

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 12- 01**

A RESOLUTION DECLARING THE NEED TO ACQUIRE RIGHTS-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENTS ON PROPERTIES FOR THE PURPOSES OF INSTALLING, REPLACING, AND REPAIRING SIDEWALK AND GREEN STREET IMPROVEMENTS NEEDED TO PROVIDE SAFE TRANSPORTATION ROUTES FOR PEDESTRIANS

WHEREAS, the City of Tigard Charter grants the City of Tigard (“City”) authority to acquire interest in land for public purposes; and

WHEREAS, the City is authorized by ORS 223.005 et seq. and ORS 35.015 et seq. to purchase, acquire, take, use, enter upon and appropriate land and property within or without its corporate limits for the purposes provided in those statutes; and

WHEREAS, the City needs to acquire rights-of-way and/or temporary construction easements on 29 properties on Main Street as part of an overall green street project for the public purpose of providing safe transportation for pedestrians; and

WHEREAS, the City has determined that the acquisition of rights-of-way and/or temporary construction easements on certain properties is necessary and will be used for the location, installation, replacement and repair of the needed city sidewalk and green street improvements.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City does hereby find and declare that certain properties located in the City of Tigard, Washington County, Oregon are necessary and will be used for the installation, location, repair, replacement and improvement of a public sidewalk and green street. The properties for which the City needs to acquire a right-of-way and/or a temporary construction easement are legally described and depicted on the attached and incorporated Exhibit A and Exhibit B for each of the 29 properties (collectively, the “Properties”).

SECTION 2: The City Council finds that the acquisition of rights-of-way and/or temporary construction easements on the Properties is necessary and is in the public interest, and the improvements to said Properties are planned, and will be designed, located and constructed in a manner that will be most compatible with the greatest public benefit and the least private injury or damage.

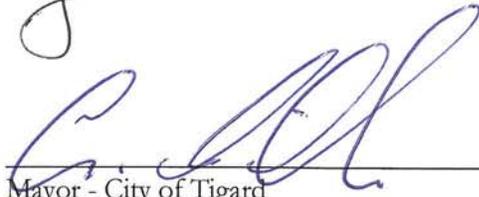
SECTION 3: The city manager, or her designee, the city’s agent, and the city attorney, or his designee, are authorized to negotiate with the owners and other persons who have an interest in the Properties as to the compensation to be paid for these right-of-way acquisitions and/or temporary construction easements. The city manager is authorized to enter into agreements for acquisition of rights-of-way and/or temporary construction easements on the Properties at the appraised fair market value. The City Council must approve any agreement to purchase an interest in real property if the purchase amount is higher than \$75,000.

* Only in

SECTION 4: ~~In~~ the event that no satisfactory agreement can be reached on right-of-way or temporary construction easement acquisition for all or any portion of the Properties, then the city attorney is directed and authorized to commence and to prosecute to final determination such proceedings as may be necessary to acquire the Properties or any portion of the Properties, including exercise of eminent domain, and upon the filing of such proceedings, possession of the affected real property therein may be taken immediately to the extent provided by law.

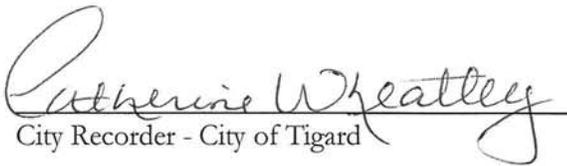
SECTION 5: This resolution is effective immediately upon passage.

PASSED: This 24th day of January 2012.



Mayor - City of Tigard

ATTEST:



City Recorder - City of Tigard

* AS AMENDED BY
Council on 1/24/2012.
C. Wheatley