

LANE TRANSIT DISTRICT

RESOLUTION NO. 2013-033

**A RESOLUTION AUTHORIZING THE LANE TRANSIT DISTRICT TO ACQUIRE
BY PURCHASE OR BY THE EXERCISE OF THE POWER OF EMINENT DOMAIN CERTAIN
REAL PROPERTIES OR INTERESTS THEREIN 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. All of the properties or interests are in the Lane Transit District.

WHEREAS, LTD is working with local, state and federal agencies in the planning and 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 the visitors to and people of Eugene, Springfield and the Lane Transit District. One phase of the BRT Project is referred to as the westerly extension of the existing Franklin/Gateway Emerald Express ("EmX") commonly referred to as the West Eugene Emerald Express Extension (the "Project") and will include the construction of exclusive bus lanes, bus stations, transit signals, landscaping, pedestrian and bicycle bridges, business access and transit lanes ("BAT Lanes"), bicycle and pedestrian enhancements, and other improvements through the Project corridor.

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 LTD's mass transit system plan as required by ORS 267.210; including, but not limited to, increasing transit ridership, improving vehicle, bicycle and pedestrian efficiency, improving neighborhood livability and the district's environment. The Project will enhance the public transit service in 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 or interest therein and the purpose for which it is required, and then to attempt to negotiate and agree with owners of the real property or interest therein with respect to 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 obtain the immediate right of possession of certain parcels of real property or interest therein as described in this resolution, which immediate right of possession is authorized by law, including ORS §35.348 through ORS §35.352.

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

1. That in order to build and complete the Project, there is needed and required certain interest in or fee simple title to certain parcels of real property or portion thereof as depicted and delineated on the map attached hereto as Exhibit A as required by ORS 35.235 and incorporated herein by this reference (collectively, the "Real Property").

2. That to build and complete the Project it will be necessary to cooperate with the Eugene Water and Electric Board to move utility poles and facilities, and it is in the best interest of LTD to cooperate with EWEB in this regard.

3. 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 it authorized under the rules and ordinances of LTD, the laws of the State of Oregon, City of Eugene, and County of Lane ordinances, rules and laws and all applicable federal laws.

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

5. That LTD staff and/or its designees are authorized and directed, with the cooperation and assistance of Universal Field Services, Inc. to enter upon real property subject to the condemnation purposes under ORS §35.220 to surveys and take such other action as is necessary and 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 the General Manager's designee is authorized to make a binding agreement providing such just compensation.

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

7. That in the event a satisfactory agreement between the Real Property owners and LTD is not reached, 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.

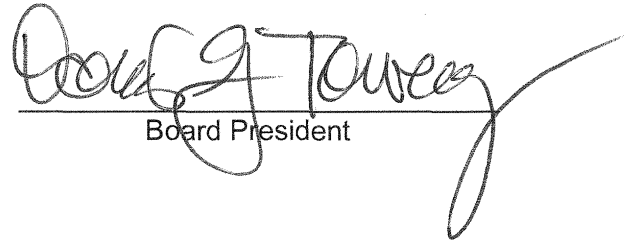
8. That in the event such legal proceeding is initiated, LTD is hereby authorized to create a fund in an amount estimated to be the just compensation for the Real Property or any interest therein which, if necessary, shall be filed with the clerk of the Lane County Circuit Court.

9. That the LTD Board declares that the Real Property described in paragraph 1 above shall be used by LTD for public purposes as the earliest possible date and, in any event, no later than ten (10) years from the date this resolution is adopted by LTD, unless otherwise agreed between LTD and a property owner in an agreement required by ORS §35.385.

10. That the General Manager or the General Manager's designee is authorized to execute any and all necessary documents and to take any such other steps on behalf of LTD as necessary to carry out the intent of this resolution, and that any such documents and/or steps or actions shall bind LTD.

Adopted by the Lane Transit District Board of Directors on this 18th day of December, 2013.

December 18, 2013
Date


Board President