

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 14-41

A RESOLUTION DECLARING THE NEED TO ACQUIRE PROPERTY FOR THE PURPOSE OF CONSTRUCTING WATER IMPROVEMENTS ALONG SW BONITA ROAD AND AUTHORIZING IMMEDIATE POSSESSION OF THE PROPERTY

WHEREAS, the City Charter grants the City of Tigard (“City”) the authority to acquire 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 purpose provided in those statutes; and

WHEREAS, the construction of the Lake Oswego / Tigard water partnership program is an approved capital improvement project identified in the City of Tigard *Capital Improvement Plan (the “Project”)*; and

WHEREAS, the City will be constructing this Project for the health, safety, benefit, and general welfare of the public by addressing water supply for the City; and

WHEREAS, the City needs to acquire both permanent and temporary construction easements on which to construct and maintain the Project improvements (including without limitation, buried pipelines, bore pits and related equipment); and

WHEREAS, to allow for acquisition of the properties in a timely and efficient manner, a resolution of necessity is necessary to allow the City to take all measures necessary to acquire the property interests needed for the Project, including the exercise of eminent domain, if needed.

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

SECTION 1: The City does hereby find and declare that property located in the City of Tigard, Washington County, Oregon is immediately needed and required for the construction, operation, maintenance, repair, and improvement of the Lake Oswego / Tigard water partnership program. These properties are generally depicted in Exhibits A and B (collectively, the “Property”, “Properties” or “Property Interests”); these exhibits are incorporated herein by this reference.

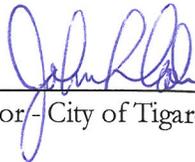
SECTION 2: The City does hereby find the acquisition of the Property and Property Interests is necessary and is in the public interest, and the improvements to the Properties will be planned, designed, located and constructed in a manner that will be most compatible with the greatest public benefit and the least private injury or damage.

SECTION 3: The city manager, city’s agent, and the city’s real estate attorney are authorized to negotiate and enter into agreements with the owners and other persons who have an interest in the Properties as to the just compensation for the Properties.

SECTION 4: In the event that satisfactory agreement cannot be reached for purchase of any Property or Property Interest, the city's real estate attorney is directed and authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire the applicable Property and/or Property Interest, including exercise of eminent domain, and upon the filing of such proceedings, possession of the Property therein may be taken immediately to the extent provided by law.

SECTION 5: This resolution is effective immediately upon passage.

PASSED: This 9th day of September 2014.

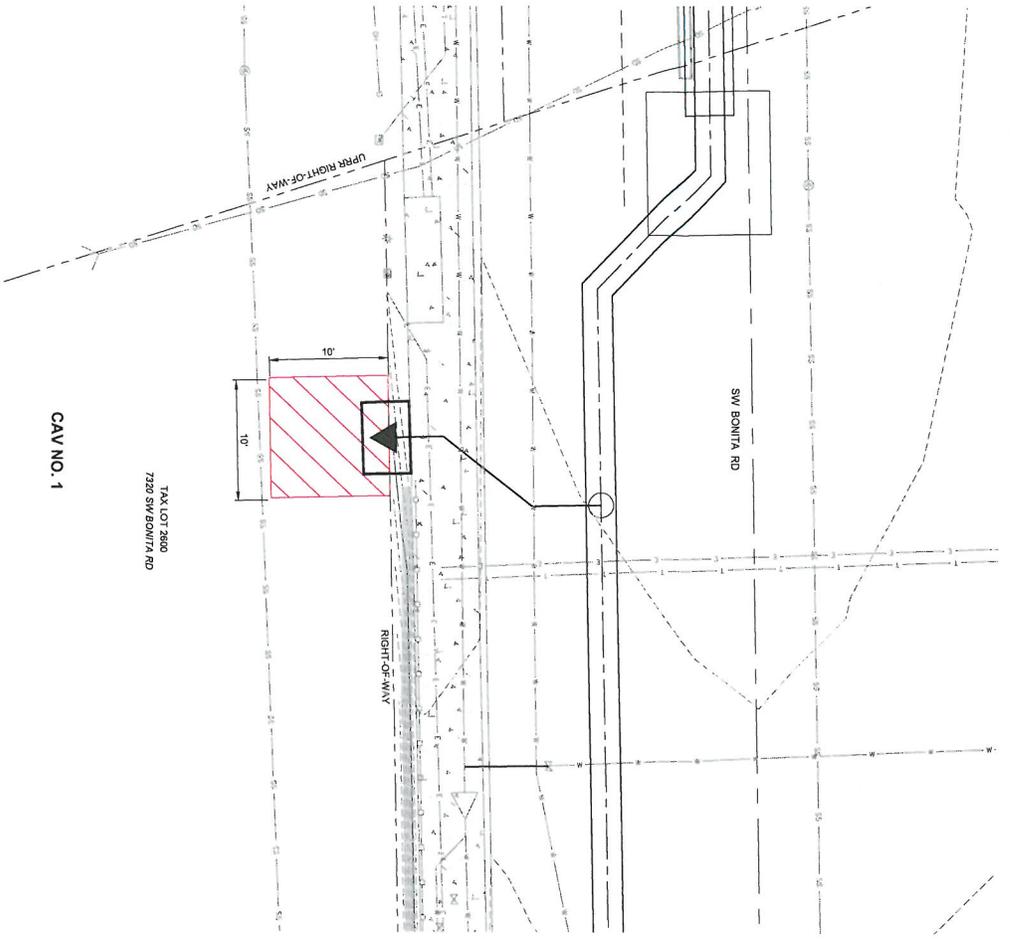


Mayor - City of Tigard

ATTEST:



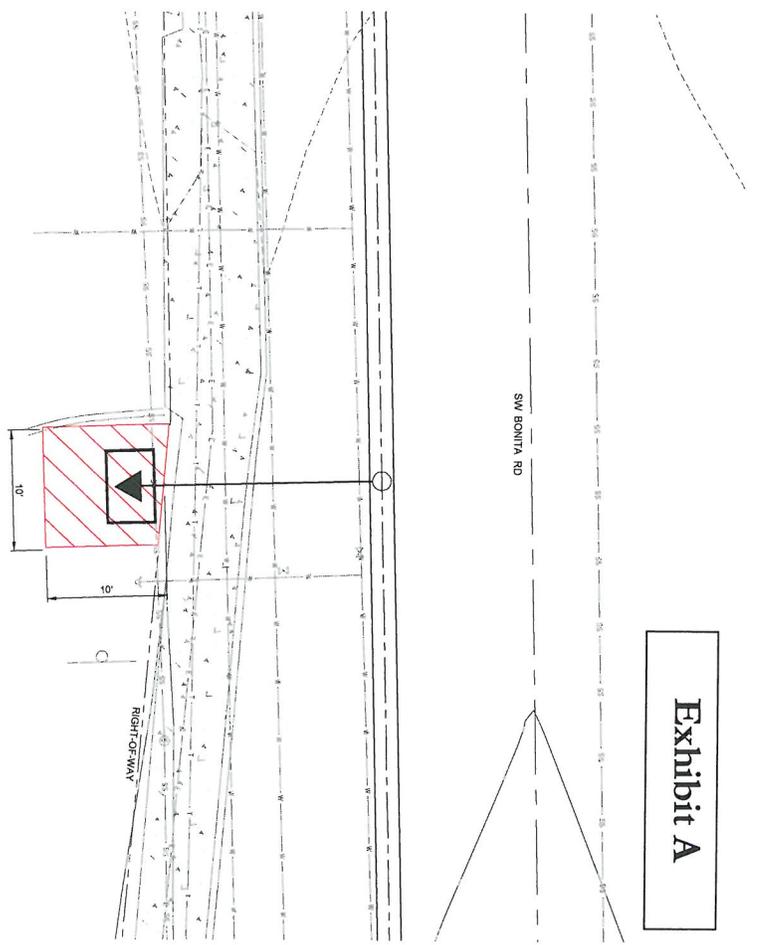
City Recorder - City of Tigard



CAV NO. 1

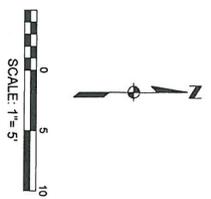


Water supply equipment refers to the combination air-vacuum devices (CAVs) noted on this page.



CAV NO. 2

Exhibit A



Kennedy/Jenks Consultants
 LAKE OSWEGO-TIGARD WATER PARTNERSHIP
 FINISHED WATER PIPELINE-SCEDULE 6
 LAKE OSWEGO, OREGON
 CAV EASEMENTS
 SW BONITA ROAD
 KJ 1191016.20

- LEGEND**
-  INGRESS AND EGRESS EASEMENT
 -  TEMPORARY CONSTRUCTION EASEMENT
 -  PERMANENT EASEMENT
 -  PROPERTY LINES

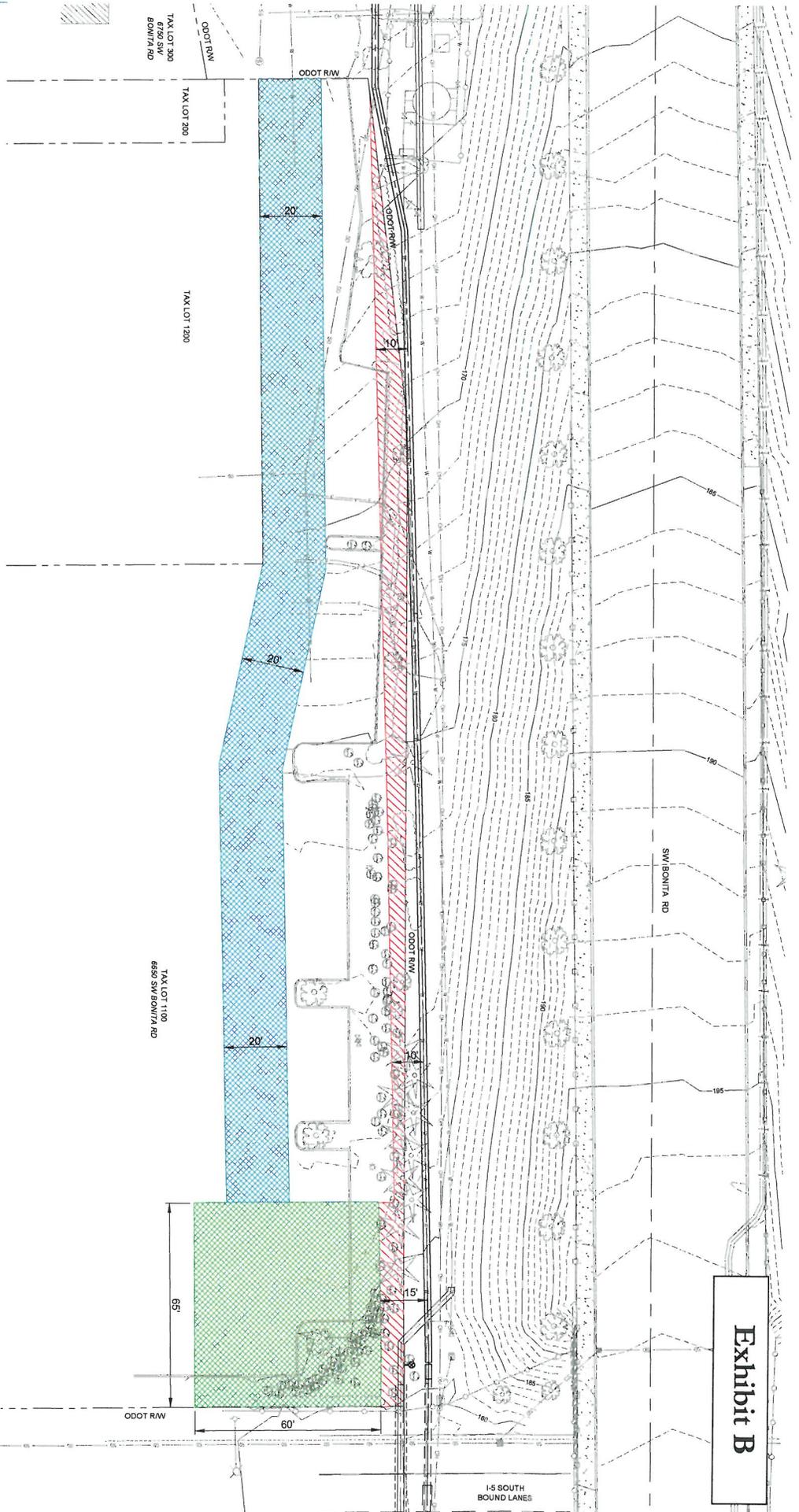
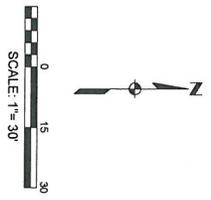


Exhibit B

Kennedy/Jenks Consultants
 LAKE OSWEGO-TIGARD WATER PARTNERSHIP
 FINISHED WATER PIPELINE SCHEDULE 6
 LAKE OSWEGO, OREGON
 PIPELINE EASEMENTS
 WEST SIDE INTERSTATE 5

KJ 1191016.20