’01” West a distance of 4.00 feet; thence North 88°25’59” West a distance of 2.10 feet to the **Point of Beginning**.

Together with: Commencing at said Brass Cap; thence along said centerline, North 01°34’01” East a distance of 512.49 feet; thence leaving said centerline, South 88°25’59” East a distance of 31.00 feet to said East right of way line and the **Point of Beginning**; thence along said East right of way line, North 01°34’01” East a distance of 12.67 feet; thence leaving said East right of way line, South 88°25’59” East a distance of 10.10 feet; thence parallel with said East right of way line South 01°34’01” West a distance of 12.67 feet; thence North 88°25’59” West a distance of 10.10 feet to the **Point of Beginning**.

Together with: Commencing at said Brass Cap; thence along said centerline, North 01°34’01” East a distance of 556.20 feet; thence leaving said centerline, South 88°25’59” East a distance of 31.00 feet to said East right of way line and the **Point of Beginning**; thence along said East right of way line, North 01°34’01” East a distance of 15.25 feet; thence leaving said East right of way line, South 88°25’59” East a distance of 11.60 feet; thence parallel with said East right of way line South 01°34’01” West a distance of 15.25 feet; thence North 88°25’59” West a distance of 11.60 feet to the **Point of Beginning**.

Bearings and distances are based on grid, Oregon State Plane Coordinate System of 1983, North Zone.

These tracts of land contain 314 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Digitally Signed
2021.07.29 17:02:50-07'00'

OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

RENEWS 6/30/2022

Exhibit A

Willamette Water Supply
July 21, 2021

PACIFIC REALTY ASSOCIATES L.P.
Portion of 31W11D 00901

Parcel 2 Temporary Construction Easement

A tract of land being a portion of Parcel 8 of Partition Plat 2003-064, Clackamas County Plat Records, said tract being a portion of that property conveyed to Pacific Realty Associates, L.P., a Delaware limited partnership and described in Document Number 2002-055676, Clackamas County Deed Records; said tract being described as follows:

Commencing at a 2½" Brass Cap in a monument box marked "City of Wilsonville 2008 PLS 53760" at the centerline-centerline intersection of Boeckman Road and 95th Avenue; thence along the centerline of said 95th Avenue, North 01°34'01" East a distance of 381.81 feet; thence leaving said centerline, South 88°25'59" East a distance of 31.00 feet to the East right of way line of said 95th Avenue as shown on said partition plat and the **Point of Beginning**; thence along said East right of way line for the following three (3) courses: North 01°34'01" East a distance of 245.01 feet to a point of curvature; thence 308.94 feet along a curve to the right, said curve having a radius of 468.95 feet, a central angle of 37°44'46" and a chord which bears North 20°26'24" East a distance of 303.38 feet to a point of tangency; thence North 39°18'47" East a distance of 150.23 feet to the Northerly line of said Parcel 8; thence along said Northerly line, South 50°41'21" East a distance of 10.00 feet; thence South 39°18'47" West a distance of 150.23 feet; thence South 08°58'22" East a distance of 25.01 feet; thence South 28°17'22" West a distance of 89.93 feet; thence South 20°26'24" West a distance of 165.85 feet; thence South 01°32'44" West a distance of 138.43 feet; thence North 88°25'59" West a distance of 6.58 feet; thence South 01°34'01" West a distance of 125.57 feet to the South line of said Parcel 8; thence along said South line North 89°05'05" West a distance of 10.00 feet to the **Point of Beginning**.

Excepting therefrom: Parcel 1

Bearings and distances are based on grid, Oregon State Plane Coordinate System of 1983, North Zone.

This tract of land contains 13,133 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Digitally Signed
2021.07.29 17:03:10-07'00'

OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

RENEWS 6/30/2022

Exhibit A

Willamette Water Supply
July 27, 2021

SWIRE PACIFIC HOLDINGS INC.
Portion of 31W14C 00103

Temporary Construction Easement

A tract of land in the Southwest One-Quarter of Section 14, Township 3 South, Range 1 West, of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, being a portion that property conveyed to “Swire Pacific Holdings Inc. D/B/A Swire Coca-Cola, USA, a Delaware Corporation” and described in Document Number 2017-083456, Clackamas County Deed Records; said tract being described as follows:

Commencing at a 5/8” Iron Rod with Yellow Plastic Cap stamped “PLS 53760”, set in Survey Number 2009-013, Clackamas County Survey Records, said Iron Rod being on the centerline of Kinsman Road; thence along said center line, South 01°24’56” West a distance of 93.82 feet; thence leaving said center line, South 88°35’04” East a distance of 30.00 feet to the East right of way line of Kinsman Road and the **Point of Beginning**; thence leaving said East right of way line, South 41°13’41” East a distance of 51.74 feet; thence South 01°25’07” West a distance of 12.00 feet; thence North 89°48’27” West a distance of 15.00 feet; thence South 01°25’07” West a distance of 28.54 feet; thence South 71°43’06” East a distance of 47.02 feet; thence South 01°25’07” West a distance of 16.00 feet; thence North 88°34’53” West a distance of 50.00 feet; thence South 46°25’07” West a distance of 21.28 feet to said East right of way line; thence along said East right of way line North 01°24’56” East a distance of 123.62 feet to the **Point of Beginning**.

Bearings and distances are based on grid, Oregon State Plane Coordinate System of 1983, North Zone.

This tract of land contains 3,404 square feet more or less.

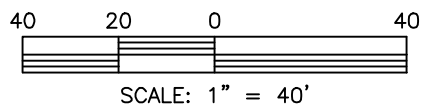
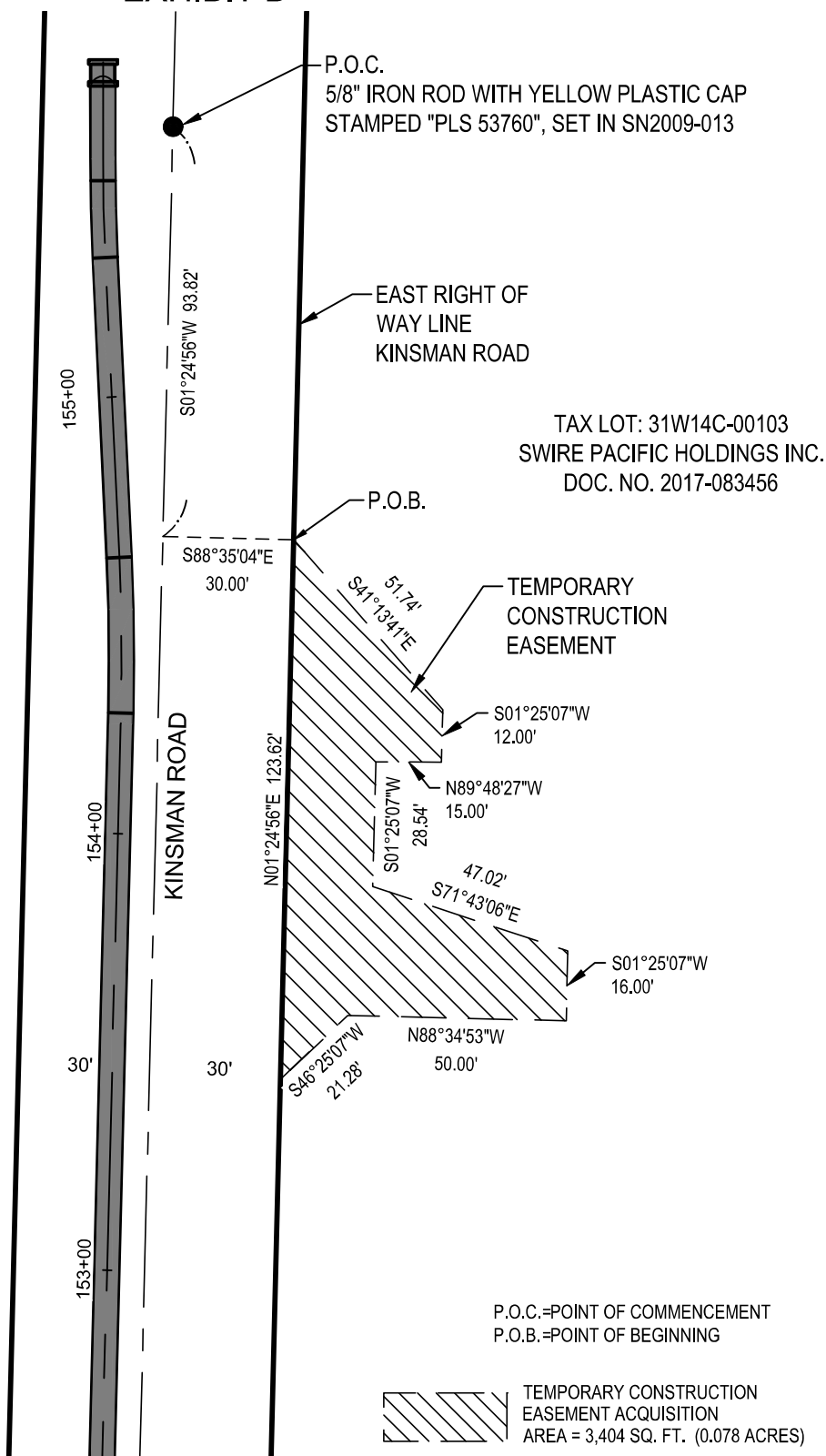
REGISTERED
PROFESSIONAL
LAND SURVEYOR

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2021.07.29 16:59:34-07'00'

OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

RENEWS 6/30/2022

EXHIBIT B



Willamette Water Supply
Our Reliable Water

PIPELINE MAIN STEM, SECTION 1.3
WILLAMETTE WATER SUPPLY PROGRAM
1850 SW 170th Avenue
Beaverton, Oregon 97003
Phone: (503) 941-4563

ACQUISITION MAP
PAGE 1 OF 1
SW1/4 S14 T3S R1W - TAX LOT 103

DATE
07/27/2021

DRAWN BY
DAC

CHECKED BY
JMY



808 SW 3rd Ave., Ste. 800
Portland, Oregon 97204
Phone: (503) 287-6825
www.otak.com
project: 18341

Exhibit A

Willamette Water Supply
July 27, 2021

OLSON LIVING TRUST
Portion of 31W14C 00307

Temporary Access Easement

A tract of land being a portion of Parcel 3 of Partition Plat 1990-059, Clackamas County Plat Records, said tract being a portion of that property conveyed to Ninian M. Olson and Marjorie M. Olson, trustees of the Ninian M. Olson and Marjorie M. Olson Living Trust in that Bargain and Sale Deed - Statutory Form recorded September 30, 2003 as Document Number 2003-131441, Clackamas County Deed Records; said parcel being the South 215.20 feet of the East 30.00 feet of the property.

This tract of land contains 6,456 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Digitally Signed
2021.07.29 16:02:05-07'00'

OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

RENEWS 6/30/2022

EXHIBIT B

TAX LOT: 31W14C-00307
OLSON LIVING TRUST
DOC. NO. 2003-131441

PARCEL 3

PARCEL 1

PARCEL 2

30.00'

215.20'

PP NO. 1990-059

60.00' ACCESS
EASEMENT
PP NO. 1990-059

TEMPORARY
ACCESS
EASEMENT

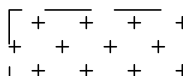
140+00
139+00
30'
138+00
30'
137+00
136+00
135+00
134+00
133+00

GAYLORD
WAY

KINSMAN ROAD



SCALE: 1" = 100'



TEMPORARY ACCESS EASEMENT ACQUISITION
AREA = 6,456 SQ. FT.

Willamette Water Supply
Our Reliable Water

PIPELINE MAIN STEM, SECTION 1.3
WILLAMETTE WATER SUPPLY PROGRAM
1850 SW 170th Avenue
Beaverton, Oregon 97003
Phone: (503) 941-4563

ACQUISITION MAP
PAGE 1 OF 1
SW1/4 S14 T3S R1W - TAX LOT 307

DATE
07/27/2021

DRAWN BY
DAC

CHECKED BY
JMY



808 SW 3rd Ave., Ste. 800
Portland, Oregon 97204
Phone: (503) 287-6825
www.otak.com
project: 18341

Exhibit A

Willamette Water Supply
July 21, 2021

TUALATIN VALLEY FIRE & RESCUE
Portion of 31W14C 00308

Temporary Access Easement

A tract of land in the Southwest One-Quarter of Section 14, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, said tract being a portion of that property conveyed to Tualatin Valley Fire and Rescue, a Rural Protection Fire District in that Warranty Deed – Statutory Form, recorded April 29, 1990 as Document Number 90-18107, Clackamas County Deed Records; said tract being more particularly described as:

Commencing at a 3½” Brass Cap in a monument box marked “T3S R1W 14/23” at the South one-quarter corner of said Section 14; thence along the South line of said Section 14, North 88°24’54” West a distance of 854.16 feet; thence leaving said South line, along the centerline of Kinsman Road, North 01°22’34” East a distance of 276.70 feet; thence leaving said centerline, along the south line and it’s extension therefrom of the subject property, North 88°24’54” West a distance of 373.78 feet to the **Point of Beginning**; thence continuing along said South property line, North 88°24’54” West a distance of 30.01 feet; thence North 00°12’12” East a distance of 196.02 feet to a point of curvature; thence 60.95 feet along a curve to the left, said curve having a radius of 60.00 feet, a central angle of 58°11’58” and a chord which bears North 28°53’48” West a distance of 58.36 feet to a point of reverse curvature; thence 61.23 feet along a curve to the right, said curve having a radius of 58.91 feet, a central angle of 59°33’25” and a chord which bears North 28°13’04” West a distance of 58.51 feet to a point on the north line of subject property; thence along said north property line, South 88°26’22” East a distance of 30.00 feet to a point of non-tangent curvature; thence 30.05 feet along a curve to the left, said curve having a radius 28.91 feet, a central angle of 59°33’23” and a chord which bears South 28°13’04” East a distance of 28.72 feet to a point of reverse curvature; thence 91.42 feet along a curve to the right, said curve having a radius of 90.00 feet, a central angle of 58°11’56” and a chord which bears South 28°53’47” East a distance of 87.54 feet; thence South 00°12’21” West a distance of 196.74 feet to the **Point of Beginning**.

Bearings and distances are based on grid, Oregon State Plane Coordinate System of 1983, North Zone.

This tract of land contains 9,547 square feet, more or less.

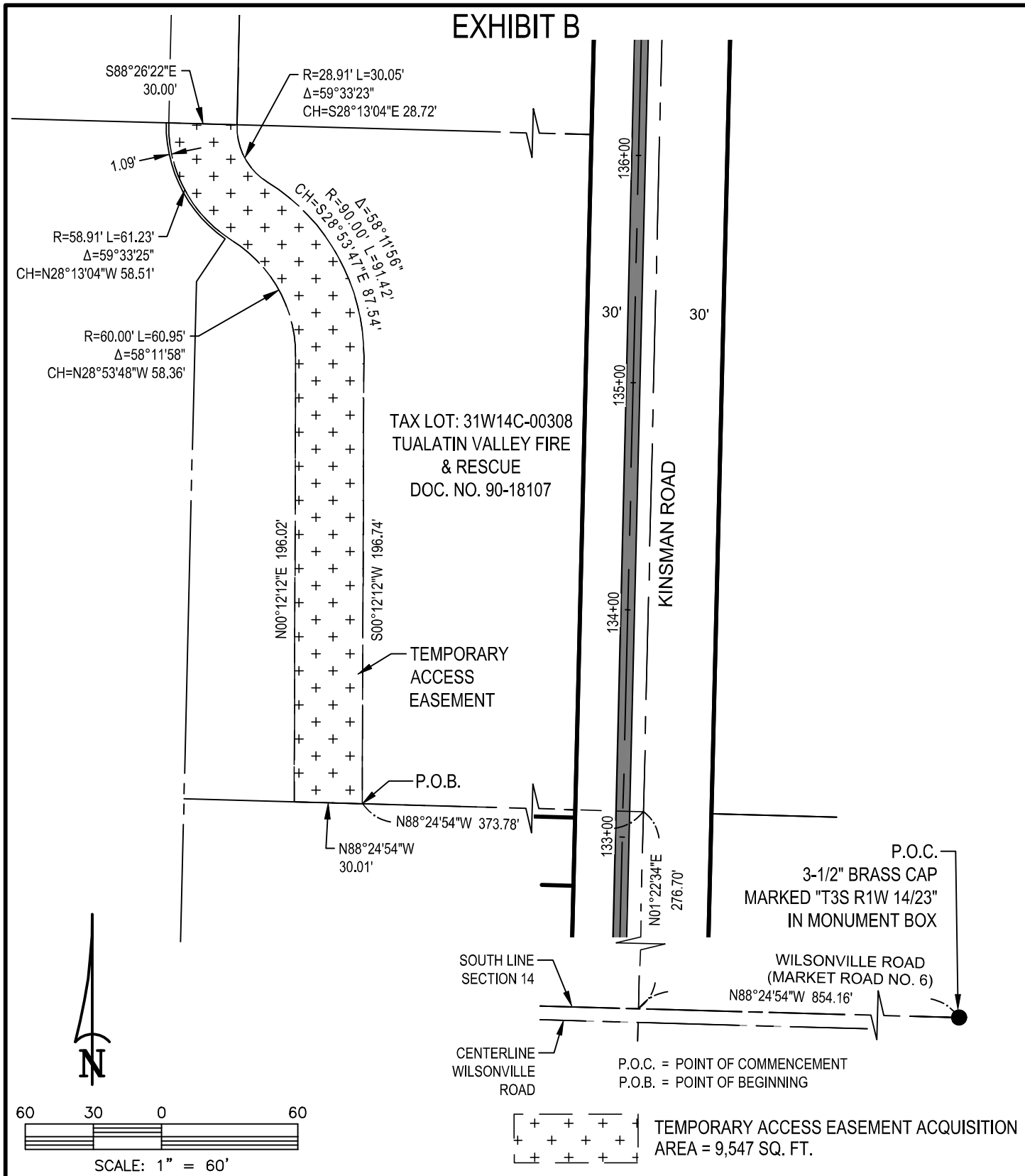
REGISTERED
PROFESSIONAL
LAND SURVEYOR

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OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

RENEWS 6/30/2022

EXHIBIT B



Willamette Water Supply
Our Reliable Water
 PIPELINE MAIN STEM, SECTION 1.3
 WILLAMETTE WATER SUPPLY PROGRAM
 1850 SW 170th Avenue
 Beaverton, Oregon 97003
 Phone: (503) 941-4563

ACQUISITION MAP
 PAGE 1 OF 1
 SW1/4 S14 T3S R1W - TAX LOT 308

DATE 07/21/2021	DRAWN BY DAC	CHECKED BY JMY
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Otak

 808 SW 3rd Ave., Ste. 800
 Portland, Oregon 97204
 Phone: (503) 287-6825
 www.otak.com
 project: 18341

Willamette Water Supply System Commission

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Requested Board Action

Consider adopting Resolution No. WWSS 17-21 declaring public necessity to acquire permanent and temporary construction easements over, upon, under, and through real property for pipeline section PLM_1.3 for the Willamette Water Supply System (WWSS).

QUESTIONS

STAFF REPORT

To: Board of Commissioners

From: Joelle Bennett, P.E., WWSP Assistant Program Director

Date: August 5, 2021

Subject: Supplemental Resolution Declaring Public Necessity to Acquire Property Interests Over, Upon, Under, and Through Real Property for Pipeline Section MPE_1.2 for the Willamette Water Supply System

Requested Board Action:

Consider adopting a resolution declaring public necessity to acquire fee title to certain real property as well as permanent and temporary construction easements over, upon, under, and through real property for pipeline section MPE_1.2 for the Willamette Water Supply System (WWSS).

Key Concepts:

The WWSS includes a section of pipeline generally along SW Scholls Ferry Road, SW Allen Boulevard, and SW Hall Boulevard, referred to as MPE_1.2.

- The Willamette Water Supply Program (WWSP) has completed the design of this pipeline section and identified the property requirements for construction and long-term operation and maintenance of the pipeline.
- After consideration of various alignments and alternatives, the identified route will be located in a manner that will be most compatible with the greatest public good and the least injury to private property owners.
- This resolution declares the public need for the property interests and enables the WWSS Commission's agents, including the WWSP team, to begin negotiating with respective property interest holders.
- This resolution includes the needs on a specific property where the Pressure and Flow Control facility will be located. The preceding resolutions declaring property needs for MPE_1.0 were approved on April 2, 2020, and December 3, 2020.

Background:

The WWSS includes Pipeline Section MPE_1.2, a section of pipeline along SW Scholls Ferry Road from SW Nimbus Avenue to SW Allen Boulevard, then following SW Allen Boulevard nearly to SW Western Avenue. The project also includes a pipeline on SW Hall Boulevard between SW Scholls Ferry Road and SW Oleson Road. The project area is shown in the attached map. The pipeline along SW Scholls Ferry Road will be a 48-inch diameter welded steel pipe and the pipeline along SW Hall Boulevard will be 24-inch diameter welded steel pipe.

The WWSP has completed the design of this pipeline section and identified the property requirements for construction and long-term operation and maintenance of the pipeline. Preceding resolutions declared the property needs for the MPE_1.2 pipeline alignment to fulfill WWSP standard construction work zone requirements. This resolution defines the real property needs at the Pressure and Flow Control (noted as

“Hall Blvd. Pressure/Flow Control Facility” on the attached map) facility, where the WWSS will connect to the Tualatin Valley Water District distribution system, at the corner of SW Hall Boulevard and SW Oleson Road. Due to constrained site and existing uses, detailed conversations with the property owner and land use jurisdiction were required to define the property needs. The existing construction contract for MPE_1.2 restricts the construction start date of the Pressure and Flow Control, allowing sufficient time for property acquisition and permitting processes to complete.

Resolution Summary

The WWSS Commission has authority to acquire real property for the WWSS. The pipeline section MPE_1.2, requires the acquisition of several temporary and permanent easements on private property. The pipeline alignment was selected through an extensive alternatives evaluation, and the preferred location was selected based the best interests of the public and the least injury to private property owners. The resolution enables the initiation of the property acquisition process, including negotiations with interest holders, and also authorizes the acquisition of the property interests by eminent domain, to the extent negotiations fail.

Budget Impact:

The WWSP real estate team has completed an estimate that represents, in the professional judgment of the real estate team, the budget-level cost required to acquire the easements. Funds for purchase of the easements described in the resolution are included in the WWSP baseline budget.

Staff Contact Information:

Dave Kraska, P.E., WWSS General Manager, 503-941-4561, david.kraska@tvwd.org

Clark Balfour, General Counsel, 503-848-3061, clark.balfour@tvwd.org

Joelle Bennett, P.E., WWSP Assistant Program Director, 503-941-4577, joelle.bennett@tvwd.org

Attachments:

Project area map

Proposed Resolution

Exhibit 1: Property Interests (including Exhibit A Legal Descriptions and Exhibit B Acquisition Maps)

Willamette Water Supply System Commission

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RESOLUTION NO. WWSS-18-21

RESOLUTION DECLARING PUBLIC NECESSITY TO ACQUIRE PROPERTY INTERESTS OVER, UPON, UNDER AND THROUGH REAL PROPERTY FOR PIPELINE SECTION MPE_1.2 FOR THE WILLAMETTE WATER SUPPLY SYSTEM.

WHEREAS, the above-entitled matter came before the Willamette Water Supply System Commission (WWSS Commission) at its regular meeting on August 5, 2021; and,

WHEREAS, the Willamette Water Supply System Intergovernmental Agreement (Agreement) between Tualatin Valley Water District (TVWD), the City of Hillsboro (Hillsboro), and the City of Beaverton (Beaverton) (collectively, Members) created the WWSS Commission, an ORS Chapter 190 intergovernmental entity, effective July 1, 2019, to exercise the powers and duties set forth in the Agreement; and,

WHEREAS, pursuant to the Agreement, TVWD has been designated as the Managing Agency of the WWSS Commission; and,

WHEREAS, the Willamette Water Supply System (WWSS) includes, but is not limited to, an expanded and improved water intake on the Willamette River in the City of Wilsonville currently owned by TVWD and the City of Wilsonville, along with a new raw water pipeline, potable water treatment plant, finished water pipelines, pumping, storage, and other necessary water system facilities to enable the WWSS to utilize existing water rights to provide water system ownership and reliability to the Members' water system users; and,

WHEREAS, the WWSS Commission has been delegated authority by its Members under the Agreement and ORS Chapter 190 pursuant to City Charters, ORS 223.005 to 223.105, ORS 264.240 and Oregon Revised Statutes Chapter 35 to acquire real property by purchase or through eminent domain proceedings; and,

WHEREAS, the WWSS Commissioners determine, consistent with the powers and purposes of the WWSS Commission, that it is necessary for the economic well-being, public health, safety and welfare of the WWSS Commission and the Members' water system users, to acquire fee title to certain real property, as well as necessary rights-of-way, easements, and other property interests, in order to design, locate, construct, operate, and implement the WWSS; and,

WHEREAS, after investigation of various routes for a water pipeline and related water system facilities, the WWSS Commission has determined that certain property interests, are necessary for the construction, location, and operation of the WWSS, and in particular, pipeline section MPE_1.2, and that such use is planned and located in a manner that is most compatible with the greatest public benefit and the least injury to private property owners; and,

WHEREAS, such property interests are preliminarily described on Exhibit A and depicted for illustration purposes only on Exhibit B attached hereto and incorporated by reference, with final legal descriptions and easement documents to be determined by TVWD staff, including the Willamette Water

Willamette Water Supply

Our Reliable Water

Supply Program (WWSP) and its consultants, as the Managing Agency and on behalf of the WWSS Commission, to be reasonably necessary to accommodate the design and operation of the WWSS (the Easement Interests); and,

WHEREAS, the WWSS Commission finds that declaration by resolution to acquire the Easement Interests for the WWSS is necessary and being so advised.

NOW, THEREFORE, BE IT RESOLVED BY THE WILLAMETTE WATER SUPPLY SYSTEM COMMISSION THAT:

Section 1: The above recitals shall form an integral part of this resolution and shall have the same force and effect as if fully stated herein.

Section 2: It is necessary for the preservation of economic well-being, public health, safety and welfare of the public served by the Members and the WWSS that the WWSS Commission commence the acquisition process for the Easement Interests through exercise of the power of eminent domain.

Section 3: TVWD staff, including the WWSP, and counsel are authorized to retain real estate appraisers, negotiators, and other consultants, with said appraisals to be prepared under the auspices of WWSS Commission counsel, for initiation of proceedings as described below.

Section 4: TVWD staff, including WWSP, consultants, and counsel, are authorized to negotiate in good faith necessary agreements to acquire the Easement Interests on behalf of and in the name of the WWSS Commission and to pay just compensation and applicable compensable damages in accordance with applicable law without necessity of further approval by the WWSS Commission.

Section 5: TVWD staff, including WWSP, and counsel, are authorized to file complaints in condemnation, on behalf of and in the name of the WWSS Commission, and to take other steps as they determine necessary as the Managing Agency, and to prosecute to final determination such actions to acquire title to the Easement Interests if negotiations fail.

Section 6: Upon the trial of any suit or action instituted to acquire the Easement Interests, counsel acting for and on behalf of the WWSS Commission are authorized to make such stipulation, agreement or admission as in their judgment may be for the best interest of the WWSS Commission and to take possession of the Easement Interests at such time as appropriate in their judgment without necessity of further WWSS Commission approval.

Approved and adopted at a regular meeting held on the 5th day of August 2021.

David Judah, Chair

James Duggan, Vice Chair

Willamette Water Supply Program
MPE 1.2
July 20, 2021
Project No. 0458-023
Tax Lot: 1S126CA01200

EXHIBIT A

Fee Interest

A tract of land, being a portion of that property described in a Deed to Washington Green, LLC, an Oregon limited liability company, recorded as Document Number 2016-000718, Washington County Deed Records; lying in the South 1/2 Section 26, Township 1 South, Range 1 West of the Willamette Meridian, in Washington County, Oregon; and being more particularly described as follows:

Beginning at the most Southerly corner of said Washington Green property, being a point on the Northeast right-of-way of SW Hall Boulevard, 50.00 feet from, when measured at right angles to, the centerline of said road;

thence along said right-of-way and said property line, North 65°05'05" West, 45.00 feet;

thence leaving said right-of-way and across said property, North 24°54'55" East, 23.00 feet;

thence, South 65°05'05" East, 25.00 feet;

thence, North 24°54'55" East, 35.00 feet;

thence, North 89°43'44" East, 19.00 feet;

thence, South 57°23'14" East, 29.12 feet to a point on the Southeast line of said property, also being a point on the Northwest right-of-way of SW Oleson Road, 45.00 feet from, when measured at right angles to, the centerline of said road and a point on a non-tangential curve;

thence along said right-of-way and said property line, on a curve to the left, having a radius of 403.10 feet through a central angle of 04°54'24" (the chord of which bears South 41°07'46" West, 34.51 feet) an arc length of 34.52 feet to point of non-tangency;

thence, South 54°22'48" West, 33.36 feet to the **Point of Beginning**;

Containing 2,806 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Chris Robinson

OREGON
MARCH 9, 2021
CHRIS ROBINSON
96451

RENEWS: 12-31-2022



DOC. NO. 2016-000718
WASHINGTON GREEN, LLC

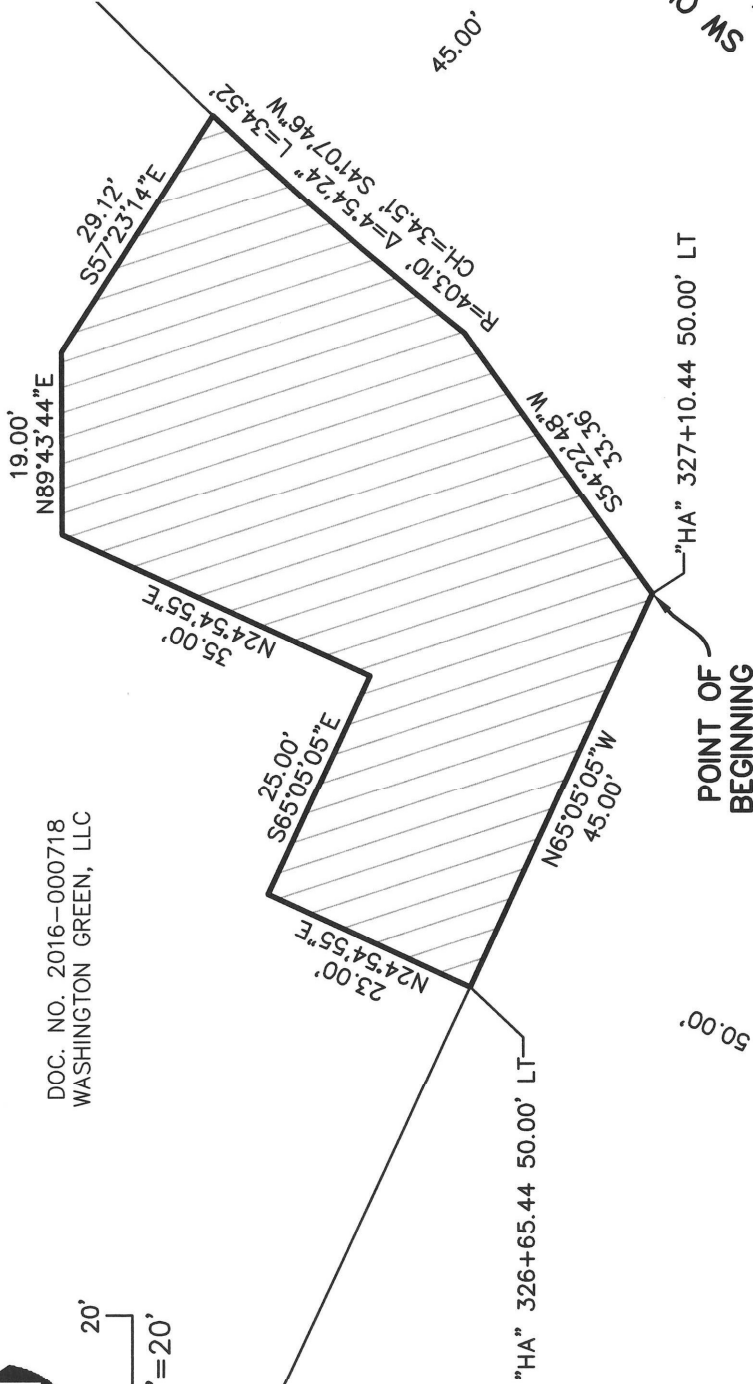
0 10' 20'
SCALE: 1"=20'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Chris Robinson

OREGON
MARCH 9, 2021
CHRIS ROBINSON
96451

RENEWS: 12-31-2022



LEGEND



FEE INTEREST
2,806 SQUARE FEET

"HA" SW HALL BOULEVARD

SW HALL BOULEVARD

EXHIBIT B

SHEET 1 OF 1

LOCATED IN THE SW 1/4 OF SECTION 26 T. 1S, R. 1W.,
W.M., CITY OF BEAVERTON, COUNTY OF WASHINGTON,
STATE OF OREGON

DATE	7/20/2021
DRAWN BY	KEL
CHECKED BY	CJR
REVISION	0
JOB NO.	0458-023



ENGINEERING ♦ SURVEYING ♦ PLANNING

PACIFIC CORPORATE CENTER
15115 S.W. SEQUOIA PARKWAY, SUITE 150 (503) 684-0652
TIGARD, OREGON 97224 FAX (503) 624-0157

Willamette Water Supply Program
MPE 1.2
July 20, 2021
Project No. 0458-023
Tax Lot 1S126CA01200

EXHIBIT A

Temporary Access Easement

A tract of land, being a portion of that property described in a Deed to Washington Green, LLC, an Oregon limited liability company, recorded as Document Number 2016-000718, Washington County Deed Records; lying in the South 1/2 Section 26, Township 1 South, Range 1 West of the Willamette Meridian, in Washington County, Oregon; and being more particularly described as follows:

Commencing at the most Southerly corner of said Washington Green property, being a point on the Northeast right-of-way of SW Hall Boulevard, 50.00 feet from, when measured at right angles to, the centerline of said road;

thence along said right-of-way and said property line, North 65°05'05" West, 60.00 feet;

thence leaving said right-of-way and across said property, North 24°54'55" East, 20.51 feet to the **Point of Beginning**;

thence, North 65°17'51" West, 326.71 feet;

thence, North 24°55'42" East, 30.75 feet;

thence, North 00°15'23" West, 78.94 feet;

thence, North 45°28'22" West, 69.62 feet;

thence, North 65°04'18" West, 23.15 feet;

thence, South 69°55'42" West, 16.97 feet;

thence, South 24°55'42" West, 112.72 feet;

thence, South 02°28'53" West, 21.80 feet to a point on the Southwest line of said property, also being a point on the Northeast right-of-way of SW Hall Boulevard, 50.00 feet from, when measured at right angles to, the centerline of said road;

thence along said right-of-way and said property line, North 65°05'05" West, 64.61 feet;

thence leaving said right-of-way and across said property, North 49°39'09" East, 19.82 feet;

thence, North 24°55'42" East, 162.57 feet;

thence, South 65°04'18" East, 48.00 feet;

thence, South 47°48'42" East, 125.62 feet;

thence, South 00°15'23" East, 111.55 feet;

thence, South 65°17'51" East, 293.60 feet;

thence, South 24°54'55" West, 22.88 feet to the **Point of Beginning**.

Containing 22,094 square feet, more or less.

Permanent Easement

A tract of land, being a portion of that property described in a Deed to Washington Green, LLC, an Oregon limited liability company, recorded as Document Number 2016-000718, Washington County Deed Records; lying in the South 1/2 Section 26, Township 1 South, Range 1 West of the Willamette Meridian, in Washington County, Oregon; and being more particularly described as follows:

Commencing at the most Southerly corner of said Washington Green property, being a point on the Northeast right-of-way of SW Hall Boulevard, 50.00 feet from, when measured at right angles to, the centerline of said road;

thence along said right-of-way and said property line, North 65°05'05" West, 45.00 feet to the **Point of Beginning**;

thence continuing along said right-of-way and said property line, North 65°05'05" West, 15.00 feet;

thence leaving said right-of-way and across said property, North 24°54'55" East, 50.24 feet;

thence, North 89°43'44" East, 58.50 feet;

thence, South 00°16'16" East, 10.00 feet;

thence, South 89°43'44" West, 19.00 feet

thence, South 24°54'55" West, 35.00 feet;

thence, North 65°05'05" West, 25.00 feet;

thence, South 24°54'55" West, 23.00 feet to the **Point of Beginning**;

Containing 1,977 square feet, more or less.

Temporary Construction Easement

A tract of land, being a portion of that property described in a Deed to Washington Green, LLC, an Oregon limited liability company, recorded as Document Number 2016-000718, Washington County Deed Records; lying in the South 1/2 Section 26, Township 1 South, Range 1 West of the Willamette Meridian, in Washington County, Oregon; and being more particularly described as follows:

Beginning at the most Southerly corner of said Washington Green property, being a point on the Northeast right-of-way of SW Hall Boulevard, 50.00 feet from, when measured at right angles to, the centerline of said road;

thence along said right-of-way said property line, North 65°05'05" West, 60.00 feet;

thence leaving said right-of-way and across said property, North 24°54'55" East, 43.39 feet;

thence, North 65°17'51" West, 43.80 feet;

thence, North 00°16'16" West, 15.48 feet;

thence, North 89°43'44" East, 42.00 feet;

thence, North 00°16'16" West, 98.00 feet;

thence, North 89°43'44" East, 57.89 feet;

thence, North 00°16'16" West, 8.00 feet;

thence, North 89°43'44" East, 37.09 feet to a point on the common line between said Washington Green property and that property conveyed to Fig Fairway Center, LLC in a deed recorded as Document Number 2015-068563, Washington County Deed Records;

thence along said common line, South 35°38'14" East, 116.42 feet to most Easterly corner of said Washington Green property, also being a point on the Northwest right-of-way of SW Oleson Road, 45.00 feet from, when measured at right angles to, the centerline of said road;

thence along said right-of-way and said property line, South 54°21'25" West, 26.31 feet to the beginning of a curve;

thence along said curve to the left, having a radius of 403.10 feet through a central angle of 15°40'51" [the chord of which bears South 46°31'00" West, 109.98 feet] an arc length of 110.32 feet to a point of non-tangency;

thence, South 54°22'48" West, 33.36 feet to the **Point of Beginning**;

EXCEPTING THEREFROM that tract of land described above as "Permanent Easement".

Containing 21,659 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
MARCH 9, 2021
CHRIS ROBINSON
96451

RENEWS: 12-31-2022

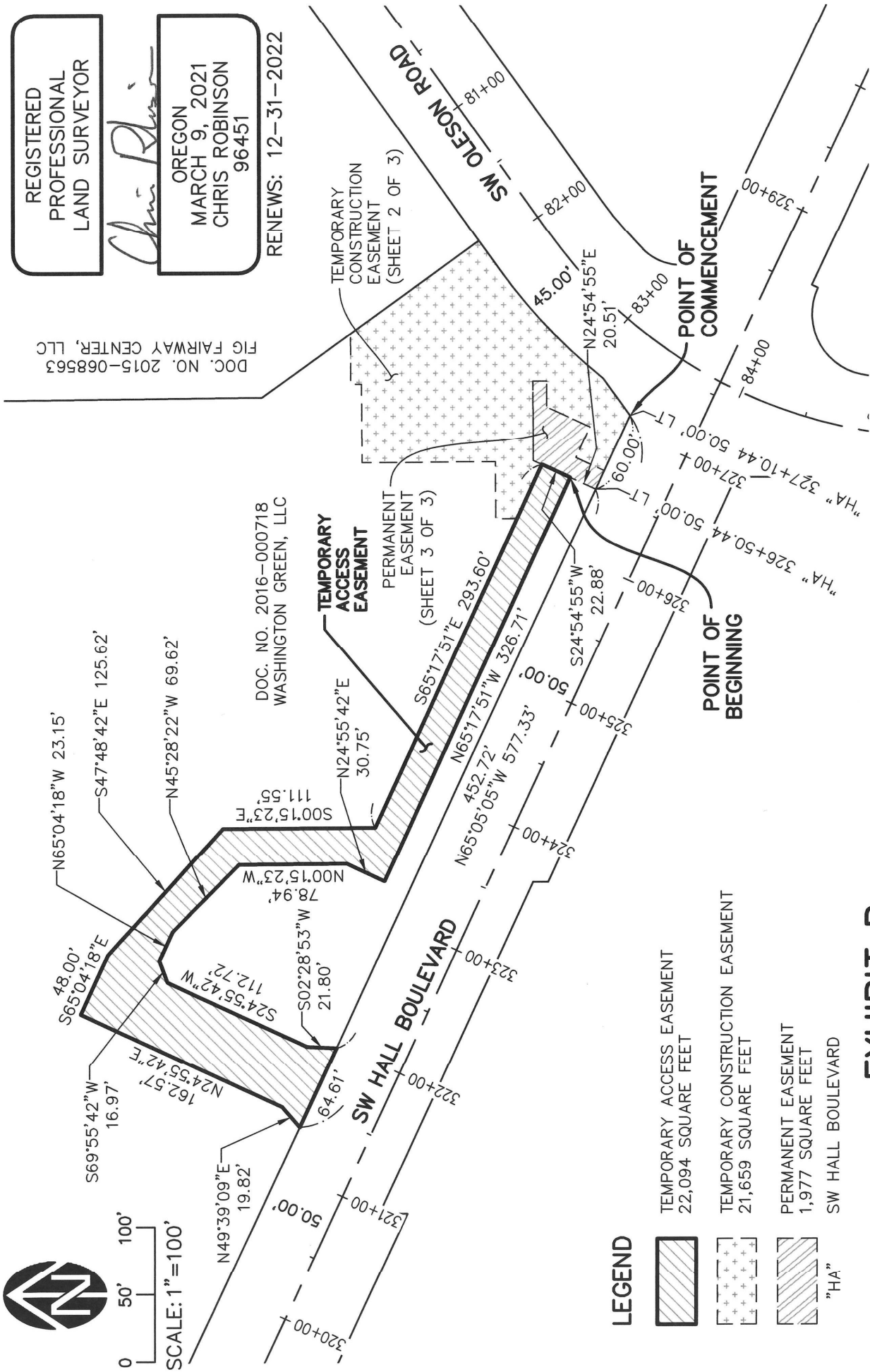
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MARCH 9, 2021
CHRIS ROBINSON
96451

RENEWS: 12-31-2022

DOC. NO. 2015-068563
FIG FAIRWAY CENTER, LLC

DOC. NO. 2016-000718
WASHINGTON GREEN, LLC



0 50' 100'
SCALE: 1" = 100'

LEGEND

-  TEMPORARY ACCESS EASEMENT
22,094 SQUARE FEET
-  TEMPORARY CONSTRUCTION EASEMENT
21,659 SQUARE FEET
-  PERMANENT EASEMENT
1,977 SQUARE FEET
- "HA"
SW HALL BOULEVARD

EXHIBIT B
SHEET 1 OF 3

LOCATED IN THE S 1/2 OF SECTION 26 T. 1S, R. 1W.,
W.M., CITY OF BEAVERTON, COUNTY OF WASHINGTON,
STATE OF OREGON

DATE	7/20/2021
DRAWN BY	KEL
CHECKED BY	CJR
REVISION	0
JOB NO.	0458-023

WESTLAKE
CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

PACIFIC CORPORATE CENTER
15115 S.W. SEQUOIA PARKWAY, SUITE 150 (503) 684-0662
TIGARD, OREGON 97224 FAX (503) 624-0137



0 20' 40'
SCALE: 1" = 40'

DOC. NO. 2016-000718
WASHINGTON GREEN, LLC

DOC. NO. 2015-068563
FIG FAIRWAY CENTER, LLC

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Chris Robinson
OREGON
MARCH 9, 2021
CHRIS ROBINSON
96451
RENEWS: 12-31-2022

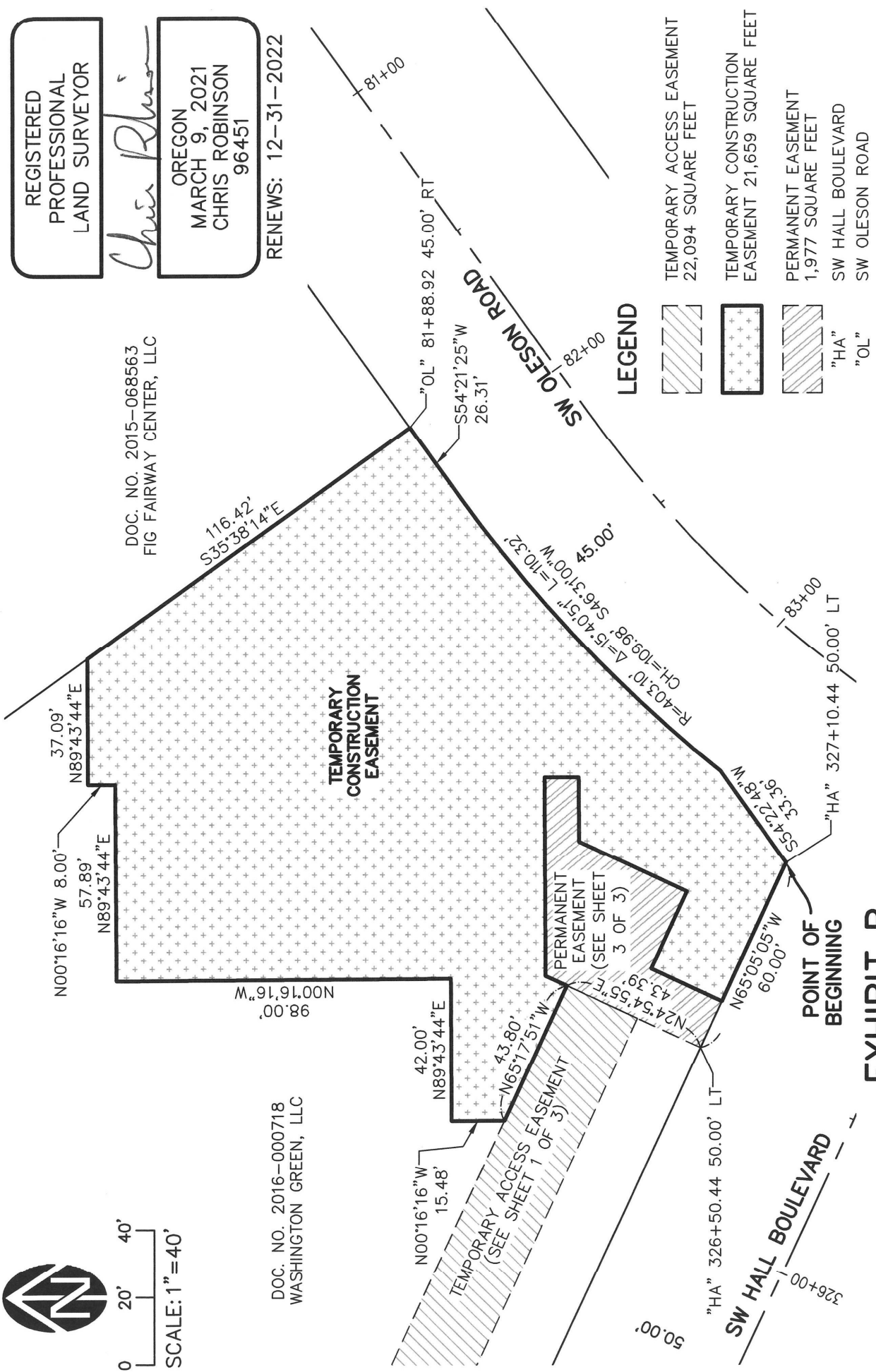
TEMPORARY
CONSTRUCTION
EASEMENT

PERMANENT
EASEMENT
(SEE SHEET
3 OF 3)

TEMPORARY ACCESS EASEMENT
(SEE SHEET 1 OF 3)

LEGEND

- TEMPORARY ACCESS EASEMENT
22,094 SQUARE FEET
- TEMPORARY CONSTRUCTION
EASEMENT 21,659 SQUARE FEET
- PERMANENT EASEMENT
1,977 SQUARE FEET
- "HA" SW HALL BOULEVARD
- "OL" SW OLESON ROAD



DATE	7/20/2021
DRAWN BY	KEL
CHECKED BY	CJR
REVISION	0
JOB NO.	0458-023

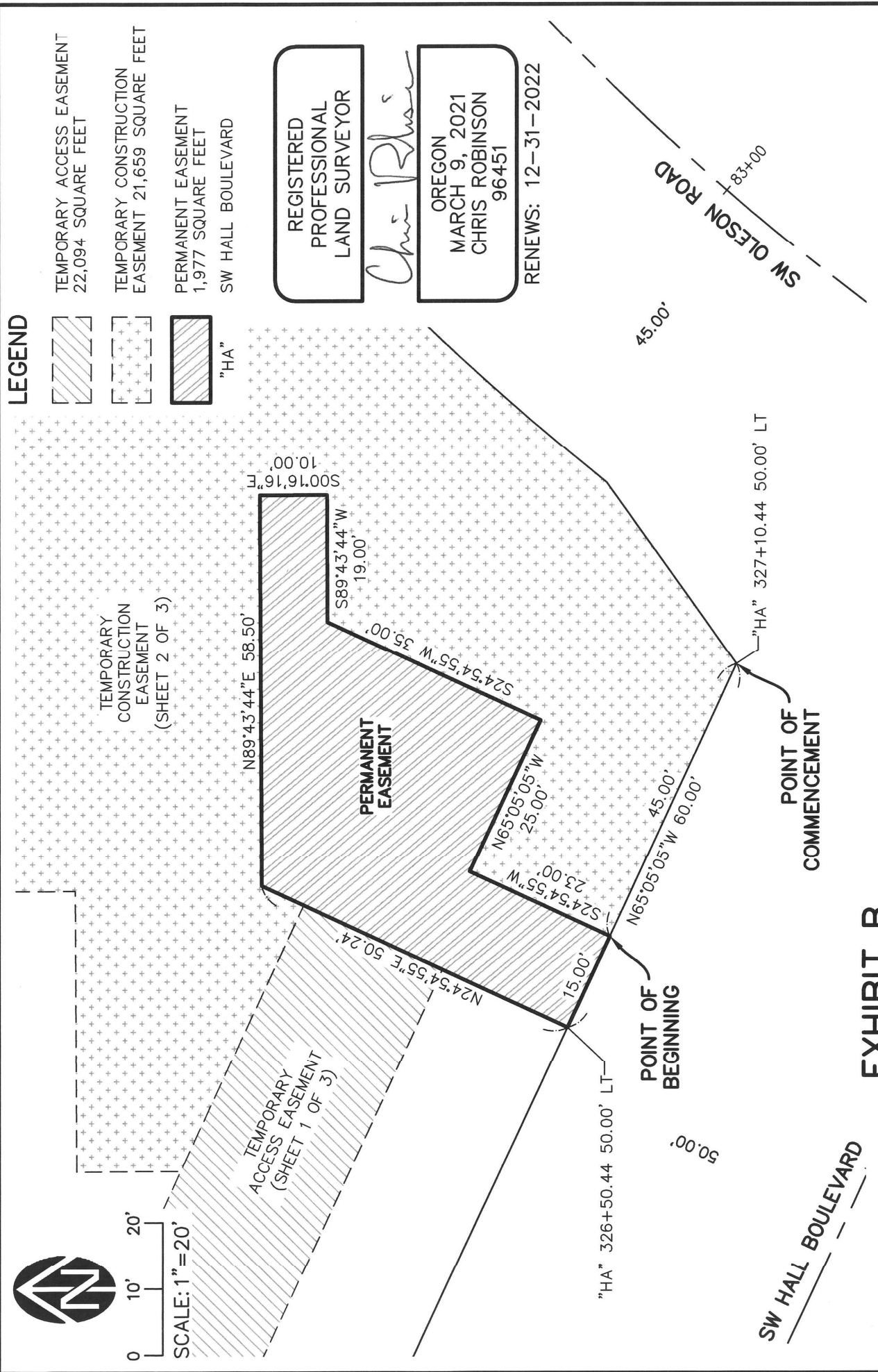
WESTLAKE
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TIGARD, OREGON 97224 FAX (503) 624-0157

EXHIBIT B

SHEET 2 OF 3

LOCATED IN THE S 1/2 OF SECTION 26 T. 1S, R. 1W.,
W.M., CITY OF BEAVERTON, COUNTY OF WASHINGTON,
STATE OF OREGON



LEGEND

-  TEMPORARY ACCESS EASEMENT
22,094 SQUARE FEET
-  TEMPORARY CONSTRUCTION
EASEMENT 21,659 SQUARE FEET
-  PERMANENT EASEMENT
1,977 SQUARE FEET
- "HA"
SW HALL BOULEVARD

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Chris Robinson

OREGON
MARCH 9, 2021
CHRIS ROBINSON
96451

RENEWS: 12-31-2022

DATE	7/20/2021
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15115 S.W. SEQUOIA PARKWAY, SUITE 150 (503) 684-0652
TIGARD, OREGON 97224 FAX (503) 624-0157

EXHIBIT B
SHEET 3 OF 3

LOCATED IN THE S 1/2 OF SECTION 26 T. 1S, R. 1W.,
W.M., CITY OF BEAVERTON, COUNTY OF WASHINGTON,
STATE OF OREGON

SW HALL BOULEVARD

POINT OF
COMMENCEMENT

POINT OF
BEGINNING

Willamette Water Supply

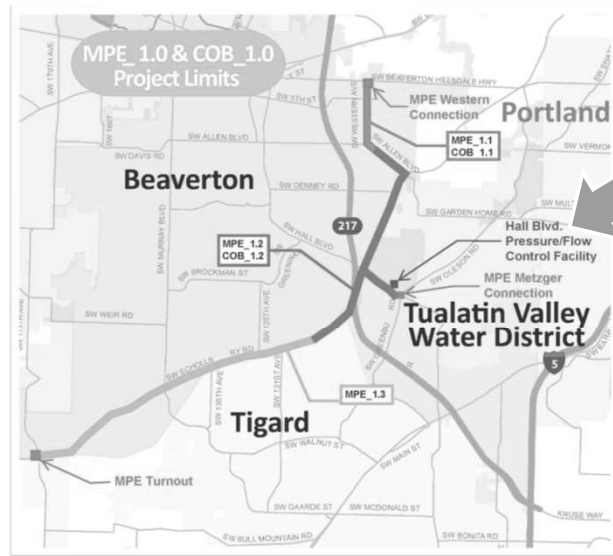
Our Reliable Water

4.B. Approve MPE_1.2 Resolution of Need

August 2021

1

MPE_1.2 Pressure and Flow Control (PFC) Facility Location



2

2

Requested Board Action

Consider adopting Resolution No. WWSS 18-21 declaring public necessity to acquire permanent and temporary construction easements over, upon, under, and through real property for pipeline section MPE_1.2 for the Willamette Water Supply System (WWSS).

QUESTIONS

STAFF REPORT

To: WWSS Board of Commissioners
From: Joelle Bennett, P.E., WWSP Assistant Program Director
Date: August 5, 2021
Subject: Anticipated Business Agenda Items for the September 2021 meeting of the WWSS Board of Commissioners

Key Concepts:

The next Willamette Water Supply System (WWSS) Commission Board meeting agenda is anticipated to include staff recommendations for the following business agenda items:

1. PLM_1.3 Supplemental Resolution of Need
2. Adopt RES_1.0 WCLUT Grabhorn Road Realignment IGA
3. Adopt PLM_4.4 WCLUT Roy Rogers Road Construction IGA
4. Adopt PLW_1.2 WCLUT Cornelius Pass Road Construction IGA

Background:

The following actions are anticipated business agenda items for the September 2, 2021, meeting of the WWSS Board of Commissioners. Due to the dynamic nature of the WWSS work, request for approval of some items may be delayed or new items may emerge on the business agenda next month. WWSS staff strive to provide preliminary information one month prior to requesting action and a full staff report describing the recommended action during the appropriate month.

1. PLM_1.3 Supplemental Resolution of Need

WWSS staff are ready to initiate additional property acquisition for pipeline section PLM_1.3, located in Wilsonville along SW Kinsman Road as well as SW Boeckman Road, SW 95th Avenue, and SW Ridder Road. The WWSP has progressed the design of this pipeline section to enable identification of property requirements for construction and long-term operation and maintenance of the pipeline. The pipeline alignment was selected through an extensive alternatives evaluation, and the preferred location was selected based upon the best interests of the public and the least injury to private property owners. The proposed resolution will enable the initiation of the property acquisition process, including negotiations with the Property owner and any other applicable interest holders.

At the next WWSS Board meeting, WWSP staff plan to present the project area and easement need, with a recommendation to the Board to adopt the Resolution of Public Necessity to allow WWSP staff to begin the process to acquire additional permanent and temporary construction easements for PLM_1.3.

2. Adopt RES_1.0 WCLUT Grabhorn Road Realignment IGA

The WWSS currently owns property adjacent to the RES_1.0 site that will be used for construction staging and pipeline construction. At this same location, WCLUT is planning for roadway improvements on Grabhorn Road, as conceptualized in the Cooper Mountain Community Plan. This IGA establishes coordination and cooperation

between WWSS and WCLUT to support WWSS RES_1.0 construction and WCLUT future plans for the Grabhorn Road realignment.

At the next WWSS Board meeting, WWSP staff plan to present the proposed intergovernmental agreement with a recommendation to the Board to adopt it through resolution.

3. Adopt PLM_4.4 WCLUT Roy Rogers Road Construction IGA

The design of the WWSS and WCLUT partnered project PLM_4.4 on SW Roy Rogers Road, from Borchers Drive to Chicken Creek, is nearly complete, and WWSS and Washington County are readying bidding documents. The construction IGA will specify how the two projects will be constructed together and define each agency's specific responsibilities. Washington County will be the lead agency.

At the next WWSS Board meeting, WWSP staff plan to present the proposed intergovernmental agreement with a recommendation to the Board to adopt it through resolution.

4. Adopt PLW_1.2 WCLUT Cornelius Pass Road Construction IGA

The design of the WWSS and WCLUT partnered project PLW_1.2 on SW Cornelius Pass Road, from Frances Street to Tualatin Valley Highway, is nearly complete, and WWSS and Washington County are readying bidding documents. The construction IGA will specify how the two projects will be constructed together and define each agency's specific responsibilities. Washington County will be the lead agency.

At the next WWSS Board meeting, WWSP staff plan to present the proposed intergovernmental agreement with a recommendation to the Board to adopt it through resolution.

Budget Impact:

Anticipated costs for all of the actions described are reflected in the WWSP FY2022 budget. The cost changes for ancillary projects and additional equipment (such as a turnout) are borne entirely by the requesting Partner.

Staff Contact Information:

Dave Kraska, P.E., WWSS General Manager, 503-941-4561, david.kraska@tvwd.org

Joelle Bennett, P.E., WWSP Assistant Director, 503-941-4577, joelle.bennett@tvwd.org

Attachments:

None.

**Willamette Water Supply System Commission
Board Meeting**

August 5, 2021
