

RESOLUTION NO. 2142

A RESOLUTION DECLARING PUBLIC NECESSITY TO ACQUIRE REAL PROPERTY FOR THE N.W. GEER ROAD, W. HARPER ROAD, AND N. 1ST PLACE REALIGNMENT—ST 4.0.

WHEREAS, the above-entitled matter came before the City Council of the City of Hermiston at its regular meeting on September 11, 2017, wherein this project was approved to be included in the City's Five-Year Capital Improvement Plan (CIP); and

WHEREAS, the City Council at its regular meeting on January 28, 2019 approved the project to remain in the updated Five-Year CIP; and

WHEREAS, the N.W. Greer Road, W. Harper Road, and N. 1st Place Realignment—ST. 4.0 Project includes, but is not limited to, the acquisition of properties to reconstruct and improve traffic and pedestrian movements at the intersection of N.W. Geer Road, W. Harper Road and N. 1st Place, and to improve connectivity to property east of No. 1st Place; and

WHEREAS, the City has authority pursuant to ORS 223.005 - .020 and ORS 223.105 to acquire real property by purchase or through eminent domain proceedings in accordance with ORS Chapter 35; and

WHEREAS, the City Council determines consistent with the powers and purposes of its Charter that it is necessary for the economic well-being, public health, safety and welfare of the City of Hermiston and members of the public served by the City to acquire fee title to necessary property, discussed further herein, to implement the N.W. Greer Road, W. Harper Road, and N. 1st Place Realignment—ST 4.0; and

WHEREAS, after investigation of various alternative options and layouts for the redevelopment, and the consideration of the most effective and economic benefits to the public, the City Council has determined that the Property, identified on Exhibits A and B, attached hereto and incorporated by reference ("***the Property***"), is necessary for the redevelopment of the intersection of N.W. Geer Road, W. Harper Road, and N. 1st Place for the N.W. Geer Road, W. Harper Road, and N. 1st Place Realignment—ST 4.0 Project; and that this use is planned and located in a manner which is most compatible with the greatest public good and the least private injury; and

WHEREAS, the City Council finds that declaration by resolution to acquire the Property for the N.W. Geer Road, W. Harper Road, and N. 1st Place Realignment—ST 4.0 Project is necessary and being advised; now, therefore,

The City of Hermiston resolves as follows:

Section 1. That the above recitals shall form an integral part of this resolution and shall have the same force and effect as if they were adopted as resolutions.

Section 2. It is necessary for the preservation of economic well-being, public health, safety and welfare of the City of Hermiston and members of the public served by the City that the City commence the acquisition process for the Property for the N.W. Geer Road, W. Harper Road, and N. 1st Place Realignment—ST 4.0 Project through the exercise of the power of eminent domain.

Section 3. That City staff and counsel are authorized to retain real estate appraisers, negotiators and other consultants, with said appraisals to be prepared under the auspices of City Counsel, for initiation of proceedings as described below.

Section 4. The City shall in good faith attempt to negotiate a purchase and sale agreement to acquire fee title to the Property with the affected property owner(s) and pay just compensation in accordance with applicable law. City staff and counsel, including consultants and agents, are authorized to engage in and complete negotiations with the property owners.

Section 5. The City staff and counsel are authorized to retain any experts necessary to examine, survey, conduct tests upon and take samples from the Property, pursuant to the requisite procedures for pre-condemnation entry on the Property (ORS 35.220).

Section 6. The City staff and counsel are authorized to retain outside counsel necessary to assist with pre-condemnation work, negotiations with the Property owner and condemnation litigation, if necessary.

Section 7. The Council recognizes that formal litigation may be necessary and the attorney(s) for the City of Hermiston and/or outside counsel are directed and authorized to commence and prosecute to final determination such legal proceedings as may be necessary to acquire the Property.

Section 8. That upon the trial of any suit or action instituted to acquire the Property, the attorneys acting for and on behalf of the City are authorized to make such stipulation, agreement or admission as in their judgment may be for the best interest of the City and to take possession of the Property as appropriate in their judgment without necessity of further Council approval.

PASSED by the Common Council this 27th day of January 2020.

SIGNED by the Mayor this 27th day of January 2020.

Dr. David Drotzmann, MAYOR

ATTEST:

Lilly Alarcon-Strong, CMC, CITY RECORDER
4819-1132-2802, v. 1



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TRACT I:

That portion of Southeast Quarter of Section 3, Township 4 North, Range 28, E.W.M., included within the lands of Forrest Starrett and being described as follows:

Beginning at a point on East line of County Road No. 705, said point being South $0^{\circ} 25' 30''$ West 1,041.46 feet and South $89^{\circ} 38' 00''$ East 30 feet from center of said Section 3; thence continuing South $89^{\circ} 38' 00''$ East, parallel with North line of said Starrett Tract a distance of 166 feet; thence South $0^{\circ} 25' 06''$ West, parallel with said County Road No. 705, a distance of 259.55 feet to Northerly line of Harper Road; thence North $31^{\circ} 35' 20''$ West along said Northerly line 229.55 feet; thence continuing along said Northerly line North $89^{\circ} 34' 40''$ West 44.33 feet to East line of County Road No. 705; thence North $0^{\circ} 25' 06''$ East along said East line a distance of 64.74 feet TO THE POINT OF BEGINNING;

ALL BEING East of the Willamette Meridian, Umatilla County, Oregon.

TRACT II:

That portion of the Southeast Quarter of Section 3, Township 4 North, Range 28, EWM, Umatilla County, Oregon, included within the right of way of Harper Road being described as follows:

Beginning at a point where the last line of Geer Road intersects the Northerly line of Harper Road, said point being South $0^{\circ} 25' 30''$ West 1,106.20 feet and South $89^{\circ} 34' 40''$ last 30.00 feet from the center of said Section 3 and running;

Thence continuing South $89^{\circ} 34' 40''$ East along the Northerly right-of-way line of Harper Road 44.33 feet;

Thence continuing along said Northerly right-of-way line South $31^{\circ} 35' 20''$ East 229.51 feet;

Thence North $64^{\circ} 30' 29''$ West 110.76 feet;

Thence North $43^{\circ} 42' 29''$ West 94.68 feet to a point which lies 30.00 feet East of the North-South centerline of said Section 3;

Thence North $0^{\circ} 25' 30''$ East 79.55 feet TO THE POINT OF BEGINNING.

ALL BEING East of the Willamette Meridian, County of Umatilla, State of Oregon.

SUBJECT TO any and all water rights of way.

