BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

RESOLUTION NO: 20-01-07-17

IN THE MATTER OF AUTHORIZING A RESOLUTION PURSUANT TO ORS 35.610 CONCERNING ACQUISITION OF RIGHT OF WAY NECESSARY FOR PHASE 1: STONY POINT (2020), TERRITORIAL HIGHWAY

WHEREAS, in compliance with the approval of Territorial Highway (Gillespie Corners - Town of Lorane) Corridor Plan and Design Concept, Order No. 19-08-20-19, it is necessary to acquire right of way for “Phase 1: Stony Point (2020),” from private property owners as described on "Exhibit A," including attachments, attached and incorporated by reference; and

WHEREAS, under ORS 35.215, the Lane County meets the definition of “Condemner,” with the power of eminent domain; and

WHEREAS, under ORS Chapter 35.235, the Condemner must first declare that the acquisition of property is necessary for the project and the purpose of the acquisition prior to attempting to agree with the owner of the property with respect to compensation and damages, if any; and

WHEREAS, under ORS Chapter 35.245, If the condemner is unable to agree with or locate the owner of the property under ORS 35.235, then an action to condemn property may be commenced in the circuit court of the county in which the property proposed to be condemned, or the greater portion thereof, is located.

NOW, THEREFORE, the Board of County Commissioners of Lane County ORDERS and RESOLVES as follows:

1. That under authority granted in ORS Chapter 35, it is necessary to acquire permanent and temporary road right of way and easement rights for projects known as “Phase 1: Stony Point (2020), Territorial Highway (Gillespie Corners – Town of Lorane)” that is compatible with the greatest public good and the least private injury.

2. That if Lane County is unable by negotiations to reach an agreement for the acquisition of the necessary real property rights, the Office of Legal Counsel of Lane County is hereby authorized to commence and prosecute in the Circuit Court of Lane County in the name of Lane County, any necessary proceedings for the condemnation and immediate possession of necessary real property rights and for the assessment of damages for the taking thereof.

ADOPTED this 7th day of January, 2020.

Heather Buch, Chair
Lane County Board of Commissioners

Revised 1/5/16