

RESOLUTION NO. 2010-018

A Resolution Authorizing the Lane Transit District to
Acquire by Purchase or by the Exercise of the Power of Eminent Domain
Certain Real Property Necessary for the Bus Rapid Transit Project

WHEREAS, ORS 267.200(2) and ORS 267.225(2) authorize and empower Lane Transit District ("LTD") to acquire by condemnation, purchase, lease, devise, gift, or voluntary grant real and personal property or any interest therein located inside the boundaries of its transit district.

WHEREAS, LTD is in the process of working with local, state, and federal agencies on the construction of the Bus Rapid Transit ("BRT") Project, which will result in a bus rapid transit system designed to help accommodate the transportation needs of Eugene and Springfield. One phase of the BRT Project is referred to as the Pioneer Parkway EmX-Bus Rapid Transit Project (the "Project"), and will include the construction of bus guideways, bus stations, transit signals, landscaping, bicycle and pedestrian enhancements, and other corridor improvements.

WHEREAS, the Project is planned and will be located in a manner that is most compatible with the greatest public good and the least private injury.

WHEREAS, the Project is in compliance with and in furtherance of adopted LTD plans and policies, including, but not limited to, increasing transit ridership, improving neighborhood livability and environment, overall enhancing the public transit services for the District, and is for the benefit and general welfare of the public.

WHEREAS, ORS 35.235 requires the Board, first, to declare by resolution the necessity of the acquisition of real property and the purpose for which it is required, and then to attempt to agree with the owner with respect to the compensation to be paid, therefore, and the damages, if any, for the taking thereof.

WHEREAS, for the accomplishment of the Project, it may be necessary that LTD have the ability to obtain the immediate right of possession to certain parcels of real property described in this Resolution.

NOW, THEREFORE, based upon the above findings, which are incorporated herein by reference and hereby adopted, LTD does find, declare, and adopt:

1. That for the accomplishment of the Project, there is needed and required certain interests in or fee simple title to certain parcels of real property more particularly described on Exhibit A attached hereto and incorporated herein by this reference (collectively, the "Real Property").

2. That the Project is necessary for the public interest and has been planned, designed, located, and will be constructed in a manner that will be most compatible with the

greatest public good and the least private injury and is authorized under the rules and ordinances of LTD, the laws of the state of Oregon, and all applicable federal laws.

3. That in the event immediate possession of the Real Property is deemed necessary, LTD's General Manager or his designee(s) shall have the authority to undertake any and all lawful steps that may be required in order to take such possession.

4. That LTD staff and/or its designees are authorized and directed, with the cooperation and assistance of Lane County, to obtain all necessary appraisals and to make further attempts to agree with the owners of the Real Property and any other persons in interest as to the just compensation to be paid for the Real Property and damages, if any, for the taking thereof, and LTD's General Manager or his designee is authorized to make a binding agreement providing such just compensation.

5. That the LTD Board hereby ratifies all offers to purchase all rights, title, and interest in the Real Property that have been previously made in connection with the Project.

6. That in the event no satisfactory agreement is reached between the Real Property owners and LTD, LTD, through its legal counsel, is authorized to commence and prosecute to final determination such legal proceedings, including proceedings in eminent domain, as may be necessary to obtain immediate possession of and to acquire the Real Property.

7. That there is hereby authorized the creation of a fund in the amount estimated to be the just compensation for the Real Property, which, if necessary, shall be deposited with the clerk of the court in which the eminent domain action is commenced.

8. That the LTD Board declares that the Real Property described in Section 1 above shall be used by LTD for public purposes at the earliest possible date and, in any event, no later than ten (10) years from the date this Resolution is adopted by LTD.

9. That the General Manager or his designee(s) is authorized to execute any and all necessary documents and to take such other steps on behalf of LTD as necessary to carry out the intent of this Resolution.

Adopted by the Lane Transit District Board of Directors on the 19th day of May, 2010.

May 19, 2010


Board President

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