



**Staff Report**

**File #:** 23-234  
**Version:** 1

**Date:** 6/12/2023  
**Item #:** 3.2b.

**TO:** Mayor and City Council  
**THROUGH:** Keith Stahley, City Manager  
**FROM:** Brian D. Martin, PE, Public Works Director

**SUBJECT:**

Acquisition of Property for the Center Street NE Improvement Project from Lancaster Drive NE to 45<sup>th</sup> Place NE

Ward(s): Ward 6  
Councilor(s): Councilor Hoy  
Neighborhood(s): ELNA  
Result Area(s): Safe, Reliable and Efficient Infrastructure

**SUMMARY:**

The Center Street NE project is a federal aid project being delivered by Marion County. The project will construct interim improvements on the north side of Center Street NE, including a center-turn lane, bike lane, and sidewalk (Attachment 1, Project Location Map). Design has progressed to the point where it is now necessary to begin the right-of-way acquisition process.

**ISSUE:**

Shall City Council adopt Resolution Nos. 2023-18, 2023-19, and 2023-20 declaring a public need to acquire; the City of Salem’s intent to negotiate; and if necessary, authorizing the City Attorney to commence eminent domain proceedings with Marion County for the acquisition of easements for the Center Street NE project from Lancaster Drive NE to 45<sup>th</sup> Place NE?

**RECOMMENDATION:**

Adopt Resolution Nos. 2023-18, 2023-19, and 2023-20 declaring a public need to acquire; the City of Salem’s intent to negotiate; and if necessary, authorizing the City Attorney to commence eminent domain proceedings with Marion County for the acquisition of easements for the Center Street NE project from Lancaster Drive NE to 45<sup>th</sup> Place NE.

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## **FACTS AND FINDINGS:**

- The project is being designed in the public interest, and there is a public need to acquire easements from three properties located within Salem city limits to construct the required improvements. The locations of the easements are shown on Attachment 2. The property owners of record are identified in Attachment 3.
- Marion County will negotiate with the property owners to acquire the required easements on the City's behalf and will pay just compensation for all acquisitions.
- Since this is a federal aid project that will be completed under the Local Agency Certification process, the Oregon Department of Transportation requires approval of a single resolution for each acquisition which authorizes eminent domain proceedings if an agreement with the property owners cannot be reached through the standard negotiation process. Even though Marion County is delivering the project, City of Salem authorization is required for them to acquire the easements located within Salem city limits. At this time, eminent domain is not expected to be necessary to complete the easement acquisitions. In the event that eminent domain proceedings are necessary, the City Attorney will authorize them and staff will work with Marion County to secure the easements.

## **BACKGROUND:**

Pedestrian and bicycle fatalities account for a significant portion of Oregon traffic fatalities. Oregon's Transportation Safety Action Plan identifies pedestrian and bicycle crashes as a primary safety focus area. This project will provide improvements to improve pedestrian and bicycle safety along Center Street NE.

Allen Dannen, PE  
Acting City Engineer

### Attachments:

1. Project Location Map
2. Identified Properties
3. Property Ownership Summary
4. Resolution No. 2023-18
5. Exhibits A1-A2 and B1-B2 to Resolution No. 2023-18
6. Resolution No. 2023-19
7. Exhibits A1-A2 and B1-B2 to Resolution No. 2023-19
8. Resolution No. 2023-20
9. Exhibits A1-A2 and B1-B2 to Resolution No. 2023-20