

RESOLUTION NO. 2105

A RESOLUTION DECLARING PUBLIC NECESSITY TO ACQUIRE REAL PROPERTY FOR THE NORTH HERMISTON RESERVOIR AND WATER SYSTEM IMPROVEMENTS - 2019 PROJECT.

WHEREAS, the above-entitled matter came before the City Council of the City of Hermiston at its regular meeting on August 13, 2018; and

WHEREAS, the City Council adopted Resolution No. 2087 approving a Memorandum of Understanding with the County of Umatilla for both to contribute financially to make certain upgrades to the City of Hermiston's municipal water system as a viable way to stimulate additional new housing within the city and the county; and

WHEREAS, the City Council adopted Resolution No. 2088 authorizing the city manager and the mayor to develop, submit and execute loan document with the Oregon Business Development Department (OBDD) for constructing new public water storage and distribution improvements; and

WHEREAS, the City Council adopted Resolution No. 2092 approving an agreement with Anderson Perry & Associates Inc., for engineering services for the North Hermiston Reservoir and Water System Improvements - 2019 Project; and

WHEREAS, the OBDD has approved the city's application for financial assistance from the Special Public Works Fund; and

WHEREAS, the City Council adopted Resolution No. 2103 authorizing a loan from the Special Projects Work Fund for design and construction of the North Hermiston Reservoir and Water System Improvements - 2019 Project; and

WHEREAS, the North Hermiston Reservoir and Water System Improvements - 2019 Project includes, but is not limited to, the acquisition of properties to locate, design and construct water storage tank(s) and certain water system improvements; and

WHEREAS, the City has authority under Oregon Revised Statutes Chapter 35, ORS 223.005 - .020 and ORS 223.105 to acquire real property by purchase or through eminent domain proceedings; 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 to implement the North Hermiston Reservoir and Water System Improvements - 2019 Project; and

WHEREAS, after investigation of various alternative water storage tank(s) sites, and the consideration of the most effective and economic method of service delivery, the City Council has determined that the Property, identified on Exhibits A and B, attached hereto and incorporated by reference, is best suited and necessary for location of water storage tank(s) for the North Hermiston Reservoir and Water System Improvements - 2019 Project; and that this use is planned and located in a manner which is most compatible with the greatest public health benefit and causes the least private injury; and

WHEREAS, the City Council finds that declaration by resolution to acquire the Property for the North Hermiston Reservoir and Water System Improvements - 2019 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 North Hermiston Reservoir and Water System Improvements - 2019 Project, as shown on Exhibits A and B, attached hereto and incorporated herein by this reference, through 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 owners 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 Council recognizes that formal litigation may be necessary and the attorney(s) for the City of Hermiston are directed and authorized to commence and prosecute to final determination such legal proceedings as may be necessary to acquire the Property.

Section 6. 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 13<sup>th</sup> day of August 2018.

SIGNED by the Mayor this 13<sup>th</sup> day of August 2018.

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MAYOR

ATTEST:

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CITY RECORDER