

RESOLUTION NO. 2332

A RESOLUTION DECLARING THE NEED TO ACQUIRE RIGHT OF WAY AND EASEMENTS ON PROPERTY FOR THE PURPOSE OF CONSTRUCTING STREET IMPROVEMENTS FOR NW 257TH WAY

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Section 31 of the 1994 Troutdale Charter grants the City the authority to acquire land for public purposes.
2. The City is authorized by ORS 223.005 et seq. and ORD 35.015 et seq. to purchase, acquire, take, use, enter upon and appropriate land and property within or without its corporate limits for the purpose provided in those statutes.
3. The construction of the extension of NW 257th Way (the "Project") is identified in the Troutdale Riverfront Renewal Plan and is a Condition to Closing in the Letter of Intent entered into between the Troutdale Urban Renewal Agency and Eastwinds Development, LLC dated February 22, 2016.
4. The City needs to construct the Project for the public purpose of providing adequate public access to and aiding in the future development of an approximately 12 acre parcel of city property constituting the former sewage treatment plant and an approximately 8 acre parcel owned by Eastwinds Development, LLC, both of which lie within the Troutdale Urban Renewal Area.
5. The City needs to acquire an interest in the Property (as defined below) on which to construct and maintain the needed street improvement that is part of the Project (including sidewalk, drainage systems, utilities, street and utility related easements and other aspects of the Project).
6. To allow for acquisition of the Property in a timely and efficient manner, a resolution of necessity is necessary to allow the City to take all measures necessary to acquire the Property, including the exercise of eminent domain, if needed.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. The City does hereby find and declare that certain property located in the City of Troutdale, Multnomah County, Oregon is necessary and will be used for the Project, which includes construction, operation, maintenance, repair and improvement of NW 257th Way, a public street of the City. The property for which the City needs to acquire a right of way and easements is depicted on the attached and incorporated as Exhibit A to this Resolution.

Section 2. The City hereby finds that the acquisition of right of way and easements on the Property is necessary and in the public interest, and the improvements to the Property will be planned, designed, located and constructed in a manner that will be most compatible with the greatest public benefit and the least private injury or damage.

Section 3. The City Manager, city's agent, and the city attorney are authorized to negotiate and enter into agreements with the owners and other persons who have an interest in the Property as to the compensation for the acquisition.


Section 4. In the event that no satisfactory agreement can be reached on the right of way or easement acquisition for all or any portion of the Property, the city attorney is directed and authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire the property or any portion of the Property for which no satisfactory agreement can be reached, including exercise of eminent domain, and upon the filing of such proceedings, possession of the affected real property therein may be taken, to the extent provided by law.

Section 5. This Resolution takes effect upon passage by the City Council.


YEAS: 5

NAYS: 2 Councilor White, Councilor Allen

ABSTAINED: 0



Doug Daoust, Mayor
Date 3/31/16



Kenda Schlaht, Deputy City Recorder
Adopted: March 22, 2016