

BEFORE THE CITY OF CANNON BEACH

A RESOLUTION DECLARING THE NEED TO)	RESOLUTION NO. 23-27
ACQUIRE CERTAIN PROPERTY FOR WATER)	
UTILITY IMPROVEMENTS FOR A LOOPED)	
WATER SYSTEM)	

WHEREAS, Section 33 of the Cannon Beach City Charter grants the City authority to acquire land for public purposes including through condemnation; and

WHEREAS, Oregon law, including but not limited to ORS 223.005, authorizes the City to appropriate real property within or without its corporate limits for any public or municipal use, and ORS 225.020 authorizes the City to use its condemnation power to acquire real property both within and outside its boundaries for water systems; and

WHEREAS, the Cannon Beach City Council deems it necessary and in the public interest to acquire permanent and temporary easements over certain real property located in the Haystack Heights, which easements are legally described in Exhibit A and depicted on Exhibit B (collectively, Easement), attached and incorporated by reference herein; and

WHEREAS, the City needs the Easement in order to locate, construct, operate, and maintain certain water system and associated utility improvements to complete a water loop system in the Haystack Heights subdivision (Project); the Project is part of a larger project which will include new isolation valves, a fire hydrant, and a water line replacement on E. Chinook and E. Coho streets to improve water pressure and fire protection capability; and

WHEREAS, the Project is also on the City's Water Master Plan as well as a part of the City's Capital Improvement plan; and

WHEREAS, the Project is designed to, among other benefits, enhance and protect the City's water system and to enhance fire protection capabilities for the neighborhood and to benefit the public; and

WHEREAS, the Cannon Beach City Council deems it necessary to construct the Project for the continued growth, health, safety, and general welfare of the community and to acquire the Easement property interests for right-of-way, utility, construction, storm and surface water treatment and detention, drainage, sanitary sewer, and other public purposes related to the Project.

NOW, THEREFORE, THE CITY OF CANNON BEACH RESOLVES AS FOLLOWS:

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. The permanent and temporary construction easements to be acquired are legally described in the attached Exhibit A and depicted in the attached Exhibit B (collectively, Easement); and

Section 3. The Easement is required and necessary to locate, construct, operate, and maintain the Project, which will enhance the public water system for the benefit of the public.

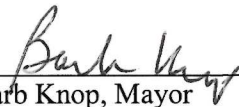
Section 4. The Easement has been planned, designed, located, and will be constructed in a manner that will be most compatible with the greatest public benefit and the least private injury; and

Section 5. The Cannon Beach City Manager and the City Attorney or their designees are authorized to attempt to agree with the owners and other persons with interest in the real property described in Exhibits A and B as to the compensation to be paid for the acquisition of the Easement. In the event that no satisfactory agreement can be reached, then the City Attorney or their designee are directed and authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire the real property and interest therein, including condemnation proceedings, and that upon the filing of such proceeding, possession of the interest in real property may be taken immediately to the extent provided by law; and

Section 6. This resolution is effective immediately upon adoption.


Passed by the Common Council of the City of Cannon Beach this 12th day of December 2023, by the following role call vote:

YEAS: Councilors Hayes, McCarthy, Ogilvie, Kerr and Mayor Knop
NAYS: None
EXCUSED: None



Barb Knop, Mayor

Attest:



Bruce St. Denis, City Manager



EXHIBIT "A"

November 30, 2023

WATER EASEMENT:

A 15-foot wide water easement in a portion of Lot 20, Block 3 of Haystack Heights Division Two (Book 11, Page 5) in the Southwest quarter of the Southwest quarter of Section 32, Township 5 North, Range 10 West of the Willamette Meridian, Clatsop County, Oregon, more particularly described as follows:

BEGINNING at the North corner of said Lot 20, thence South 53°26'06" West along the Northwestern line of Lot 20, a distance of 156.29 feet to the Highway 101 right-of-way; thence South 03°03'06" West along the Highway 101 right-of-way, a distance of 19.47 feet; thence North 53°26'06" East, parallel with the Northwestern line of Lot 20, a distance of 168.87 feet to the City right-of-way of W Chinook Ave & Deer Place; thence along said City right-of-way with a curve to the right having a central angle of 11°28'50", a radius of 75.00 feet, an arc length of 15.03 feet and whose long chord bears North 37°10'52" West, a distance of 15.00 feet to the POINT OF BEGINNING.

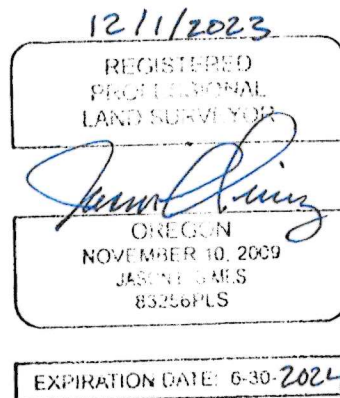




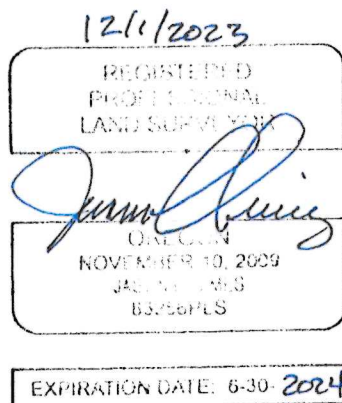
EXHIBIT "A"

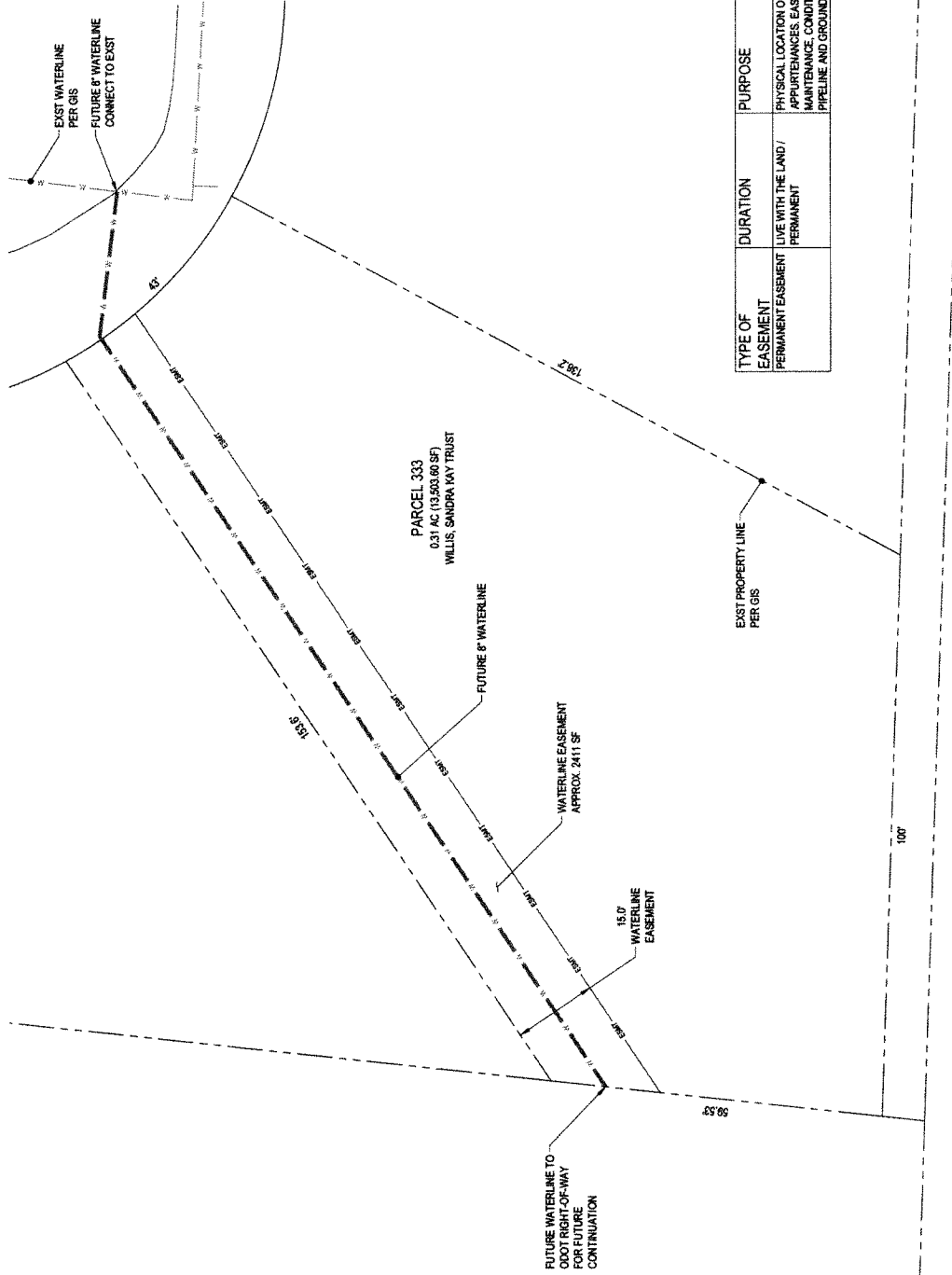
November 30, 2023

CONSTRUCTION EASEMENT:

A portion of Lot 20, Block 3 of Haystack Heights Division Two (Book 11, Page 5) in the Southwest quarter of the Southwest quarter of Section 32, Township 5 North, Range 10 West of the Willamette Meridian, Clatsop County, Oregon, more particularly described as follows:

BEGINNING at the North corner of said Lot 20, thence South 53°26'06" West along the Northwestern line of Lot 20, a distance of 156.29 feet to the Highway 101 right-of-way; thence South 03°03'06" West along the Highway 101 right-of-way, a distance of 25.96 feet; thence North 53°26'06" East, parallel with the Northwestern line of Lot 20, a distance of 168.66 feet; thence with a curve to the left having a central angle of 18°05'09", a radius of 80.00 feet, an arc length of 25.25 feet and whose long chord bears South 55°10'43" East, a distance of 25.15 feet; thence North 26°09'57" East a distance of 5.00 feet to the City right-of-way of W Chinook Ave & Deer Place; thence along said City right-of-way with a curve to the right having a central angle of 32°48'31", a radius of 75.00 feet, an arc length of 42.95 feet and whose long chord bears North 47°50'42" West, a distance of 42.36 feet to the POINT OF BEGINNING.





TYPE OF EASEMENT	DURATION	PURPOSE	AREA (SF)
PERMANENT EASEMENT	LIVE WITH THE LAND / PERMANENT	PHYSICAL LOCATION OF WATER DISTRIBUTION PIPELINE AND APPURTENANCES. EASEMENT MAY BE USED FOR OPERATIONS, MAINTENANCE, CONDITION ASSESSMENT, SURVEYING, AND REPAIR OF PIPELINE AND GROUND SURFACE	APPROX. 2411



PLAN
SCALE 1" = 40'

Revisions:

LINE & 1" OR FULL
SCALE DRAWING

PLAN



Know what's below.
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Call 811 or visit www.811.org
CALL BEFORE YOU DIG. A NATIONAL CAMPAIGN TO PREVENT
DAMAGE TO UNDERGROUND UTILITIES.



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HAYSTACK HEIGHTS- INTERCONNECT
CANNON BEACH, OR

Project No: 23001.01
Issue Date: 11/17/2023

C100

Project Manager: TSJ
Drawn by: TSJ
Checked by: TSJ

PERMANENT EASEMENT EXHIBIT

