

## RESOLUTION NO. 16-16

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### **A RESOLUTION DECLARING THE NECESSITY AND INTENT TO APPROPRIATE REAL PROPERTY AND AUTHORIZING INSTITUTION OF CONDEMNATION PROCEEDINGS IF NECESSARY FOR RAILROAD AVENUE**

**WHEREAS**, McLoughlin Boulevard (also known as Hwy 99E), located in the City of Oregon City, is a part of the state highway system under the jurisdiction and control of Oregon Transportation Commission (OTC) and is classified by the Oregon Highway Plan as a regional highway; and

**WHEREAS**, the OTC designated McLoughlin Boulevard from 14<sup>th</sup> Street to the railroad underpass as a Special Transportation Area (STA) on January 14, 2004; and

**WHEREAS**, the City Commission adopted the McLoughlin Boulevard Enhancement Plan as an amendment to the Oregon City Transportation System Plan (TSP), on May 18, 2005, which is intended to guide the development, physical infrastructure improvements, street design, and planning efforts for future private and public development, and include STA design elements along McLoughlin Boulevard from the railroad underpass north to the Clackamas River Bridge; and

**WHEREAS**, the Oregon City TSP was adopted in July 2013 by Ordinance 13-1002; and identifies transportation improvements including McLoughlin Boulevard, Phase 3; and

**WHEREAS**, the City executed an Intergovernmental Agreement with Oregon Department of Transportation (ODOT) for Willamette Falls Legacy Project Transportation Improvements on February 23, 2016, in which the city agreed to design and acquire right-of-way for Agency Project B prior to completion and opening of the Riverwalk, or within three (3) years of the plan amendment from General Industrial to Mixed Use Downton (November 5, 2017), whichever comes first; and

**WHEREAS**, the City contracted with Wallis Engineering, LLC in December, 2015 to provide 30% design of the Agency Project B improvements identified in the IGA as: modify the right turn geometry from 99E to Railroad Avenue to allow space for turning traffic to slow and maneuver outside the travel lanes on a curve with limited sight distance at the intersection; and

**WHEREAS**, city staff, ODOT and Wallis Engineering, LLC have worked to provide an efficient and safe transition for motor vehicles leaving Hwy 99E and turning right onto Railroad Avenue, increase the safety and visibility of pedestrians crossing Railroad Avenue, while working to limit the impacts to private property; and

**WHEREAS**, in order to allow construction of these future improvements noted above, it is necessary for the City to acquire real properties.

### **NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:**

**Section 1:** The City Commissions finds and declares that the Hwy 99E & Railroad Avenue improvements will serve a valuable and necessary public purpose.

**Section 2:** The City Commission finds that it is necessary to acquire real property in order to create a safer and more efficient environment for motor vehicles leaving Hwy 99E northbound, turning onto Railroad Avenue and that these improvements have been planned in a manner that will be most compatible with greatest public good and the least private injury.

**Section 3:** The City Manager is hereby authorized and directed to negotiate on behalf of the City of Oregon City with the owners of the real property for the purchase of the property.

**Section 4:** In the event the City Manager is unable to reach an agreement with the owners of the real property as to the compensation to be paid therefore, the City Attorney is hereby authorized and directed to institute condemnation proceedings in the name of the City of Oregon City in a court of competent jurisdiction for the purposes of acquiring title to and possession of the above described real property.

Approved and adopted at a regular meeting of the City Commission held on the 6th day of July 2016.

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DAN HOLLADAY, Mayor

Attested to this 6th day of July 2016:

Approved as to legal sufficiency:

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Kattie Riggs, City Recorder

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City Attorney