

RESOLUTION NO. 2016-83

A Resolution authorizing the acquisition of property for the OR 99W at 2<sup>nd</sup> Street Signal Replacement transportation bond project, and exercising the power of eminent domain.

RECITALS:

WHEREAS the City of McMinnville may exercise the power of eminent domain pursuant to ORS 223.105(2), ORS Chapter 35, and the Law of the State of Oregon generally, when the exercise of such power is deemed necessary by the City Council to accomplish public purposes for which the City has responsibility;

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

WHEREAS the OR 99W at 2<sup>nd</sup> Street Signal Replacement transportation bond 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, and 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 "Exhibit A," attached to this resolution and, by this reference incorporated herein; now, therefore

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON as follows:

1. The foregoing statements of authority and need are, in fact, the case. The project or projects 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;
2. The power of eminent domain is hereby exercised with respect to each of the interests in property described in Exhibit A. Each is acquired subject to payment of just compensation and subject to procedural requirements of Oregon law;
3. The City's staff and the City's agents 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 Council.
4. The 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.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 22nd day of November, 2016 by the following votes:

Ayes: Hill, Jeffries, Menke, Ruden, Yoder

Nays: \_\_\_\_\_

Approved this 22<sup>nd</sup> day of November, 2016.

  
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COUNCIL PRESIDENT

Approved as to form:

  
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CITY ATTORNEY