



Legislation Text

File #: 19-690, **Version:** 1

Acceptance of Settlement Agreement for the Berge/Emmert Property for the Meyers Road Extension Project (CI 17-001)

RECOMMENDED ACTION (Motion):

Staff recommends that the City Commission adopt a motion authorizing payment of the attached Settlement Agreement for the Berge/Emmert property, also known as Tax Map 32E09C Lot # 700.

BACKGROUND:

The Meyers Road Extension, located between High School Avenue and Highway 213, is identified in the 2013 Transportation System Plan as project D46 - Meyers Road West Extension. In February 2015, preparation of the Meyers Road Extension Concept Plan commenced and was funded through a cooperative agreement between the City of Oregon City, the Oregon City School District, and Clackamas Community College. This process completed an alternatives analysis looking at existing conditions between High School Avenue and Highway 213 to develop the preferred alignment and necessary improvements for the extension of Meyers Road. This extension of Meyers Road will help to serve many purposes including:

- Relieving congestion on Glen Oak Road; and
- Providing a new access through the area to foster future development of land parcels adjacent to the road; and
- Providing access for the Oregon City School District Transportation and Maintenance Facility, a future park at the corner of High School Avenue, and an additional access (from the south) to Clackamas Community College.

The City's engineering consultant, OBEC Consulting Engineers, has completed designing the Meyers Road Extension Project improvements and finalized the property acquisition needs. The property rights acquired from the Berge/Emmert property include 11,718 square feet (SF) of right-of-way and 3,786 SF of Permanent Slope and Public Utility Easements, as noted in the attached documents.

The City Commission adopted Resolution No. 18-38 in November 2018, authorizing acquisition of property and property interests through Eminent Domain when deemed necessary to accomplish public purposes. Between November 2017 and April 2019, the City's right of way and staff agent made a good faith effort to negotiate and acquire the necessary right of way and easements. The parties were not able to come to an agreement on the value of the property being acquired.

On April 29, 2019 the City filed Complaint Proceedings in Eminent Domain in the Circuit Court of Clackamas County. Subsequently, on May 16, 2019, the City filed Motion for Entry of Order of Immediate Possession. The court granted immediate possession of the property which allowed the project to continue moving forward on schedule. On October 3, 2019, the City attended a settlement conference with the property owners and judge to work toward an agreement on the acquisition. While we were not able to come to an agreement, we did have an opportunity to discuss outstanding issues.

On November 18, 2019, the City's attorney made a final offer in an effort to resolve this prior to a full trial. The property owners agreed and have signed the attached Settlement Offer, which includes the right of way, permanent slope and public utility easement, and also includes the permanent closure of one existing driveway on Highway 213 at STA 272+20 East Side, that is required by ODOT in order to connect the Meyers Road Extension to Highway 213.

BUDGET IMPACT:

Amount: \$120,000.00
FY(s): 2019/2020
Funding Source: Street SDC