

RESOLUTION NO. 2008-017

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. 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 21st ~~the~~ day of May, 2008.

May 21, 2008



Board Secretary

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**Lane Transit District
Pioneer Parkway EmX-Bus Rapid Transit Project
List of Properties Affected Up to a Maximum Depth of 40 Feet
Measured From the Edge of the Respective Existing Rights of Way of
International Way, Gateway Street, Harlow Road,
Pioneer Parkway East, and Pioneer Parkway West**

Parcel Number	Tax Lot Information	Account Number	Name and Address
1427-01	17-03-15-32 TL #1100	1375458	MOTEL 6 OPERATING L P #418 PO BOX 117508 CARROLTON, TX 75011-
1427-02	17-03-15-32 TL #202	1758091	CHAMBERS DEV CORP 2295 COBURG RD STE 200 EUGENE, OR 97401-
1427-03	17-03-15-30 TL #201	1649977	NORTHBANK PROPERTY LLC PO BOX 529 EUGENE, OR 97440-
1427-04	17-03-15-30 TL #1100	1644242	STATE INVESTMENTS LLC SMITH, CHRIS A. & CHRISTINE D. PO BOX 2099 SALEM, OR 97308-
1427-05	17-03-15-30 TL #400	1518669	MERRITT TRUAX INC PO BOX 2099 SALEM, OR 97308-
1427-06	17-03-15-33 TL #800	1039252	D & H STALICK LTD PTRSHP 3528 GILHAM RD EUGENE, OR 97408-
1427-07	17-03-15-30 TL #700	1480217	MCKENZIE-GATEWAY BUSINESS PARK, LLC 388 PEARL STREET EUGENE, OR 97401-
1427-08	17-03-15-30 TL #600	1518727	SYMANTEC CORPORATION 20300 STEVENS CREEK BLVD CUPERTINO, CA 95014-
1427-09	17-03-15-40 TL #700	1542495	SYMANTEC CORPORATION 20300 STEVENS CREEK BLVD CUPERTINO, CA 95014-

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1427-10	17-03-15-40 TL #800	1518784	PEACEHEALTH 123 INTERNATIONAL WAY SPRINGFIELD, OR 97477-
1427-11	17-03-15-40 TL #900	1518826	PEACEHEALTH 123 INTERNATIONAL WAY SPRINGFIELD, OR 97477-
1427-12	17-03-15-40 TL #1100	1518917	PEACEHEALTH 123 INTERNATIONAL WAY SPRINGFIELD, OR 97477-
1427-13	17-03-15-40 TL #1101	1684065	PEACEHEALTH 123 INTERNATIONAL WAY SPRINGFIELD, OR 97477-
1427-14	17-03-15-40 TL #600	1518735	SHOREWOOD PACKAGING CORP 500 INTERNATIONAL WAY SPRINGFIELD, OR 97477-
1427-15	17-03-15-40 TL #500	1518776	HAWES INVESTMENTS LLC 2892 CRESCENT AVE EUGENE, OR 97408-
1427-16	17-03-15-40 TL #400	0150118	WICKLUND, ERIC D., TE WICKLUND, DORCAS, L., TE 3951 MAPLE ISLAND FARM RD SPRINGFIELD, OR 97477-
1427-17	17-03-15-40 TL #3300	1806569	LANE MEMORIAL BLOOD BANK 2211 WILLAMETTE ST EUGENE, OR 97405-
1427-18	17-03-15-40 TL #3500	1806585	MCMAC LLC PO BOX 1318 EUGENE, OR 97401-
1427-19	17-03-15-40 TL #3600	1806593	MCMAC LLC PO BOX 1318 EUGENE, OR 97401-

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1427-20	17-03-15-40 TL #100	1518909	PACIFIC HOSPITAL ASSOCIATION PO BOX 7068 EUGENE, OR 97401-
1427-21	17-03-14-00 TL #1004	1694668	HOLT INTERNATIONAL CHILDREN'S SERVICES PO BOX 2880 EUGENE, OR 97402-
1427-22	17-03-14-00 TL #1003	1646155	GUDEMAN, JANICE C. HARI, HAROLD & LINDA 100 INTERNATIONAL WAY SPRINGFIELD, OR 97477-
1427-23	17-03-14-00 TL #1400	0149961	LEACH, ROBERT L. & CARLA J. 180 DEADMOND FERRY RD SPRINGFIELD, OR 97477-
1427-24	17-03-14-00 TL #1500	0149979	EILERS, KENNETH E. & DIANA D. PHIPPS, HAROLD S. & SANDRA M. 449 N 9TH SPRINGFIELD, OR 97477-
1427-25	17-03-14-00 TL #1501	1029386	SCHEIBE, JOSEPH E. 192 DEADMOND FERRY RD SPRINGFIELD, OR 97477-
1427-26	17-03-22-20 TL #905	1419553	PATEL, JOTINDLAL C. & REKHA 1291 HWY 99 N. EUGENE, OR 97402-
1427-27	17-03-22-34 TL #2800	1474582	SUN RETIREMENT CORPORATION 735 COMMERCIAL ST. SE SALEM, OR 97301
1427-28	17-03-26-34 TL #6200	0221034	SPRINGFIELD SCHOOL DISTRICT 19 525 MILL ST SPRINGFIELD, OR 97477

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1427-29	17-03-27-12 TL #800	0981173	COUNTRYSIDE PARTNERS SPRINGFIELD LLC 426 BROADWAY STE 308 CHICO, CA 95928
1427-30	17-03-35-32 TL #4600	0314631	DUNN, JACK J., TE DUNN, IMOGENE L., TE 180 HILLVIEW LN #1 EUGENE, OR 97408
1427-31	17-03-22-20 TL #3200	1149747	REGIONAL COUNSEL WESTERN U S POSTAL SERVICE ADDRESS UNKNOWN SAN BRUNO, CA 94066
1427-32	17-03-22-20 TL #3600	1054236	KKMH PROPERTIES LLC PO BOX 2250 GRESHAM, OR 97030
1427-33	17-03-22-00 TL #3000	0227627	SPRINGFIELD SCHOOL DISTRICT 19 525 MILL ST SPRINGFIELD, OR 97477
1427-34	17-03-26-31 TL #2200	0219566	SPRINGFIELD SCHOOL DISTRICT 19 525 MILL ST SPRINGFIELD, OR 97477
1427-35	17-03-22-00 TL #2605	1547205	BRE/ESA PROPERTIES LLC 100 DUNBAR ST SPARTANBURG, SC 29306
1427-36	17-03-35-32 TL #3100	0314490	PROVIDENCE & KINSHIP LI LLC 2433 CITY VIEW ST EUGENE, OR 97405
1427-39	17-03-22-00 TL #2607	1665031	DIENS, DAVID R. 974 SHERWOOD PL EUGENE, OR 97401
1427-40	17-03-22-20 TL #1900	1114261	3346 GATEWAY, LLC 840 BELTLINE RD STE 202 SPRINGFIELD, OR 97477

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1427-41	17-03-22-00 TL #2206	1052891	CLOVERDALE, LLC 840 BELTLINE RD STE 202 SPRINGFIELD, OR 97477
1427-42	17-03-22-00 TL #1400	0187961	PEACEHEALTH PO BOX 1479 EUGENE, OR 97440
1427-43	17-03-26-23 TL #1600	0218519	EMERALD HOUSING LTD PTRSHP 6420 SW MACADAM AVE STE 100 PORTLAND, OR 97201
1427-44	17-03-26-23 TL #2301	1460185	PK SALE, LLC 3333 NEW HYDE PARK RD #100 NEW HYDE PARK, NY 11042
1427-45	17-03-35-22 TL #4300	0309045	JMR INVESTMENTS, LLC 2206 IRONWOOD ST EUGENE, OR 97401
1427-46	17-03-35-22 TL #4601	0309060	WILLAMALANE PARK & REC DIST 250 S 32 ND ST SPRINGFIELD, OR 97478
1427-47	17-03-35-24 TL #6200	0311975	POSEY, LANCE B & TANA L PO BOX 70539 EUGENE, OR 97401
1427-48	17-03-35-24 TL #6400	0311991	MCKENZIE WILLAMETTE PROPERTIES, LLC PO BOX 3 SPRINGFIELD, OR 97477
1427-49	17-03-35-24 TL #10200	0312379	IZARELLI, EUGENE L & MARY K 370 BARD LN VENTURA, CA 93001
1427-50	17-03-35-24 TL #10300	0312387	SPINNER, CHARLES S 88590 FISHER RD EUGENE, OR 97402
1427-51	17-03-35-24 TL #13800	0312734	KENDALL, MICHAEL W. 90904 LEASHORE DR VIDA, OR 97488
1427-52	17-03-35-31 TL #6500	0313492	SMEED, MARY LOU, TE SMEED, RALPH, TE 176 W C ST SPRINGFIELD, OR 97477

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1427-53	17-03-35-32 TL #4700	0314664	DAVIS , JOAN K 734 SUMMIT BLVD SPRINGFIELD, OR 97477
1427-54	17-03-35-23 TL #100	0309938	DEXTER PROPERTIES, LLC 243 F ST SPRINGFIELD, OR 97477
1427-55	17-03-35-23 TL #200	0309946	PETERSEN, LYNN H & ANNE T 2512 N 27 TH ST SPRINGFIELD, OR 97477
1427-56	17-03-35-32 TL #2600	0314441	MAJOR, DON H & CLEONE L 85221 PIONEER RD EUGENE, OR 97405