

RESOLUTION NO. 20-25

A RESOLUTION AUTHORIZING ACQUISITION OF EASEMENT AND EASEMENT INTERESTS THROUGH EMINENT DOMAIN RELATED TO THE PUBLIC WATER MAIN AT 203 3RD AVENUE

WHEREAS, an existing public water main exists on private property at 203 3rd Avenue; and

WHEREAS, the public water main has existed on private property since at least 1971; and

WHEREAS, in order to maintain the water main, the City needs to acquire an easement and easement interests as identified in Exhibit A, attached hereto and incorporated herein; and

WHEREAS, the property owner of 203 3rd Avenue has requested action on the public water main through their attorney, Kenneth L. Baker, on March 5, 2019; and

WHEREAS, the acquisitions for the easement as described herein are necessary for the maintenance of the public water main system and, when completed, will benefit the general public and will be used and maintained for public purposes; and

WHEREAS, the City of Oregon City may exercise the power of eminent domain pursuant to City Charter Chapter IX, Section 36 – Condemnation, ORS 223.005 - 223.015, and ORS 223.930, ORS Chapter 35, and the Law of the State of Oregon generally, when the exercise of such power is deemed necessary by the City of Oregon City's governing body to accomplish public purposes for which City of Oregon City has responsibility; and

WHEREAS, the City of Oregon City has the responsibility of providing drinking water adequate to serve the general public; and

WHEREAS, to accomplish the easement 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, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The foregoing statements of authority and need are, in fact, the case. The project 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.

Section 2. The power of eminent domain is hereby exercised with respect to each of the interests in property described herein and attached hereto. Each is acquired subject to payment of just compensation and subject to procedural requirements of Oregon law.

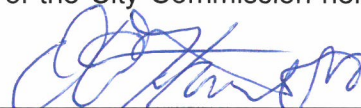
Section 3. The City of Oregon City's staff, the City Attorney, and special counsel for condemnation, are authorized and requested to attempt to agree with the owner and other

persons in interest as to the compensation to be paid for the 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 Commission.

Section 4. The City of Oregon 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.

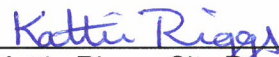
Section 5. This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 7th day of October 2020.



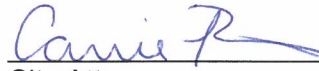
DAN HOLLADAY, Mayor

Attested to this 7th day of October 2020:



Kattie Riggs, City Recorder

Approved as to legal sufficiency:



City Attorney