

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

RESOLUTION/ ORDER NO: 21-05-25-03

IN THE MATTER OF A RESOLUTION
ESTABLISHING NECESSITY PURSUANT
ORS 35.610 AND ORDERING THE
ACQUISITION OF INTERESTS NECESSARY
FOR HOWARD ELEMENTARY & COLIN
KELLY MS TRAFFIC CONGESTION
MITIGATION PROJECT, KEY # 21168
(360289960)

WHEREAS Lane County may exercise the power of eminent domain pursuant to its Home Rule Charter, Chapter II, Section 5, Oregon Revised Statutes Volume 01, Chapter 35, and the Law of the State of Oregon generally, when the exercise of such power is deemed necessary by the Board of County Commissioners' governing body to accomplish public purposes for which Lane County has responsibility;

WHEREAS Lane County has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public;

WHEREAS the project is known as Howard Elementary & Colin Kelly MS Traffic Congestion Mitigation, Key # 21168 (36028996), adopted through the Lane County Capital Improvement Program for Fiscal Years 20-21 to 24-25, Order No 20-07-21-08, 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, travel safeguarded; and

WHEREAS to accomplish the project set forth above it is necessary to acquire permanent road right of way and temporary right of entry/permit of entry for construction interests in the properties described in "Exhibit A," attached to this resolution and, by this reference incorporated herein;

NOW, THEREFORE, the Board of County Commissioners of Lane County **RESOLVES and ORDERS** as follows:

1. The foregoing statements of authority and need are, in fact, the case. The project 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 Lane County Public Works' staff and the Lane County Counsel 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 Lane County Counsel.

4. Lane County 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.

ADOPTED this 25th day of May, 2021.



Joe Berney, Chair
Lane County Board of Commissioners

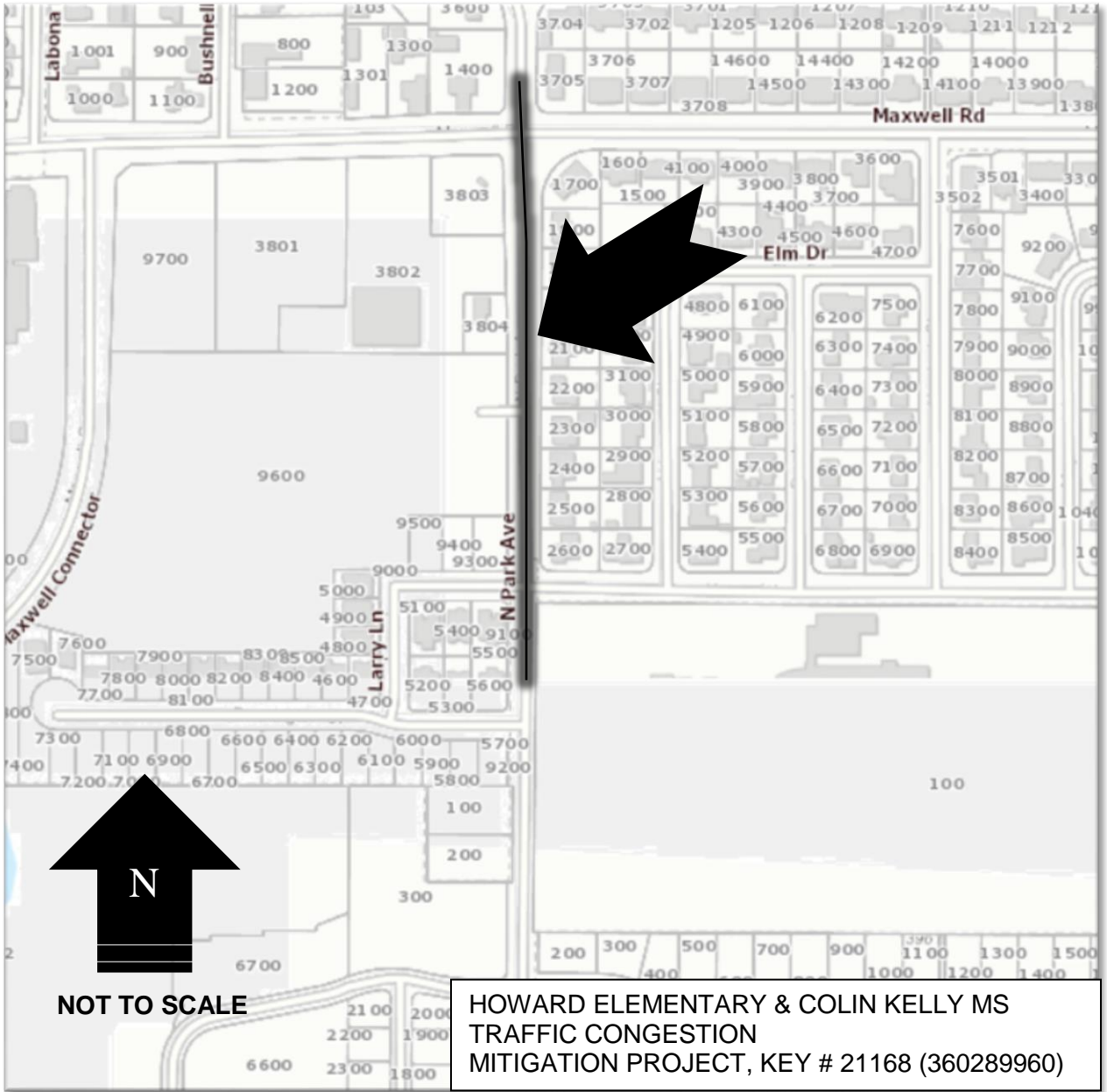
“EXHIBIT A”

LANE COUNTY DEPARTMENT OF PUBLIC WORKS RIGHT OF WAY PROPERTY IDENTIFICATION LIST

HOWARD ELEMENTARY & COLIN KELLY MS TRAFFIC CONGESTION MITIGATION PROJECT, KEY # 21168 (360289960)

ROW Parcel #	Property Map/Tax Lot	Interest to Acquire	Owners' Name	Mailing Address
1563-01	1704143201700	Temporary Construction Easement	Jeffrey Lynn Tomlin & Holly Deirdre/ Buckley Bruce Tomlin	428 Ivy St, Junction City, OR 97448
1563-02	1704143201800	Temporary Construction Easement	Erin L Reckers	1595 N Park Ave, Eugene, OR 97404
1563-03	1704143201900	Temporary Construction Easement	Kathleen F Tate	1593 N Park Ave, Eugene, OR 97404
1563-04	1704143202000	Temporary Construction Easement	Michael J Owen & Robin Moralez	1589 N Park Ave. Eugene, OR 97404
1563-05	1704143202100	Temporary Construction Easement	Shawn L Stegner & Velia S Marquez	1585 N Park Ave, Eugene, OR 97404
1563-06	1704143202200	Temporary Construction Easement	John P Trant/ Kori Wanner	1547 N Park Ave. Eugene, OR r 97404
1563-07	1704143202300	Temporary Construction Easement	Richard A Kimball	16636 Se Oak St, Portland, OR 97233
1563-08	1704143202400	Temporary Construction Easement	Jose M Mora / Genoveva M Flores- Mora	1533 N Park Ave Eugene, OR 97404
1563-09	1704143202500	Temporary Construction Easement	Travis G Wootan	1521 N Park Ave Eugene, OR 97404
1563-10	1704143202600	Temporary Construction Easement	Cody Johnson / Jessica Mathiesen	893 Howard Ave Eugene, OR 97404

**“ATTACHMENT 1” OF EXHIBIT A
VICINITY MAP**



“ATTACHMENT 2” OF EXHIBIT A

**LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT**

A variable width strip of land, in the Northwest 1/4 of the Southwest 1/4 (NW1/4, SW1/4) of Section 14, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon; the centerline and widths in feet being described as follows:

Beginning at Centerline Station SP2 10+00.00 (POB), said Centerline Station being a found PK nail marking the intersection of Maxwell Road (County Road Number 1009) with said North Park Avenue at Maxwell centerline station M2 121+46.00 (POT); thence South 00°13'18" West, 1,224.29 feet to Centerline Station SP2 22+24.29 (EOP), and there ending, all in Lane County, Oregon.

The widths in feet of the strips of land herein described are as follows:

<u>STATION TO STATION</u>		<u>WIDTH ON EASTERLY SIDE OF C/LINE</u>
10+00.00 P.O.B	11+39.13 P.O.T	35.00 feet
11+39.13 P.O.T	11+39.13 P.O.T	35.00 feet in a straight line to 33.00 feet
11+39.13 P.O.T	14+39.13 P.O.T	33.00 feet
14+39.13 P.O.T	14+39.13 P.O.T	33.00 feet in a straight line to 30.00 feet
14+39.13 P.O.T	14+77.00 P.O.T	30.00 feet
14+77.00 P.O.T	14+77.00 P.O.T.	30.00 feet in a straight line to 33.00 feet
14+77.00 P.O.T.	15+14.13 P.O.T.	33.00 feet
15+14.13 P.O.T	15+14.13 P.O.T.	33.00 feet in a straight line to 30.00 feet
15+14.13 P.O.T.	15+49.00 P.O.T	30.00 feet
15+49.00 P.O.T	15+49.00 P.O.T	30.00 feet in a straight line to 36.00 feet
15+49.00 P.O.T	16+34.00 P.O.T	36.00 feet
16+34.00 P.O.T	16+34.00 P.O.T	36.00 feet in a straight line to 30.00 feet
16+34.00 P.O.T	16+64.14 P.O.T	30.00 feet
16+64.14 P.O.T	16+64.14 P.O.T	30.00 feet in a straight line to 41.00 feet
16+64.14 P.O.T	19+00.00 P.O.T	41.00 feet

Excluding the existing 60.00 foot wide, 30 feet each side of the above described centerline, right of way of North Park Avenue, County Road Number 1008

This strip of land to which this description applies contains 3,330 square feet, more or less.

This description is based on Oregon Coordinate Reference System (OCRS), Oregon Coast Zone, NAD83 (CORS2011), Epoch 2010.00

**“ATTACHMENT 3” OF EXHIBIT A
ACQUISITION MAP**

