

RESOLUTION NO. 19-14

A RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY AND PROPERTY INTERESTS THROUGH EMINENT DOMAIN RELATED TO THE CONSTRUCTION OF THE MOLALLA AVENUE STREETScape PROJECT

WHEREAS, construction of the Molalla Avenue Streetscape Project (the "Project") as shown in Exhibit 1 will include roadway and safety improvements to make the corridor safer for vehicles, bicyclists, pedestrians, and transit users; and

WHEREAS, in order to construct the Project, the City needs to acquire property and property interests as identified in Exhibit 1 Property Acquisition Maps, and Exhibit 2 Property Acquisition Summary, and as are legally described in Exhibits 3 through 17, attached hereto and incorporated herein; and

WHEREAS, although the attached legal descriptions and estimated areas of taking are considered to be reasonably accurate at this time, modifications may need to occur depending on final design details and site conditions, to be approved and verified by the City Engineer; and

WHEREAS, the acquisitions for the Project as described herein are necessary for the Project, and when completed will benefit the general public and will be used for public purposes; and

WHEREAS, the City of Oregon City may exercise the power of eminent domain pursuant to City Charter Chapter IX, Section 36 – Condemnation, ORS 223.005 - 223.015, and ORS 223.930, ORS Chapter 35, and the Law of the State of Oregon generally, when the exercise of such power is deemed necessary by the City of Oregon City's governing body to accomplish public purposes for which City of Oregon City has responsibility; and

WHEREAS, the City of Oregon City has the responsibility of providing safe transportation routes for commerce, convenience, and to adequately serve the traveling public; and

WHEREAS, the project known as Molalla Avenue Streetscape Project has been planned in accordance with appropriate engineering standards for the construction, maintenance, or improvement of said transportation infrastructure such that property damage is minimized, transportation promoted, travel safeguarded; and

WHEREAS, to accomplish the project or projects set forth above, it is necessary to acquire the interests in the property described in "Exhibits 3-17," attached to this resolution and, by this reference incorporated herein.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The foregoing statements of authority and need are, in fact, the case. The project for which the property is required and is being acquired are necessary in the public interest, and the same have been planned, designed, located, and will be constructed in a manner which will be most compatible with the greatest public good and the least private injury.

Section 2. The power of eminent domain is hereby exercised with respect to each of the interests in property described herein and attached hereto. Each is acquired subject to payment of just compensation and subject to procedural requirements of Oregon law.

Section 3. The City of Oregon City's staff, the City Attorney, and special counsel for condemnation, are authorized and requested to attempt to agree with the owner and other persons in interest as to the compensation to be paid for each acquisition, and, in the event that no satisfactory agreement can be reached, to commence and prosecute such condemnation proceedings as may be necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition. This authorization is not intended to expand the jurisdiction of any court to decide matters determined above or determinable by the City Commission.

Section 4. The City of Oregon City expressly reserves its jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality, or locality, and to change or abandon any acquisition.

Section 5. This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 5th day of June 2019.

DAN HOLLADAY, Mayor

Attested to this 5th day of June 2019:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney