

ORDINANCE NO. 94-1013

AN ORDINANCE AUTHORIZING THE INSTITUTION OF PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION BY CONDEMNATION OF PUBLIC PARKING FACILITIES ON SEVERAL TAX LOTS IN OR ADJACENT TO OREGON CITY, OREGON, HEREIN DESCRIBED, FOR THE PURPOSE OF PROVIDING ADDITIONAL PUBLIC PARKING; AND DECLARING AN EMERGENCY.

OREGON CITY MAKES THE FOLLOWING FINDINGS:

The City Commission has authority under provisions of the City Charter and applicable state law to institute proceedings in eminent domain for the acquisition by condemnation of additional parking for public purposes, including the construction, maintenance, operation, expansion and improvement of the parking facility.

The City is in the process of constructing the Oregon City Parking Shuttle Project. The purpose of the project is to improve parking availability, and the safety of pedestrians, bicyclists and motorists in the neighborhood.

The improvement of the parking facility necessitates the acquisition of several parcels of real property by the City described on the attached Exhibit "A" which, in the City's judgment, constitutes the most beneficial and practical location for the construction.

The City has obtained title reports and appraisals, made offers, and have exhausted all efforts to acquire the real property interests.

The proposed improvements are in compliance with and in furtherance of the plans and specifications prepared by the City in accordance with provisions of the 1991 Code and applicable policies of the City of Oregon City.

The Oregon City Parking Shuttle Project is funded by the City and by Federal funds as dispersed by the State of Oregon.

The costs of further delaying the project, the need to facilitate the safe and efficient construction of parking facility projects requires the City to act promptly to acquire the necessary property interests for this project.

Now, therefore,

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. Based upon the above findings, which are incorporated herein by reference and hereby adopted, the City Commission of the City of Oregon City does hereby find, declare, and determine it necessary to acquire parcels of real property more particularly described on Exhibit "A" incorporated herein by reference in order to construct the Oregon City Parking Shuttle improvement in accordance with the preliminary design prepared by the City.

Section 2. The City Commission does hereby direct that the City of Oregon City shall institute proceedings in eminent domain for the condemnation of the real property interests described in Section 1 and, at least 20 days prior to the filing for any action for condemnation, make a written offer to the owners or parties having an interest therein of a stated amount as compensation therefor and for any compensable damages to remaining property.

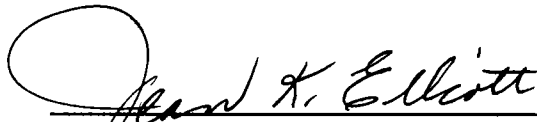
Section 3. The City Commission further directs that the City of Oregon City shall obtain immediate possession of the real property interests described in Section 1 if negotiations will delay the construction of the described improvements.

Section 4. The City Commission hereby declares that the improvements above set for are for a public purpose, are necessary for the public welfare, are authorized under the laws governing the City of Oregon City and the State of Oregon, and are planned or located in a manner which will be most compatible with the greatest public good and the least private injury.

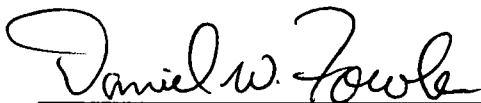
Section 5. The City Commission further declares that the real property interests described in Section 1 shall be used by the City of Oregon City for public purposes at the earliest possible date and, in any event, no later than ten (10) years from the date this Ordinance is adopted by the Commission.

Section 6. The improvement of the City's parking facilities concerns the public welfare and safety and, therefore, an emergency is hereby declared to exist, and this Ordinance shall become effective immediately upon its enactment by the City Commission.

Read first time at a regular meeting of the City Commission held on the 18th day of May, 1994, and the foregoing Ordinance was finally enacted by the City Commission on this 18th day of May, 1994.

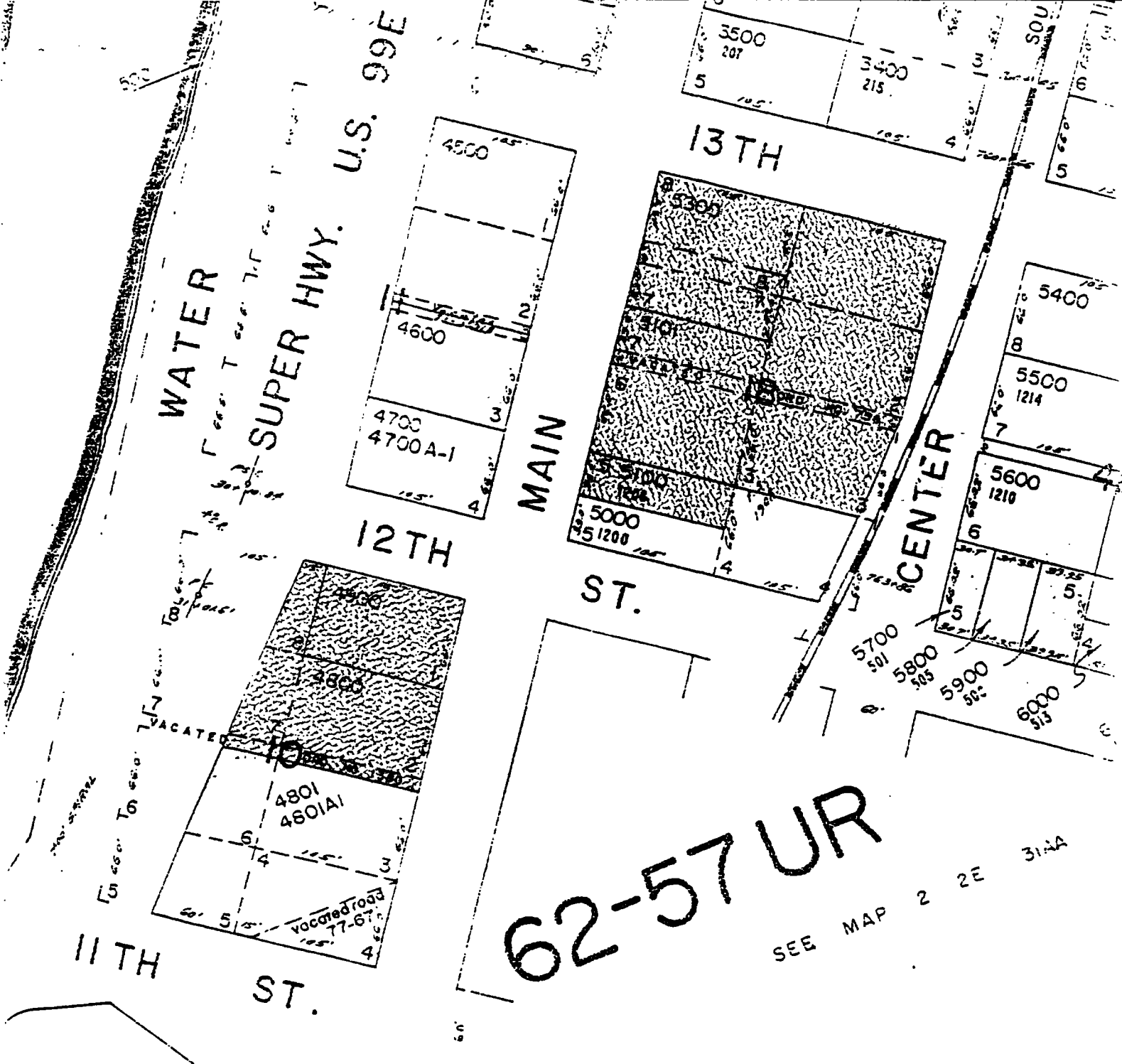

JEAN K. ELLIOTT, City Recorder

ATTESTED this 18th day of May, 1994.


DANIEL W. FOWLER, Mayor

ORDINANCE NO. 94-1013

Effective Date: May 18, 1994



LEGAL DESCRIPTIONS

On Tax Assessor Map R2S, T2E, Sec 30, DD

Lots 4800 and 4900: Oregon City Block 10, Lots 1, 2, and the portions of Lots 7 & 8 that are not in right of way of Super Highway 99E, and vacation Ordinance No. 1380.

Lots 5100, 5101, 5300: Oregon City Block 18, Lots 1, 2, 3, 5, 6, 7, 8 and vacation Ordinance No. 750.

Exhibit "A"



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

May 18, 1994

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Subject: Acquisition of Properties for
Completion of Downtown Parking
Shuttle Project and Declaring an Emergency

Report No. 94-92

On the May 18, 1994 City Commission agenda is Ordinance No. 1013 authorizing the condemnation of properties designated as part of the Oregon City Downtown Parking Shuttle project. Attached for Commission review is Exhibit "A", legal description of the property.

The proposed ordinance authorizes the City, or its agent, to continue good faith negotiations. If negotiations, as required by law, fail the City may exercise the right of eminent domain under ORS 223.005, Condemnation for Public Use.

Notice of proposed Ordinance No. 94-1013 has been posted at City Hall, 320-Warner Milne Road, Municipal Elevator, 300 Seventh Street, and Pioneer Community Center, 615 Fifth Street, by direction of the City Recorder. It is recommended that first and second readings be approved unanimously for final enactment to become effective May 18, 1994.

CHARLES LEESON
City Manager

attach.

cc - Max Talbot, Director, Community Development
- Peter Busch, Project Manager
- John Weiler
- Thomas Busch
- Betty Caldwell