

RESOLUTION NO. 32-2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THE NEED TO ACQUIRE AND APPROVE THE PURCHASE AND/OR CONDEMNATIONS OF EASEMENTS IN THE DUAL INTEREST AREA "A" FOR THE CONSTRUCTION OF THE NORTHEAST SEWER EXTENSION PROJECT.

WHEREAS, Chapter Six of the City of Milwaukie Comprehensive Plan and the City-County Urban Growth Management Agreement both identify the City as the preferred provider of urban services, including wastewater collection, within the Dual Interest Area "A"; and

WHEREAS, the City by Resolution 7-2009, has authorized a contract for the completion of design of the Northeast Sewer Extension Project for the purpose of installing sewer main in the Dual interest Area "A"; and

WHEREAS, in order to complete the project the City must acquire permanent and temporary easements from multiple properties in the project boundaries; and

WHEREAS, the City of Milwaukie has authority to acquire property by condemnation under ORS 223.001-.110; and

WHEREAS, the combined value of the easements may total more than \$25,000; and

WHEREAS, the Milwaukie Municipal Code section 3.15.030 requires that a purchase of real property values at more than \$25,000 requires the "approval of the City Council";

NOW THEREFORE, BE IT RESOLVED BY THE City Council of the City of Milwaukie that:

Section 1. The acquisitions of easements over the properties listed in the attached Exhibit A are needed for the Northeast Sewer Extension Project,

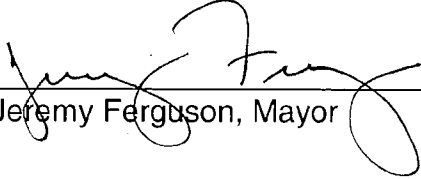
Section 2. Pursuant to Milwaukie Municipal Code Section 3.15.030 and ORS 223.001-.110, the City Council approves the purchase and/or condemnation of the easements over real properties identified in Exhibit A, and authorizes the City Manager to take all action necessary, including execution of all necessary documents, to complete said purchases or condemnation.

Section 3. Upon the trial of any suit or action instituted under the provisions of Section 2 above, the easement agent's legal counsel, after consultation with City Staff, is authorized to make any stipulation, agreement or admission that in the counsel's judgment may be for the best interest of the Project and the City of Milwaukie.

Introduced and adopted by the City Council on 6/2/9.

This resolution is effective on 6/2/9.

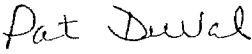
This resolution is effective on 6/2/9



Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC



Pat DuVal, City Recorder



City Attorney

Document1 (Last revised 09/18/07)