

**LANE TRANSIT DISTRICT
RESOLUTION NO. 2003-024**

A Resolution Declaring the Public Necessity and 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 Construction of the RideSource Main Operations Facility

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; and

WHEREAS, LTD is in the process of the planning and construction of a RideSource Main Operations facility to accommodate dispatch facilities, operator report rooms, employee parking, storage for current and future fleet, and an area for minor bus maintenance; and

WHEREAS, LTD has conducted an extensive site selection process, including the preparation of a Documented Categorical Exclusion (DCE); and

WHEREAS, the Federal Transit Administration ("FTA") concurs that the project qualifies as a categorical exclusion, as submitted on March 31, 2003, confirming that LTD has complied with the National Environmental Policy act requirements for this project; and

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

WHEREAS, the RideSource Facility 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; and

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 therefor, and the damages, if any, for the taking thereof; and

WHEREAS, for the accomplishment of the RideSource Facility, it is necessary that LTD have the immediate right of possession to a certain parcel of real property described in this resolution;

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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 planned RideSource Facility there is needed and required certain interests in or fee simple title to a certain parcel of real property commonly known as 310 Garfield Street, Eugene, Oregon, more particularly described on Exhibit A, attached hereto and incorporated herein by this reference (the "Real Property").

2. That the RideSource Facility is necessary for the public interest, and has been planned, designed, and located, and will be constructed, in a manner that will be most compatible with the greatest public good and 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 immediate possession of the Real Property is necessary.

4. That LTD staff and/or its designees are authorized and directed 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 of Directors hereby ratifies all offers to purchase all rights, title, and interest in the Real Property that have been previously made in connection with the RideSource Facility.

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 of Directors 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 No. 2003-024 is adopted by LTD.

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9. That the General Manager or his designee(s) is (are) 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 No. 2003-024.

Adopted by the Lane Transit District Board of Directors on the 28th day of May, 2003.

May 28, 2003
Date

Patricia Hocken
Board Secretary

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