

RESOLUTION NO. 2024-48

A RESOLUTION AUTHORIZING THE COMMENCEMENT OF EMINENT DOMAIN PROCEEDINGS TO ACQUIRE RIGHT-OF-WAY, EASEMENTS, AND ALL PROPERTY RIGHTS NECESSARY FOR CONSTRUCTION OF IMPROVEMENTS RELATED TO THE 2022 SAFETY AND LIVABILITY BOND BRIDGES REHABILITATION PROJECT, OVER PROPERTY COMMONLY KNOWN AS 1690 WINONA COURT NE.

Whereas, the City of Salem (“City”) has the authority and responsibility of certain utility systems and streets and roads for commerce, convenience, and to adequately serve the public; and

Whereas, the City Council by Resolution 2024-3 deemed it necessary and expedient to acquire right-of-way and easements over certain real property in conjunction with the 2022 Safety and Livability Bond Bridges Rehabilitation Project (“Project”) in Salem, Oregon; and

Whereas, the Project is necessary in 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 the least private injury; and

Whereas, the City has unrecorded property rights on a portion of the real property located at 1690 Winona Court NE, City of Salem, Marion County, Oregon, as more particularly described in “Exhibits A” and depicted on “Exhibits B,” which are attached hereto and incorporated herein (collectively, the “Property Interests”); and

Whereas, the Property Interests are necessary for the design, construction, and implementation of the Project; and

Whereas, notwithstanding the City’s ownership in the Property Interests, staff have been attempting to negotiate with the title owners for the purchase of the Property Interests to clear any clout on title, but negotiations have been unsuccessful; and

Whereas, the City has authority under Oregon law, including but not limited to the City Charter, ORS chapter 223, and ORS chapter 35, to acquire property through the exercise of eminent domain.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SALEM, OREGON,
RESOLVES AS FOLLOWS:

Section 1. The recitals above are incorporated as if fully set forth herein.

Section 2. The City Attorney and outside counsel are authorized to commence and prosecute to final determination such proceedings as may be necessary for the City’s acquisition of the Property Interests, including condemnation proceedings, and to seek immediate possession thereof.

Section 3. This resolution is effective upon adoption.

ADOPTED by the City Council this ____day of _____, 2024.

ATTEST:

City Recorder

Approved by City Attorney: _____

Checked by: A. Edelman