

## RESOLUTION NO. 2022-19

A RESOLUTION DECLARING THE PUBLIC NEED, AND AUTHORIZING THE CITY ATTORNEY TO COMMENCE EMINENT DOMAIN, PROCEEDINGS TO ACQUIRE PROPERTY RIGHTS FOR THE HILFIKER LANE SE AT COMMERCIAL STREET SE PROJECT, OVER PROPERTY COMMONLY KNOWN AS 4403 COMMERCIAL STREET SE.

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

**Whereas**, for the purposes of the Hilfiker Lane SE at Commercial Street SE Project (Project), it is necessary for the City to acquire property rights over certain real property located at 4403 Commercial Street SE, identified in Exhibit A, page 1 and 2, and depicted in Exhibit B, which are attached hereto and incorporated herein by reference (“the Properties”); and

**Whereas**, the public improvements for the Project are approved capital improvements currently being designed for construction; and

**Whereas**, for the public purposes of improving the streets within the City, including the construction of the public improvements for the project, the City Council has deemed it necessary to acquire certain property rights over the Property, which the City is authorized by law to acquire; and

**Whereas**, the City is authorized by law to utilize the power of eminent domain to acquire real property or property rights necessary for public use.

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

**Section 1.** The City of Salem does hereby find it is in the public interest and declare that the real properties more particularly identified in Exhibit A, page 1 and 2, and depicted in Exhibit B are located in the City and are needed and required for the public purpose of the construction of public improvements for the Project.

**Section 2.** City staff, and the City’s agents, are authorized to attempt to reach agreement with the owners and other persons with interest in the real property and interests therein identified in Section 1, as to the compensation to be paid for the appropriation of the property rights identified in Exhibit A, page 1 and 2, and shown in Exhibit B.

**Section 3.** In the event that no satisfactory agreement to acquire the property rights can be reached, the City Attorney is directed and authorized, with no further action by Council, to commence Eminent Domain proceedings and prosecute to final determination such proceedings as may be necessary to acquire the property rights identified in Exhibit A, page 1 and 2, and

depicted in Exhibit B and that upon the filing of such proceeding, to seek immediate possession thereof as the City Attorney deems necessary.

**Section 4.** This resolution is effective upon adoption.

ADOPTED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

City Recorder

Approved by City Attorney: \_\_\_\_\_

Checked by: John Echeverri  
Project Number 718500  
Property # 7