

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.

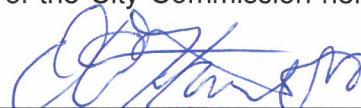
Section 3. The City of Oregon City's staff, the City Attorney, and special counsel for condemnation, are authorized and requested to attempt to agree with the owner and other

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.



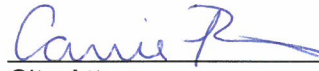
DAN HOLLADAY, Mayor

Attested to this 7th day of October 2020:



Kattie Riggs, City Recorder

Approved as to legal sufficiency:



City Attorney


EXHIBIT "A"
PUBLIC WATERLINE EASEMENT

PAGE 1 OF 2

A STRIP OF LAND SITUATED IN BLOCK 30, "CANEMAH", A PLAT OF RECORD IN CLACKAMAS COUNTY, OREGON, AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO JAMES A. RIGGLE AND LAURA J. RAMBO RECORDED AS DOCUMENT NUMBER 2015-030424, CLACKAMAS COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP MARKED "TOWNSHIP SURVEYS" (ESTABLISHED BY SN 2015-247, CLACKAMAS COUNTY SURVEY RECORDS) AT THE SOUTHEASTERLY CORNER OF LOT 8, BLOCK 30, "CANEMAH"; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 8, SOUTH 72°00'00" WEST (AS SHOWN ON SAID SN 2015-247) 8.95 FEET; THENCE LEAVING SAID SOUTHERLY LINE NORTH 29°58'17" WEST 38.04 FEET; THENCE NORTH 27°34'26" WEST 36.56 FEET; THENCE NORTH 09°41'07" EAST 49.33 FEET TO A POINT ON THE EASTERLY LINE OF LOT 1, BLOCK 30, "CANEMAH"; THENCE ALONG SAID EASTERLY LINE AND ALONG THE EASTERLY OF THE AFOREMENTIONED LOT 8, BLOCK 30, "CANEMAH", SOUTH 18°00'09" EAST 32.28 FEET; THENCE LEAVING THE EASTERLY LINE OF SAID LOT 8, SOUTH 09°41'07" WEST 15.68 FEET; THENCE SOUTH 27°34'26" EAST 31.19 FEET; THENCE SOUTH 29°58'17" EAST 10.13 FEET TO THE AFOREMENTIONED EASTERLY LINE OF SAID LOT 8; THENCE ALONG SAID EASTERLY LINE SOUTH 18°00'09" EAST 30.10 FEET TO THE POINT OF BEGINNING.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**



**OREGON
JULY 14, 1978
DON DEVLAE MINCK
1634**

DATE OF SIGNATURE: 

EXPIRES 12/31/2017



U.S. HIGHWAY 99E

VACATED MAIN STREET

TAX LOT 2500
MAP 2-2E-31CC
DOC. NO. 2015-030424
203 3RD AVENUE

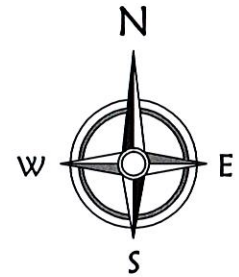
HOUSE

ASPHALT

GARAGE

ALLEY

3RD AVENUE



30' 0' 30'

Scale: 1" = 30'

BOUNDARY CONTROL IS
BASED UPON SN 2015-247

PUBLIC
WATERLINE
EASEMENT
1492 SQ. FT.

MARSHALL
STREET

POINT OF
BEGINNING

SOUTHEASTERLY
CORNER OF LOT 8,
BLOCK 30, "CANEMAH"

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1978
DON DEVLAMINCK
1634

DATE OF SIGNATURE: 4/10/17
EXPIRES 12/31/2017

7829 Exh.dwg

EXHIBIT "A"
PUBLIC WATERLINE EASEMENT

 **MPASS** Land Surveyors
4107 SE International Way, Suite 705
Milwaukie, Oregon 97222 503-653-9093

SITUATED IN BLOCK 30, "CANEMAH"
CLACKAMAS COUNTY, OREGON

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