

**RESOLUTION NO. 1409
CITY OF PRINEVILLE, OREGON**

A RESOLUTION EXERCISING THE POWER OF EMINENT DOMAIN

Whereas, the City of Prineville (“City”) may exercise the power of eminent domain pursuant to ORS 223.005 through ORS 223.105, and the laws of the State of Oregon generally, when the exercise of such power is deemed necessary by the City’s governing body to accomplish public purposes for which the City has responsibility; and

Whereas, City has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public; and


Whereas, the project or projects known as **Prineville Rails to Trails** have been planned in accordance with appropriate engineering standards for the construction, maintenance or improvement of said transportation infrastructure such that property damage is minimized, transportation promoted, and travel safeguarded; and

Whereas, to accomplish the project or projects set forth above, it is necessary to acquire the interests in the property described in “Exhibit A,” attached to this resolution and, by this reference incorporated herein.

Now, Therefore, the City of Prineville resolves the following:

1. The foregoing statements of authority and need are, in fact, the case. The project or projects for which the property is required and is being acquired are necessary in the public interest, and the same have been planned, designed, located, and will be constructed in a manner which will be most compatible with the greatest public good and the least private injury.
2. The power of eminent domain is hereby exercised with respect to each of the interests in property described in Exhibit A. Each is acquired subject to payment of just compensation and subject to procedural requirements of Oregon law.
3. The City’s staff and the Oregon Department of Transportation and the Attorney General are authorized and requested to attempt to agree with the owner and other persons in interest as to the compensation to be paid for each acquisition, and, in the event that no satisfactory agreement can be reached, to commence and prosecute such condemnation proceedings as may be necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition. This authorization is not intended to expand the jurisdiction of any court to decide matters determined above or determinable by the City Council.
4. City expressly reserves its jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality, or locality, and to change or abandon any acquisition.

Approved by the City Council this 13th day of August, 2019.


Stephen P. Uffelman, Mayor

ATTEST:


Lisa Morgan, City Recorder

Temporary Easement For Work Area (3 years or duration of Project, whichever is sooner)

A parcel of land lying in the NE¼NE¼ of Section 5, Township 15 South, Range 16 East, Willamette Meridian, Crook County, Oregon and being a portion of that property described in that Statutory Warranty Deed to Prineville Associates, an Oregon limited liability company, recorded April 12, 2019 as Instrument No. 2019-292672, Crook County record of deeds; the said parcel being that portion of said property lying between lines at right angles to the center line of the relocated Ochoco Highway at Engineer's Stations 41+83.00 and 42+75.00 and included in a strip of land 72.00 feet in width, lying on the Southerly side of said center line, which center line is described as follows:

Beginning at Engineer's center line Station 35+00.00, said station being 797.86 feet South and 854.35 feet East of the North one-quarter corner of Section 5, Township 15 South, Range 15 East, W.M.; thence North 89° 40' 28" East 1,000.00 feet to Engineer's Station 45+00.00 on said center line.

Bearings are based upon the Oregon Coordinate Reference System (O.C.R.S.), Bend-Redmond-Prineville Zone, NAD 83(2011) Epoch 2010.00.

This parcel of land contains 262 square feet, more or less.

DIGITALLY SIGNED Jul 3 2019 10:21 AM

RENEWS: 6-30-2021