

LTD RESOLUTION NO. 2002-041

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 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 Eugene and Springfield. The first phase of BRT Project ("Phase 1") will connect downtown Eugene to downtown Springfield and will include the construction of bus guide ways, bus stations, transit signals, landscaping, bicycle and pedestrian enhancements, and other corridor improvements.

WHEREAS, LTD completed an Environmental Impact Statement for the Phase 1 of the BRT Project. Following public notice, LTD held a public meeting on June 20, 2001, and adopted Resolution No. 2001-025 approving the Phase 1.

WHEREAS, the Phase 1 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 therefor, and the damages, if any, for the taking thereof.

WHEREAS, for the accomplishment of the Phase 1, it is necessary that LTD have 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 planned Phase 1 there is needed and required certain interests in or fee simple title to certain parcels of real property more particularly described on Exhibit A through Exhibit H attached hereto and incorporated herein by this reference (the "Real Property").

RESOLUTION - 1

\\LTD-GLN-FILES\WORKGROUP\REFERENCE\BOARD PACKET\2002\12\REGULAR MTG\BRT PROP ACQUISITION RESOLU 111102.DOC

2. That the Phase 1 is necessary for the public interest, and has been planned, designed, located, and will be constructed in a manner which 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 hereby ratifies all offers to purchase all rights, title, and interest in the Real Property that have been previously made in connection with Phase 1 of the BRT 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 No. 2002-041 is adopted by LTD.

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. 2002-041.

Adopted by the Lane Transit Board of Directors on the 18th day of December, 2002.

December 18, 2002

Date

Pat Hocken

Board Secretary

RESOLUTION - 2

\\LTD-GLN-FILES\WORKGROUP\REFERENCE\BOARD PACKET\2002\12\REGULAR MTG\BRT PROP ACQUISITION RESOLU 111102.DOC

LEGAL DESCRIPTION FOR TEMPORARY SIDEWALK EASEMENT

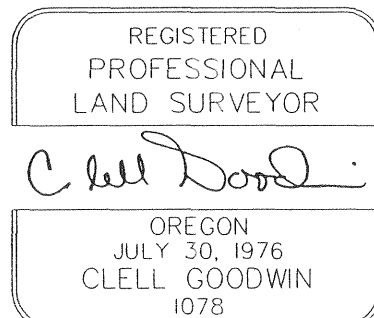
Being a portion of a parcel of land lying in Section 32, Township 17 South, Range 3 West, Willamette Meridian, Lane County, Oregon; vested in the State of Oregon, through it's Department of Transportation, Highway Division, being described as follows:

Beginning South $1^{\circ}22'25''$ West a distance of 66.00 feet from the Southwest corner of Block 2, Henderson's Addition to Eugene; thence South $88^{\circ}16'18''$ East a distance of 87.45 feet, thence South $83^{\circ}33'19''$ East a distance of 36.48 feet to the true point of beginning, thence South $88^{\circ}16'18''$ East a distance of 69.09 feet, thence South $67^{\circ}32'32''$ West a distance of 20.46 feet, thence South $51^{\circ}02'39''$ West a distance of 8.59 feet, thence North $43^{\circ}58'15''$ West a distance of 10.44 feet, thence 11.05 feet along the arc of a 16.00 foot radius curve to the left having a chord bearing North $63^{\circ}45'47''$ West a distance of 10.84 feet with a central angle of $39^{\circ}35'04''$, thence North $83^{\circ}33'19''$ West a distance of 26.67 feet to the true point of beginning.

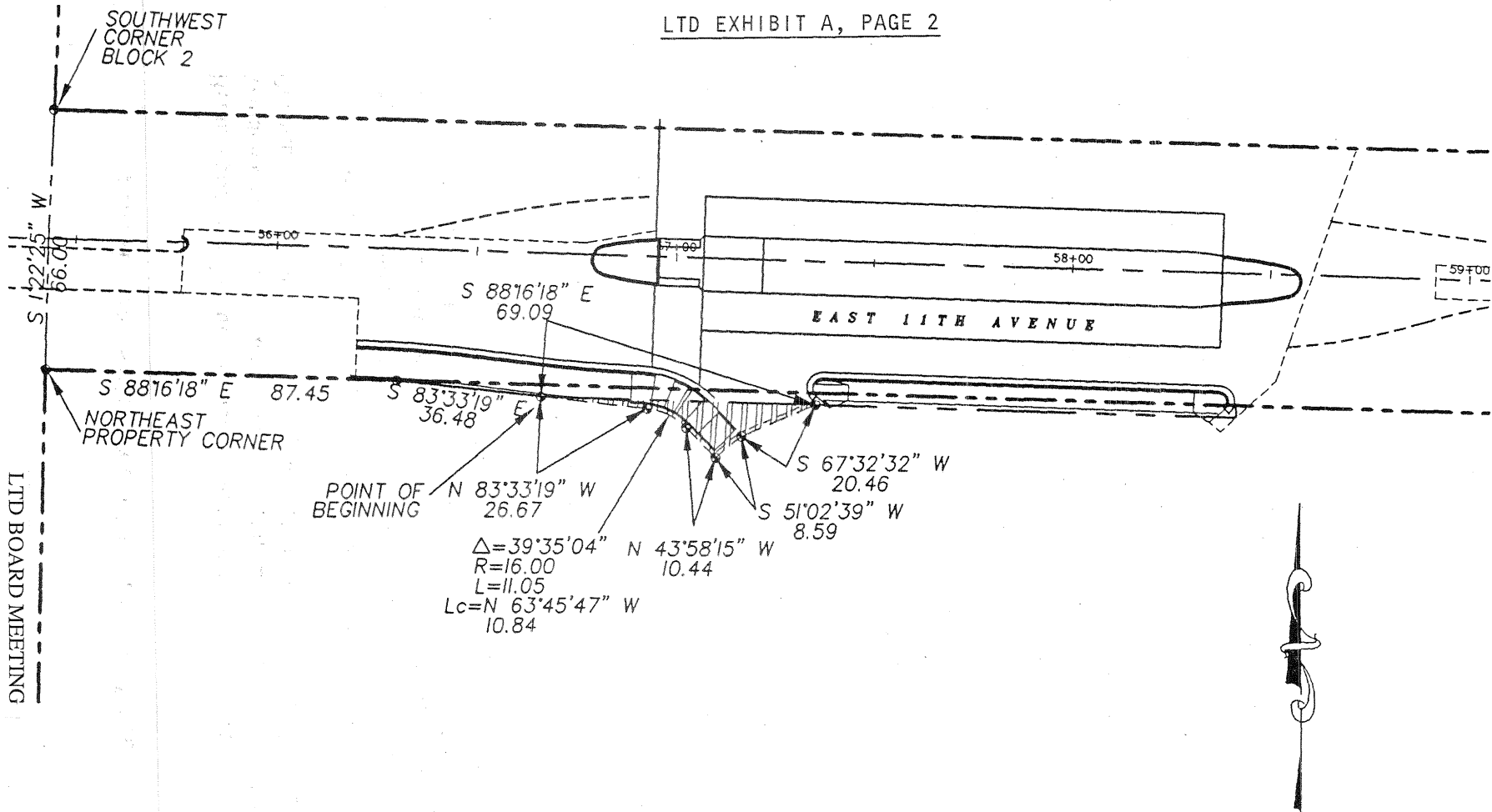
Containing 294 Sq. Ft. more or less, lying in Lane County, Oregon.

The bearings for this description are based on the Oregon State Plane Coordinate System.

Dad's Gate



EXPIRES JUNE 30, 2003



SCALE 1"=40'

----- EXISTING RIGHT-OF-WAY
 ----- NEW RIGHT-OF-WAY
 ----- NEW EASEMENT
 ----- SAWCUT LINE

AREA OF NEW EASEMENT

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Clell Goodwin

OREGON
JULY 30, 1976
CLELL GOODWIN
1078

EXPIRES JUNE 30, 2003



MECHANICAL, ELECTRICAL,
CIVIL, TRANSPORTATION
ENGINEERS & SURVEYORS

PO BOX 10347 EUGENE, OR
PHONE: 541-686-8478
FAX: 541-345-9303

PROJECT TITLE
LTD EAST 11th TEMPORARY SIDEWALK CONSTRUCTION EASEMENT
UNIVERSITY OF OREGON

SHEET TITLE
EXHIBIT B
TAX MAP 17-03-32, TAX LOT 100

PROJECT NO:
213101
FILENAME:
213101EX.dwg
DESIGNER:
GRD

DATE
10/22/02
SHEET NO
EXB

LEGAL DESCRIPTION FOR RIGHT OF WAY ACQUISITION EXHIBIT A

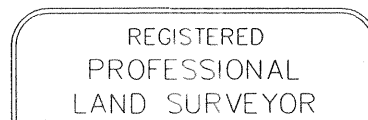
Being a portion of a parcel of land lying in Section 32, Township 17 South, Range 3 West, Willamette Meridian, Lane County, Oregon; vested in the State of Oregon, through it's Department of Transportation, Highway Division, being described as follows:

Beginning South $88^{\circ}16'18''$ East a distance of 144.78 feet from the Southwest corner of Block 2, Henderson's Addition to Eugene; thence North $1^{\circ}43'42''$ East a distance of 6.00 feet, thence North $50^{\circ}00'00''$ East a distance of 16.00 feet, thence South $45^{\circ}00'00''$ East a distance of 8.97 feet, thence South $88^{\circ}16'18''$ East a distance of 173.02 feet, thence South $80^{\circ}00'00''$ East a distance of 52.13 feet, thence South $88^{\circ}16'18''$ East a distance of 57.56 feet, thence South $49^{\circ}54'09''$ East a distance of 4.83 feet, thence North $88^{\circ}16'18''$ East a distance of 304.43 feet to the point of beginning.

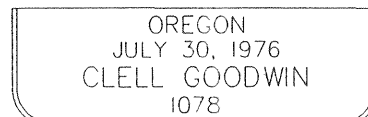
Containing 2567 Sq. Ft. more or less, lying in Lane County, Oregon.

The bearings for this description are based on the Oregon State Plane Coordinate System.

Dad's Gate

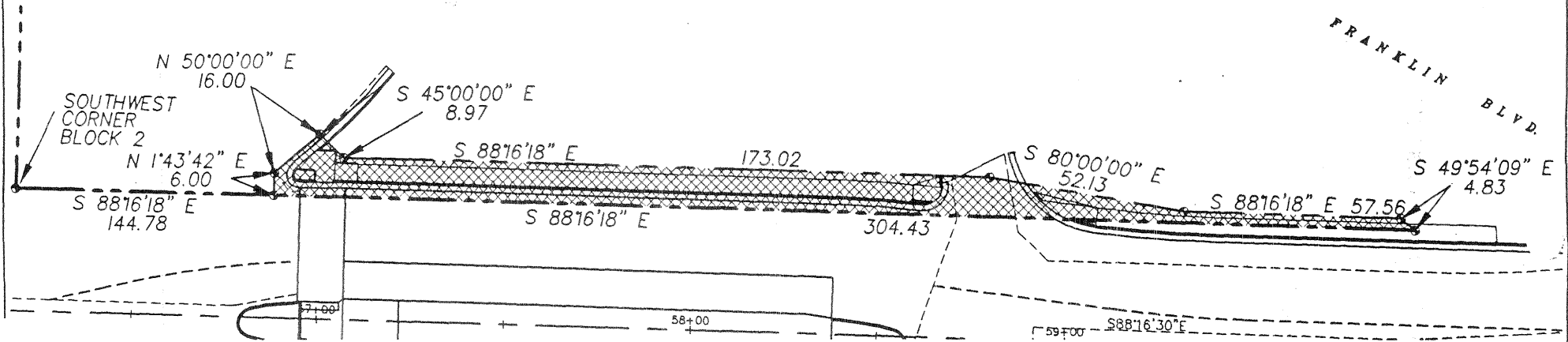


Clell Goodwin




EXPIRES JUNE 30, 2003

LTD EXHIBIT B, PAGE 2



SCALE 1"=40'

- EXISTING RIGHT-OF-WAY
- NEW RIGHT-OF-WAY
- NEW EASEMENT
- SAWCUT LINE
-  RIGHT OF WAY TO BE ACQUIRED

LTD BOARD MEETING
12/18/02
Page 68

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Clell Goodwin

OREGON
JULY 30, 1976
CLELL GOODWIN
1078

EXPIRES JUNE 30, 2003

Balchiser & Hubbard
Engineers

MECHANICAL, ELECTRICAL,
CIVIL, TRANSPORTATION
ENGINEERS & SURVEYORS

PO BOX 10347 EUGENE, OR
PHONE: 541-686-8478
FAX: 541-345-5303

PROJECT TITLE LTD EAST 11th RIGHT-OF-WAY ACQUISITION STATE OF OREGON		PROJECT NO: 213101	DATE 10/22/02
SHEET TITLE EXHIBIT B TAX MAP 17-03-32-24, TAX LOT 400		FILENAME: 213101EX.dwg	SHEET NO
		DESIGNER: GRD	EXB

LEGAL DESCRIPTION FOR RIGHT OF WAY ACQUISITION EXHIBIT A

Being a portion of the property vested in Northwest Christian College Promotional Society, as described in a Conditional Use Agreement CU 93-8 with the City of Eugene, recorded January 3, 1994, Reel 1090R, Reception No. 94-00219, Lane County Oregon Records, which is more particularly described as follows:

Beginning at the Northwest Corner of Block 4 of Henderson's Addition to Eugene, Lane County, Oregon, thence South $88^{\circ}35'41''$ East a distance of 12.00 feet, thence South $46^{\circ}38'50''$ West a distance of 17.01 feet, thence North $1^{\circ}47'34''$ East a distance of 12.00 feet, to the Point of Beginning.

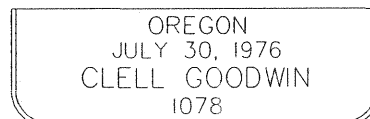
Containing 72 Sq. Ft. more or less, lying in Lane County, Oregon.

The bearings for this description are based on the Oregon State Plane Coordinate System.

NCC
E. 11th & Alder



Clell Goodwin



EXPIRES JUNE 30, 2003

LTD EXHIBIT C, PAGE 2


ALDER STREET

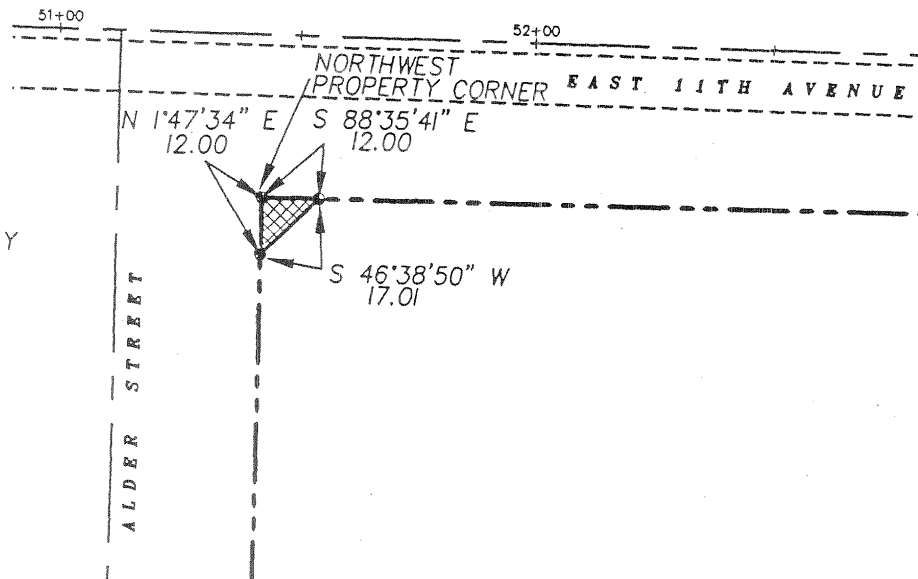
ALDER STREET



SCALE 1"=40'

- EXISTING RIGHT-OF-WAY
- NEW RIGHT-OF-WAY
- NEW EASEMENT
- SAWCUT LINE

 RIGHT OF WAY TO BE ACQUIRED



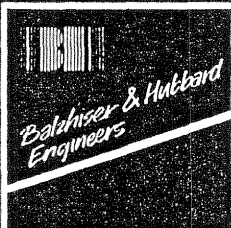
LTD BOARD MEETING
12/18/02
Page 70

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Clell Goodwin

OREGON
JULY 30, 1976
CLELL GOODWIN
1078

EXPIRES JUNE 30, 2003



MECHANICAL, ELECTRICAL,
CIVIL, TRANSPORTATION
ENGINEERS & SURVEYORS

P.O. BOX 10347 EUGENE, OR
PHONE: 541-686-8478
FAX: 541-345-5303

PROJECT TITLE

LTD EAST 11th RIGHT-OF-WAY ACQUISITION
NORTHWEST CHRISTIAN COLLEGE

SHEET TITLE

EXHIBIT B
TAX MAP 17-03-32-31, TAX LOT 100

PROJECT NO:
213101

FILENAME:
213101EX.dwg

DESIGNER:
GRD

DATE
10/22/02

SHEET NO

EXB

LEGAL DESCRIPTION FOR RIGHT OF WAY ACQUISITION EXHIBIT A

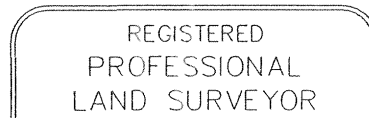
Being a portion of the property vested in Sisters of St. Joseph of Peace, Health and Hospital Services DBA Sacred Heart General Hospital, as described in Property Line Removal No. LA 96-76, recorded October 3, 1996, Reel 2221R, Reception No. 96-66941, Lane County Oregon Records, and which is more particularly described as follows:

Beginning at a point 63 1/3rd feet west of the Northeast Corner of Lot 4, Block 4 of Shaw's Second Addition to Eugene, Lane County, Oregon, thence North 88°06'09" West a distance of 53.00 feet to the true point of beginning, thence South 67°30'00" West a distance of 14.03 feet, thence South 22°30'00" West a distance of 11.97 feet, thence North 1°51'44" East a distance of 7.00 feet, thence North 46°52'47" East a distance of 14.14 feet, thence South 88°06'09" East a distance of 7.00 feet, to the True Point of Beginning.

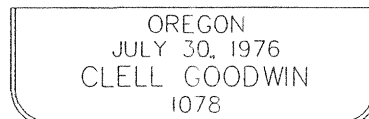
Containing 54 Sq. Ft. more or less, lying in Lane County, Oregon.

The bearings for this description are based on the Oregon State Plane Coordinate

*Sacred Heart
2-11-97 Clell Goodwin*



Clell Goodwin

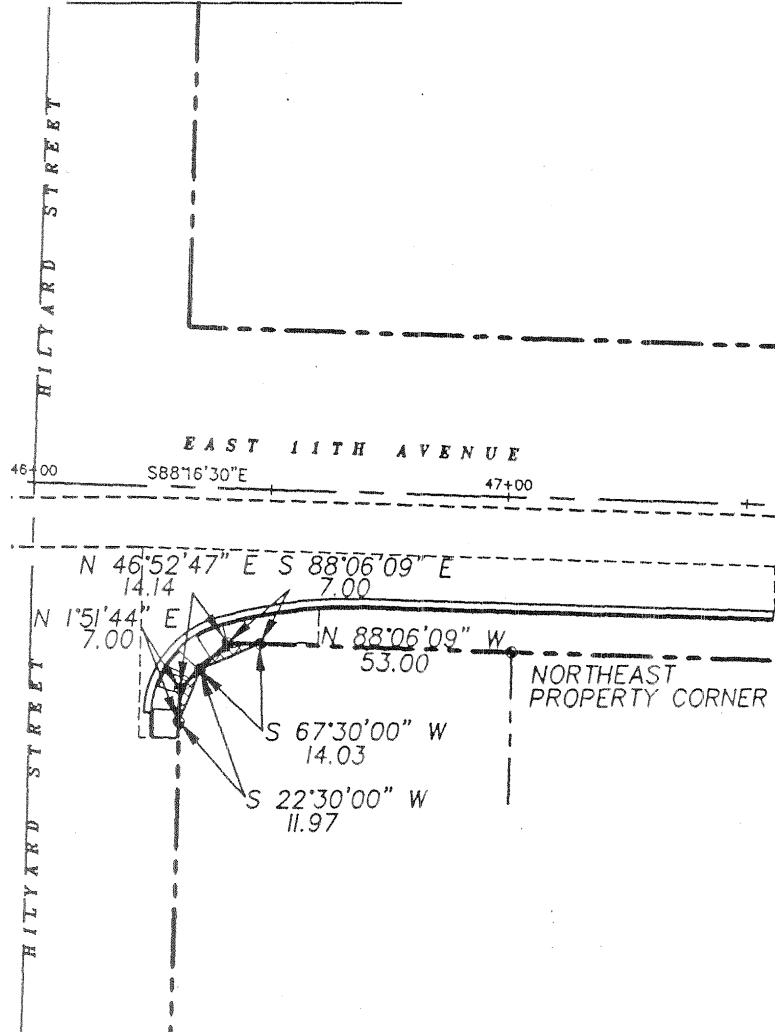


EXPIRES JUNE 30, 2003



SCALE 1"=40'

- - - - - EXISTING RIGHT-OF-WAY
 - - - - - NEW RIGHT-OF-WAY
 - - - - - NEW EASEMENT
 - - - - - SAWCUT LINE

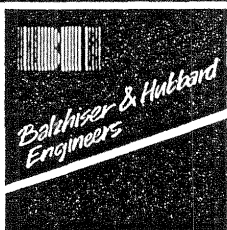
RIGHT OF WAY TO
BE ACQUIRED

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Clell Goodwin

OREGON
JULY 30, 1976
CLELL GOODWIN
1078

EXPIRES JUNE 30, 2003



MECHANICAL, ELECTRICAL,
CIVIL, TRANSPORTATION
ENGINEERS & SURVEYORS

PO BOX 10347 EUGENE, OR
PHONE: 541-686-8478
FAX: 541-345-5303

PROJECT TITLE

LTD EAST 11th RIGHT-OF-WAY ACQUISITION
SISTERS OF ST. JOSEPH

SHEET TITLE

EXHIBIT B
TAX MAP 17-03-32-31, TAX LOT 4300

PROJECT NO:
213101FILENAME:
213101EX.dwgDESIGNER:
GRD

DATE

10/22/02

SHEET NO

EXB

LEGAL DESCRIPTION FOR RIGHT OF WAY ACQUISITION EXHIBIT A

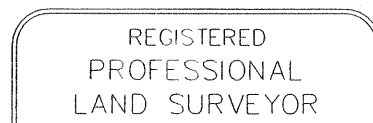
Being a portion of the property vested in Ethel L. Stone, disclosed by Memorandum of Agreement, recorded February 26, 1981, Reel 1122R, Reception No. 81-08809, Lane County Oregon Records, which is more particularly described as follows:

Beginning at the Northeast Corner of Lot 1, Block 5 of Shaw's Second Addition to Eugene, Lane County, Oregon, thence South $1^{\circ}51'44''$ West a distance of 20.55 feet, thence North $45^{\circ}00'00''$ West a distance of 11.00 feet, thence North $88^{\circ}18'35''$ West a distance of 77.59 feet, thence North $1^{\circ}41'25''$ East a distance of 13.00 feet, thence South $88^{\circ}18'35''$ East a distance of 85.66 feet, to the Point of Beginning.

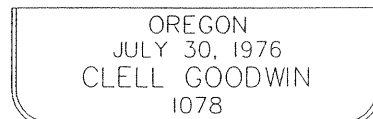
Containing 1144 Sq. Ft., lying in Lane County, Oregon.

The bearings for this description are based on the Oregon State Plane Coordinate

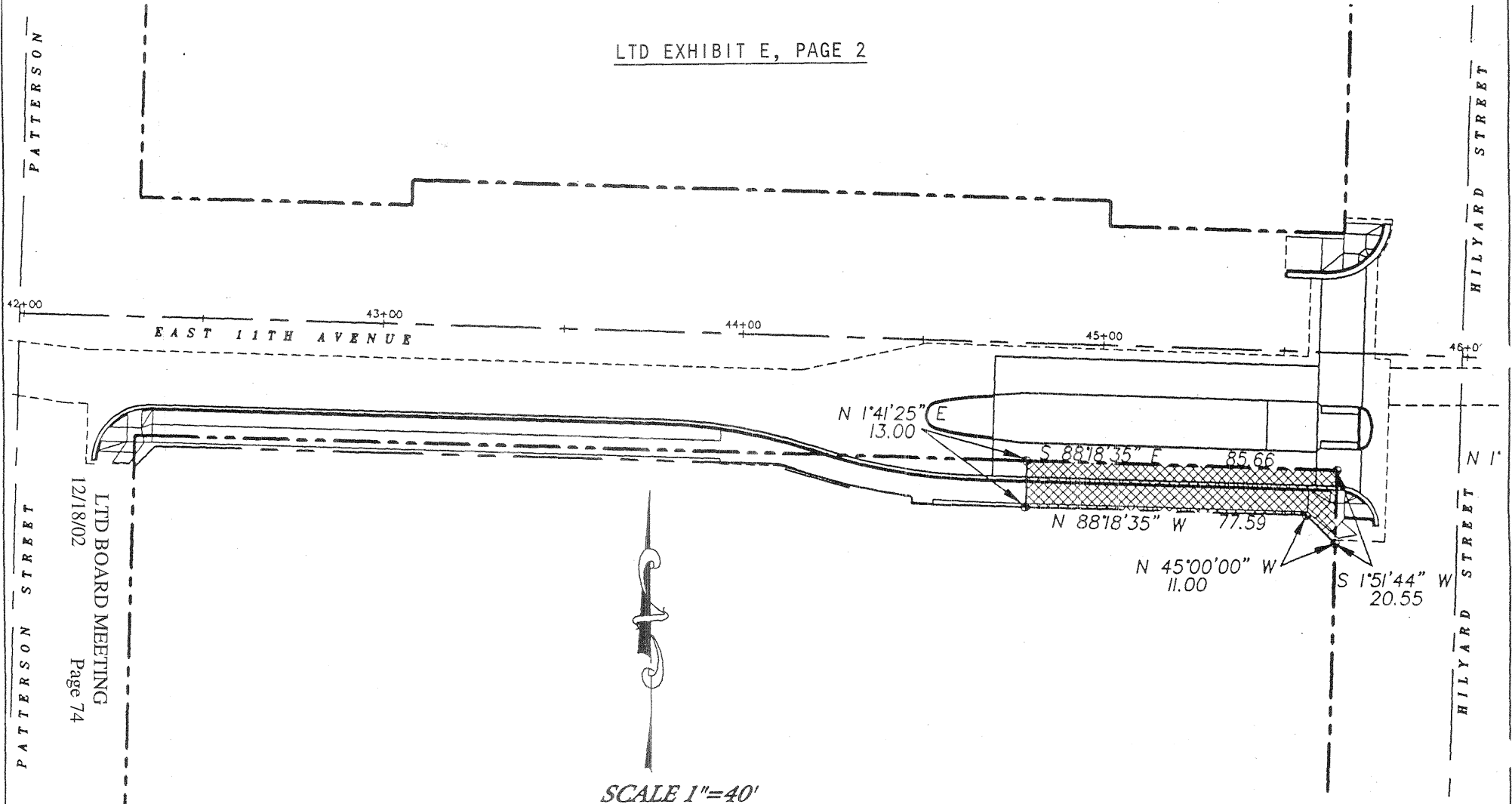
*Second Addn
E. 11th & Holly and*



Clell Goodwin

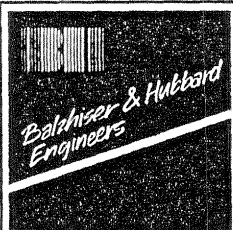


EXPIRES JUNE 30, 2003



----- EXISTING RIGHT-OF-WAY
 ----- NEW RIGHT-OF-WAY
 ----- NEW EASEMENT
 ----- SAWCUT LINE

RIGHT OF WAY TO BE ACQUIRED



PROJECT TITLE
 LTD EAST 11th RIGHT-OF-WAY ACQUISITION
 ETHEL L. STONE
 SHEET TITLE
 EXHIBIT B
 TAX MAP 17-03-32-32, TAX LOT 100

PROJECT NO:
 213101
 FILENAME:
 213101EX.dwg
 DESIGNER:
 GRD
 DATE
 10/22/02
 SHEET NO
 EX

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

 OREGON
 JULY 30, 1976
 CLELL GOODWIN
 1078
 EXPIRES JUNE 30, 2003

PO BOX 10347 EUGENE, OR
 PHONE: 541-686-8478
 FAX: 541-345-5303

LEGAL DESCRIPTION FOR RIGHT OF WAY ACQUISITION EXHIBIT A

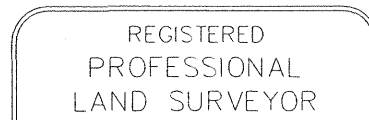
Being a portion of the property deeded to the State of Oregon acting through the Oregon State System of Higher Education on behalf of the University of Oregon, by Northwest Christian College, an Oregon corporation, recorded as reception No. 8735018 on reel 1471R in the Lane County Official Records, which is more particularly described as follows:

Beginning at the Northwest Corner of Lot 5, Block 5 of Shaw's Second Addition to Eugene, Lane County Oregon, thence South $88^{\circ}18'35''$ East a distance of 247.99 feet, thence South $1^{\circ}41'25''$ West a distance of 13.00 feet, thence North $88^{\circ}18'35''$ West a distance of 31.81 feet, thence North $1^{\circ}41'25''$ East a distance of 1.95 feet, thence 37.83 feet along the arc of a 187.00 foot radius curve to the right having a chord bearing North $76^{\circ}00'13''$ West a distance of 37.76 feet with a central angle of $11^{\circ}35'26''$, thence North $88^{\circ}18'35''$ West a distance of 173.63 feet, thence South $45^{\circ}00'00''$ West a distance of 8.25 feet, thence North $1^{\circ}54'59''$ East a distance of 9.00 feet to the Point of Beginning.

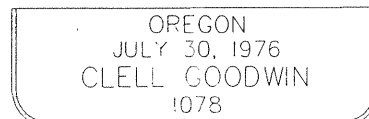
Containing 1252 Sq. Ft., lying in Lane County, Oregon.

The bearings for this description are based on the Oregon State Plane Coordinate System.

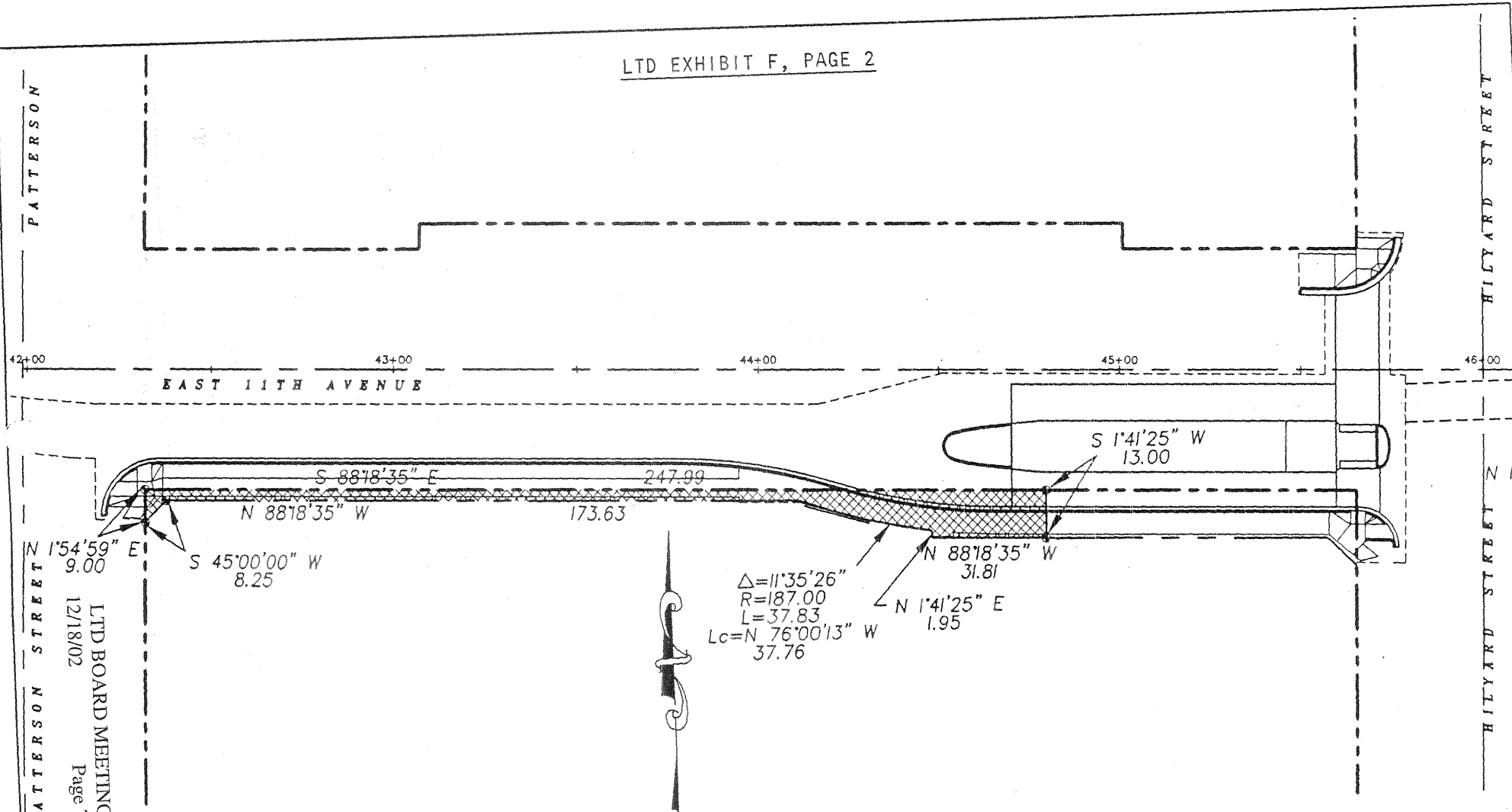
UO
E 11th & Holyland



Clell Goodwin



EXPIRES JUNE 30, 2003



SCALE 1"=40'

- EXISTING RIGHT-OF-WAY
- NEW RIGHT-OF-WAY
- NEW EASEMENT
- SAWCUT LINE

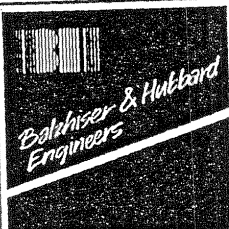
 RIGHT OF WAY TO BE ACQUIRED

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Clell Goodwin

OREGON
JULY 30, 1976
CLELL GOODWIN
1078

EXPIRES JUNE 30, 2003



MECHANICAL, ELECTRICAL,
CIVIL, TRANSPORTATION
ENGINEERS & SURVEYORS

PO BOX 10347 EUGENE, OR
PHONE: 541-686-8478
FAX: 541-345-5303

PROJECT TITLE
LTD EAST 11th RIGHT-OF-WAY ACQUISITION
UNIVERSITY OF OREGON

SHEET TITLE
EXHIBIT B
TAX MAP 17-03-32-32, TAX LOT 300

PROJECT NO:
213101
FILENAME:
213101EX.dwg
DESIGNER:
GRD

DATE
10/22/02
SHEET NO
EXB

LEGAL DESCRIPTION FOR RIGHT OF WAY ACQUISITION EXHIBIT A

Being part of the property vested in U-Lane-O Federal Credit Union, described as the West 100 feet of Lot 2, in Block 4, Plan of Shaw's Addition to Eugene City, as platted and recorded in Book A, Page 234, Lane County Oregon Plat Records, in Lane County, Oregon which is more particularly described as follows:

Beginning at the Northwest Corner of the aforementioned Lot 2, thence South $88^{\circ}17'53''$ East a distance of 100.00 feet, thence South $1^{\circ}59'53''$ West a distance of 4.00 feet, thence North $88^{\circ}17'53''$ West a distance of 100.00 feet, thence North $1^{\circ}59'53''$ East a distance of 4.00 feet to the Point of Beginning.

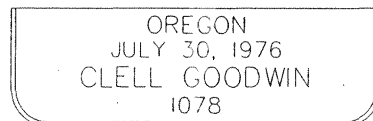
Containing 400 Sq. Ft., lying in Lane County, Oregon.

The bearings for this description are based on the Oregon State Plane Coordinate System.

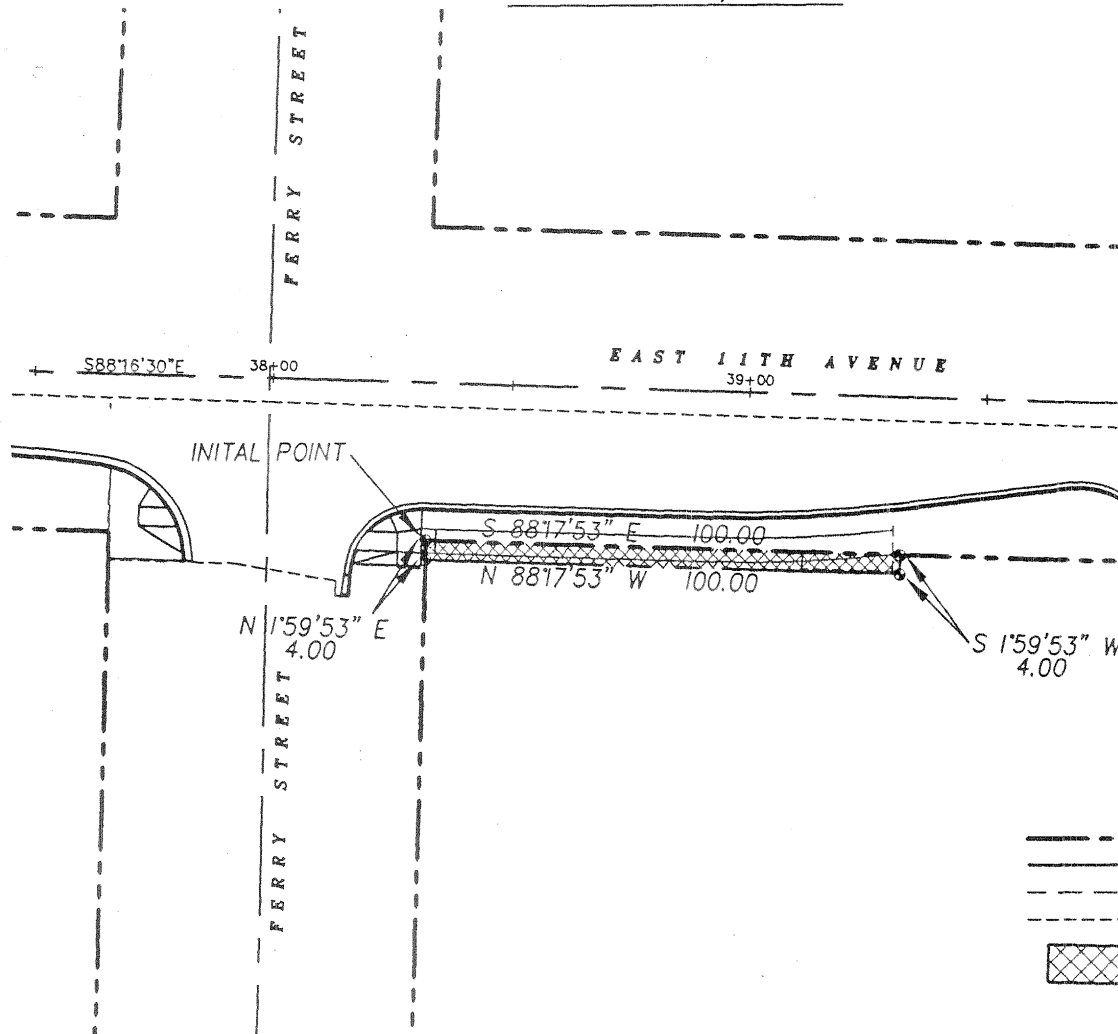
*U-Lane-O Credit
Union Parking Lot*




Clell Goodwin



EXPIRES JUNE 30, 2003



SCALE 1"=40'

- EXISTING RIGHT-OF-WAY
- NEW RIGHT-OF-WAY
- NEW EASEMENT
- SAWCUT LINE
-  RIGHT OF WAY TO BE ACQUIRED

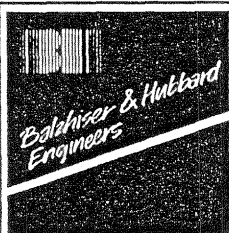
LTD BOARD MEETING
12/18/02
Page 78

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Clell Goodwin

OREGON
JULY 30, 1976
CLELL GOODWIN
1078

EXPIRES JUNE 30, 2003



MECHANICAL, ELECTRICAL,
CIVIL, TRANSPORTATION
ENGINEERS & SURVEYORS

PO BOX 10347 EUGENE, OR
PHONE: 541-686-8478
FAX: 541-345-5303

PROJECT TITLE

LTD EAST 11th RIGHT-OF-WAY ACQUISITION
U-LANE-O

SHEET TITLE

EXHIBIT B

TAX MAP 17-03-32-32, TAX LOT 3300

PROJECT NO:
213101

FILENAME:
213101EX.dwg

DESIGNER:
GRD

DATE
10/22/02

SHEET NO

EXB

LEGAL DESCRIPTION FOR RIGHT OF WAY ACQUISITION EXHIBIT A

Being a portion of a parcel of land lying in Section 32, Township 17 South, Range 3 West, Willamette Meridian, Lane County, Oregon; vested in the State of Oregon, through it's Department of Transportation, Highway Division, being described as follows:

Beginning South $1^{\circ}22'25''$ West a distance of 66.00 feet from the Southwest corner of Block 2, Henderson's Addition to Eugene; thence South $88^{\circ}16'18''$ East a distance of 87.45 feet to the true point of beginning, thence continuing South $88^{\circ}16'18''$ East a distance of 211.36 feet, thence South $1^{\circ}43'42''$ West a distance of 3.00 feet, thence North $88^{\circ}16'18''$ West a distance of 244.09 feet, thence North $83^{\circ}33'19''$ West a distance of 36.48 feet to the true point of beginning.

Containing 580 Sq. Ft. more or less, lying in Lane County, Oregon.

The bearings for this description are based on the Oregon State Plane Coordinate System.

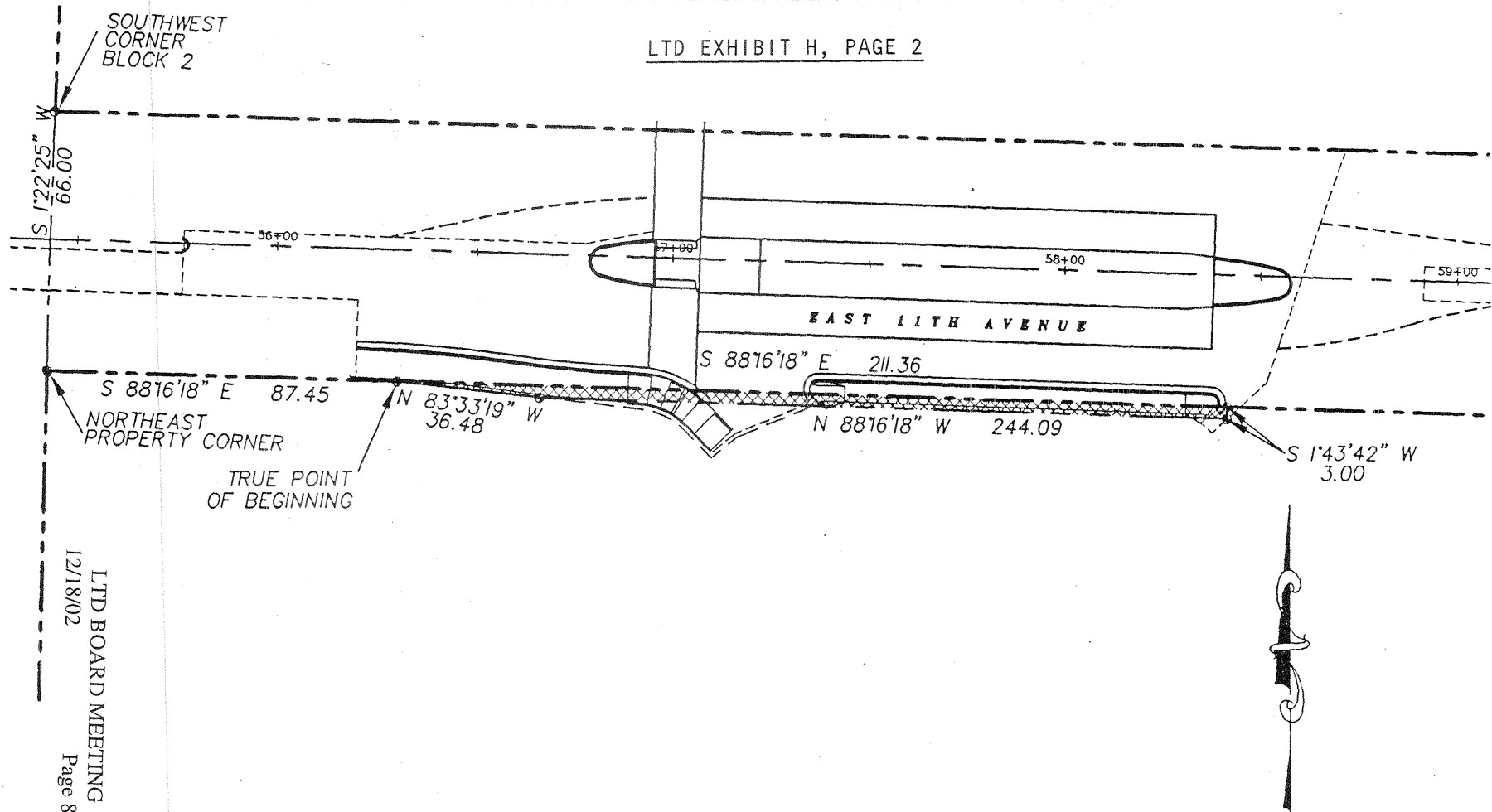
Dad's Gate

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Clell Goodwin

OREGON
JULY 30, 1976
CLELL GOODWIN
1078

EXPIRES JUNE 30, 2003



----- EXISTING RIGHT-OF-WAY
 ----- NEW RIGHT-OF-WAY
 ----- NEW EASEMENT
 ----- SAWCUT LINE
 [Hatched Box] RIGHT OF WAY TO BE ACQUIRED

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Clell Goodwin

OREGON
JULY 30, 1976
CLELL GOODWIN
1078

EXPIRES JUNE 30, 2003



MECHANICAL, ELECTRICAL,
CIVIL, TRANSPORTATION
ENGINEERS & SURVEYORS

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FAX: 541-345-5303

PROJECT TITLE

LTD EAST 11th RIGHT-OF-WAY ACQUISITION
UNIVERSITY OF OREGON

SHEET TITLE

EXHIBIT B
TAX MAP 17-03-32, TAX LOT 100

PROJECT NO:
213101

FILENAME:
213101EX.dwg

DESIGNER:
GRD

DATE
10/22/02

SHEET NO

EXB