

RESOLUTION NO. 2016-88

A Resolution authorizing the acquisition of property for the NW Hill Road transportation bond project, and exercising the power of eminent domain.

RECITALS:

The City of McMinnville may exercise the power of eminent domain under ORS 223.105(2) and ORS Chapter 35 when deemed necessary by the City Council to accomplish public purposes for which the City has responsibility.

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

The City is acting to improve NW Hill Road, from NW 2nd Street to Baker Creek Road. The project includes the widening of Hill Road and the installation of turn lanes, bike lanes, sidewalks, landscaping, storm water facilities and the installation of roundabouts at the Hill Road/Wallace Road and Hill Road/Baker Creek Road intersections. The project is consistent with the City's adopted 2010 Transportation System Plan, and funding for the project was included in the voter approved 2014 Transportation Improvement bond measure.

The project has been planned in accordance with appropriate engineering standards for the construction, maintenance or improvement of transportation infrastructure so that property damage is minimized, transportation promoted, and travel safeguarded.

To accomplish the Project, it is necessary to acquire the fee title interest in eleven (11) parcels, sight line easements over two (2) parcels and temporary construction easements over five (5) parcels of property located along the existing City right-of-way, as described and shown in the attached Exhibit A.

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 true and the Project is in the public interest.
2. The power of eminent domain is hereby exercised with respect to each of the interests in property described in the attached Exhibit A subject to payment of just compensation and to procedural requirements of Oregon law.
3. The City's staff and the City's agents are authorized to negotiate an agreement 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, the City's staff and the City's agents are authorized 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.
4. The City of McMinnville 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 13th day of December, 2016 by the following votes:

Ayes: Jeffries, Menke, Ruden, Yoder

Nays: _____

Approved this 13th day of December, 2016.



MAYOR

Approved as to form:



CITY ATTORNEY