

RESOLUTION NO. 2017-24

A Resolution amending Resolution 2016-88, authorizing the acquisition of property for the NW Hill Road transportation bond project, Project 2015-16, and exercising the power of eminent domain.

RECITALS:

At their December 13, 2016 meeting, the City Council approved Resolution 2016-88 authorizing the acquisition of property for the NW Hill Road transportation bond project, Project 2015-16, and exercising the power of eminent domain under ORS 223.105(2) and ORS Chapter 35.

Resolution 2016-88 authorized the acquisition of the fee title interest in eleven (11) parcels, site distance easements over two (2) parcels and temporary construction easements over five (5) parcels of property located along the existing City right-of-way.

Subsequent to the adoption of Resolution 2016-88, the City's agents determined that the acquisition files did not accurately reflect the ownership of two parcels along the corridor. The acquisition documents did not reflect the transfer of property from the McMinnville School District (taxlot R4418 00701) to Fox Ridge Developers (taxlot R4418 00700) via warranty deed, recorded on February 9, 1996 as document 199601998.

As a result, the acquisition files approved via Resolution 2016-88 need to be amended to reflect a reduction in the amount of property need from the McMinnville School District parcel (taxlot R4418 00701), and the addition of a file to acquire property from Fox Ridge Developers (taxlot R4418 00700). The amendments to Resolution 2016-88 are 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. Resolution 2016-88 is hereby amended to reflect the reduction in the amount of property need from the McMinnville School District parcel (taxlot R4418 00701), and the addition of a file to acquire property from Fox Ridge Developers (taxlot R4418 00700), as described and shown in the attached Exhibit A.
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.

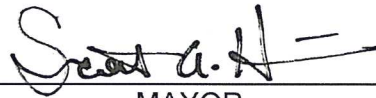
Adopted by the Common Council of the City of McMinnville at a regular meeting held the 28th day of March 2017 by the following votes:

Ayes: Drabkin, Jeffries, Stassens

Nays: _____

Abstention: Ruden

Approved this 28th day of March, 2017.



MAYOR

Approved as to form:



CITY ATTORNEY