

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

RESOLUTION AND ORDER NO:
19-01-08-13

IN THE MATTER OF A RESOLUTION
ESTABLISHING NECESSITY PURSUANT TO
ORS 35.610 AND ORDERING THE
ACQUISITION OF INTERESTS NECESSARY
FOR THE E. ENID ROAD AND PRAIRIE ROAD
PAVEMENT PRESERVATION AND SIDEWALK
REHABILITATION PROJECT, KEY # 19914
(367347001)

WHEREAS Lane County may exercise the power of eminent domain pursuant to its Home Rule Charter, Chapter II, Section 5, Oregon Revised Statutes Volume 01, Chapter 35, and the Law of the State of Oregon generally, when the exercise of such power is deemed necessary by the Board of County Commissioners' governing body to accomplish public purposes for which Lane County has responsibility;

WHEREAS Lane County has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public;

WHEREAS the project is known as E. Enid Road and Prairie Road Pavement Preservation and Sidewalk Rehabilitation, Key # 19914 (367347001), adopted through the Lane County Road & Bridge Capital Improvement Program for Fiscal Years 2018/19 through 2022/23 by Order number 18-05-15-06, have been planned in accordance with appropriate engineering standards for the construction, maintenance or improvement of said transportation infrastructure such that property damage is minimized, transportation promoted, travel safeguarded; and

WHEREAS to accomplish the project set forth above it is necessary to acquire permanent road right of way and temporary right of entry/permit of entry for construction interests in the properties described in "Exhibit A," attached to this resolution and, by this reference incorporated herein;

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

1. The foregoing statements of authority and need are, in fact, the case. The project for which the property is required and is being acquired are necessary in the public interest, and the same have been planned, designed, located, and will be constructed in a manner which will be most compatible with the greatest public good and the least private injury;
2. The power of eminent domain is hereby exercised with respect to each of the interests in property described in Exhibit A. Each is acquired subject to payment of just compensation and subject to procedural requirements of Oregon law;
3. The Lane County Public Works' staff and Lane County Legal Counsel are authorized and requested to attempt to agree with the owner and other persons in interest as to the compensation to be paid for each acquisition, and, in the event that no satisfactory agreement can be reached, to commence and prosecute such condemnation proceedings as may be necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition. This authorization is not intended to expand the jurisdiction of any court to decide matters determined above or determinable by Lane County Legal Counsel.

4. Lane County expressly reserves its jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality, or locality, and to change or abandon any acquisition.

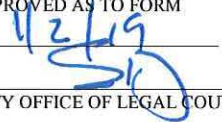
ADOPTED this 8th day of January, 2019.



Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date



LANE COUNTY OFFICE OF LEGAL COUNSEL

“EXHIBIT A”

LANE COUNTY DEPARTMENT OF PUBLIC WORKS RIGHT OF WAY PROPERTY IDENTIFICATION LIST

PRAIRIE ROAD AND PRAIRIE ROAD PAVEMENT PRESERVATION AND SIDEWALK REHABILITATION, KEY # 19914 (367347001)

ROW Parcel #	Property Map/Tax Lot	Interest to Acquire	Owner Name and Mailing Address
1533-01	1704103201700	Permanent road right of way and temporary construction entry permit	Mira Properties, LLC 143 Ferndale Dr. Eugene, OR 97404
1533-02	1704103200100	Permanent road right of way and temporary construction entry permit	EBO2, LLC PO Box 22536 Eugene, OR 97402
1533-03	1704103203500	Permanent road right of way and temporary construction entry permit	Myers Joint Trust 717 River Loop 1 Eugene, OR 97404
1533-04	1704102301600	Permanent road right of way and temporary construction entry permit	Simmons Living Trust 4657 Thunderbird St. Eugene, OR 97404
1533-05	1704102300600	Permanent road right of way and temporary construction entry permit	Cutting Edge Landscapes & Design, LLC 90100 Prairie Rd. Eugene, OR 97402
1533-08	1704102300200	Permanent road right of way and temporary construction entry permit	Kaiser, Heinz W. Estate of 30025 Kaiser Ave. Eugene, OR 97402
1533-10	1704033303300	Temporary construction entry permit	Enid Properties, LLC PO Box 41945 Grants Pass, OR 97527
1533-11	1704033303100	Temporary construction entry permit	Shiloh Forestry, Inc. 90324 Prairie Rd. Eugene, OR 97402
1533-12	1704033303000	Temporary construction entry permit	Rayborn, Luke PO Box 41945 Eugene, OR 97404
1533-15	1704033301600	Temporary construction entry permit	Billick, Nina Lee & McKay, Paul M. 90410 Prairie Rd. Eugene, OR 97402
1533-16	1704033301300	Temporary construction entry permit	EWEB PO Box 10148 Eugene, OR 97402
1533-17	1704103201800	Temporary construction entry permit	Bayardo, Eduardo V. 47470 Hwy 58, Apt. C Oakridge, OR 97463

“EXHIBIT A”

CONTINUED

ROW Parcel #	Property Map/Tax Lot	Interest to Acquire	Owner Name and Mailing Address
1533-18	1704102301500	Temporary construction entry permit	KGSP Investments 1166 Skipper Ave. Eugene, OR 97404
1533-19	1704102301400	Temporary construction entry permit	KGSP Investments 1166 Skipper Ave. Eugene, OR 9740
1533-20	1704102300900	Temporary construction entry permit	Durbin Rentals, LLC 30030 Kaiser Ave. Eugene, OR 97402
1533-21	1704102300800	Temporary construction entry permit	Durbin, Aaron R. 75 Ruby Ave. Eugene, OR 97404
1533-22	1704102300700	Temporary construction entry permit	Cutting Edge Landscapes & Design LLC 90100 Prairie Rd. Eugene, OR 97402
1533-23	1704102203499	Temporary construction entry permit	Bridge, Mark James 3653 Stark St. Eugene, OR 97404

“ATTACHMENT 1” OF EXHIBIT A
Vicinity Map

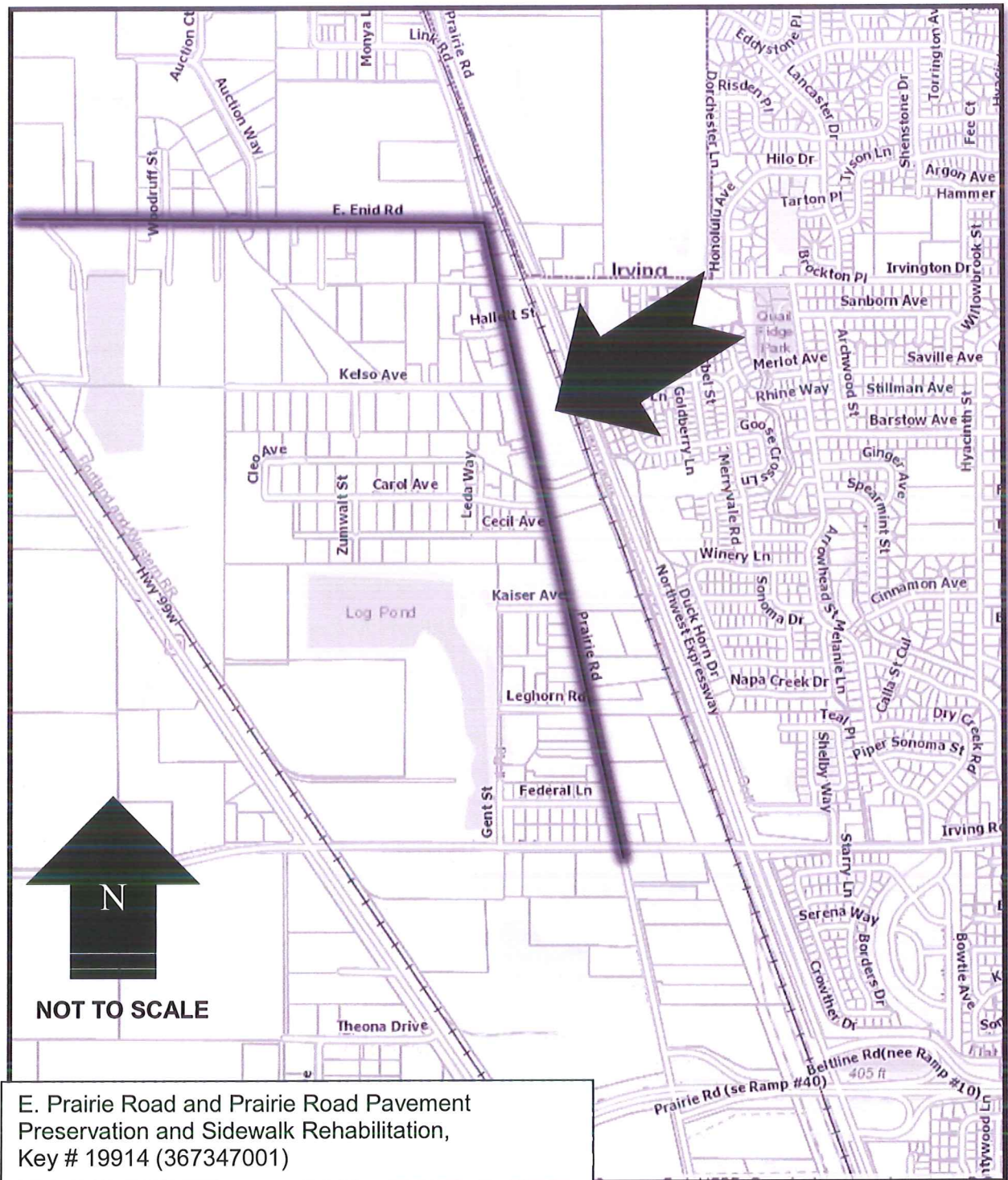
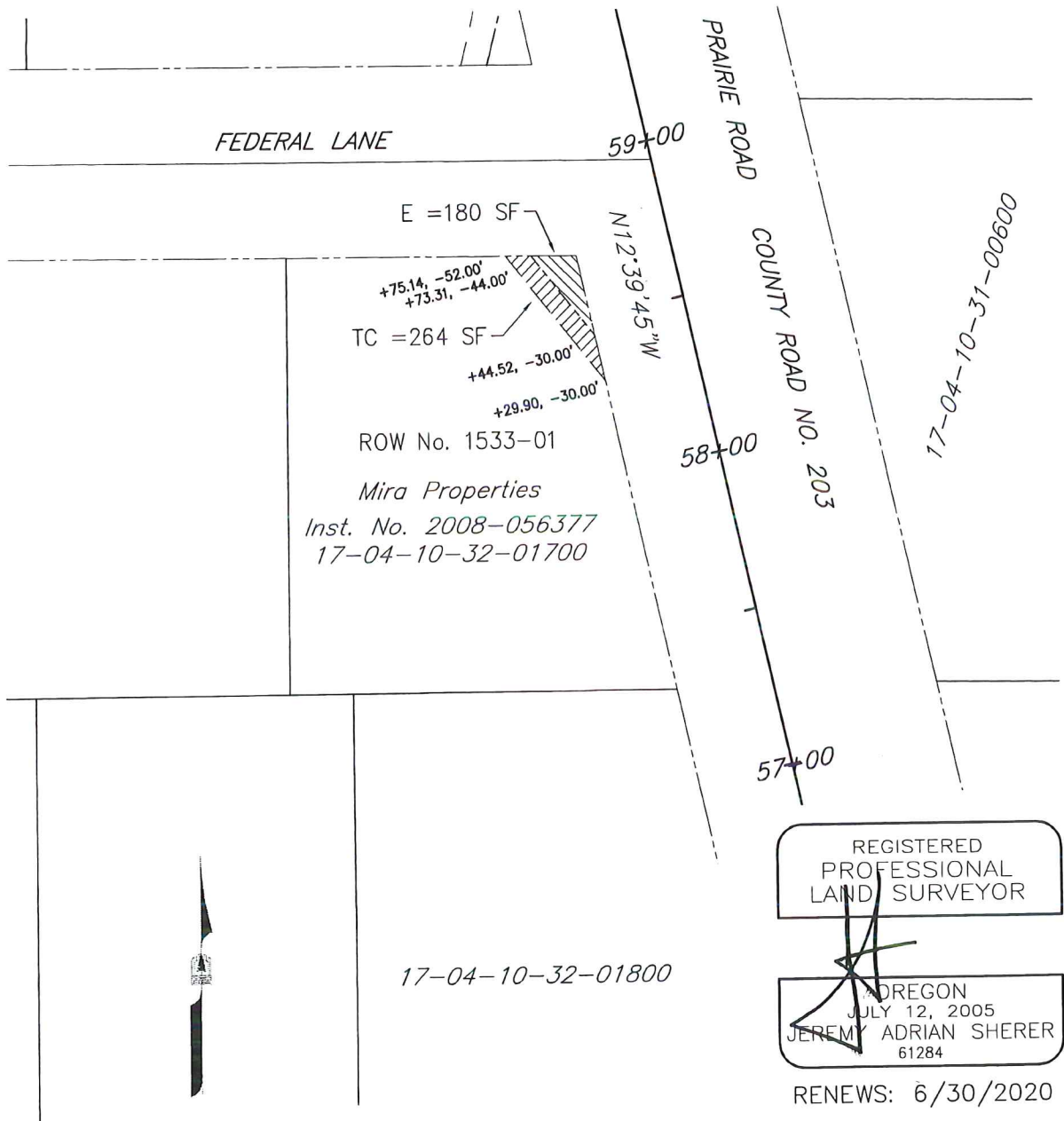
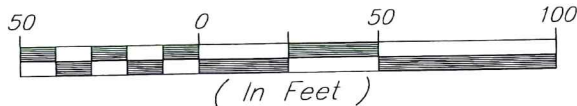


EXHIBIT B
Temporary Construction Easement & Permanent Road Right of Way
Right of Way No. 1533-01
Mira Properties
17-04-10-32-01700



GRAPHIC
SCALE



LANE COUNTY ENGINEERING
AND CONSTRUCTION SERVICES
3040 NORTH DELTA
EUGENE, OR 97408

LEGEND

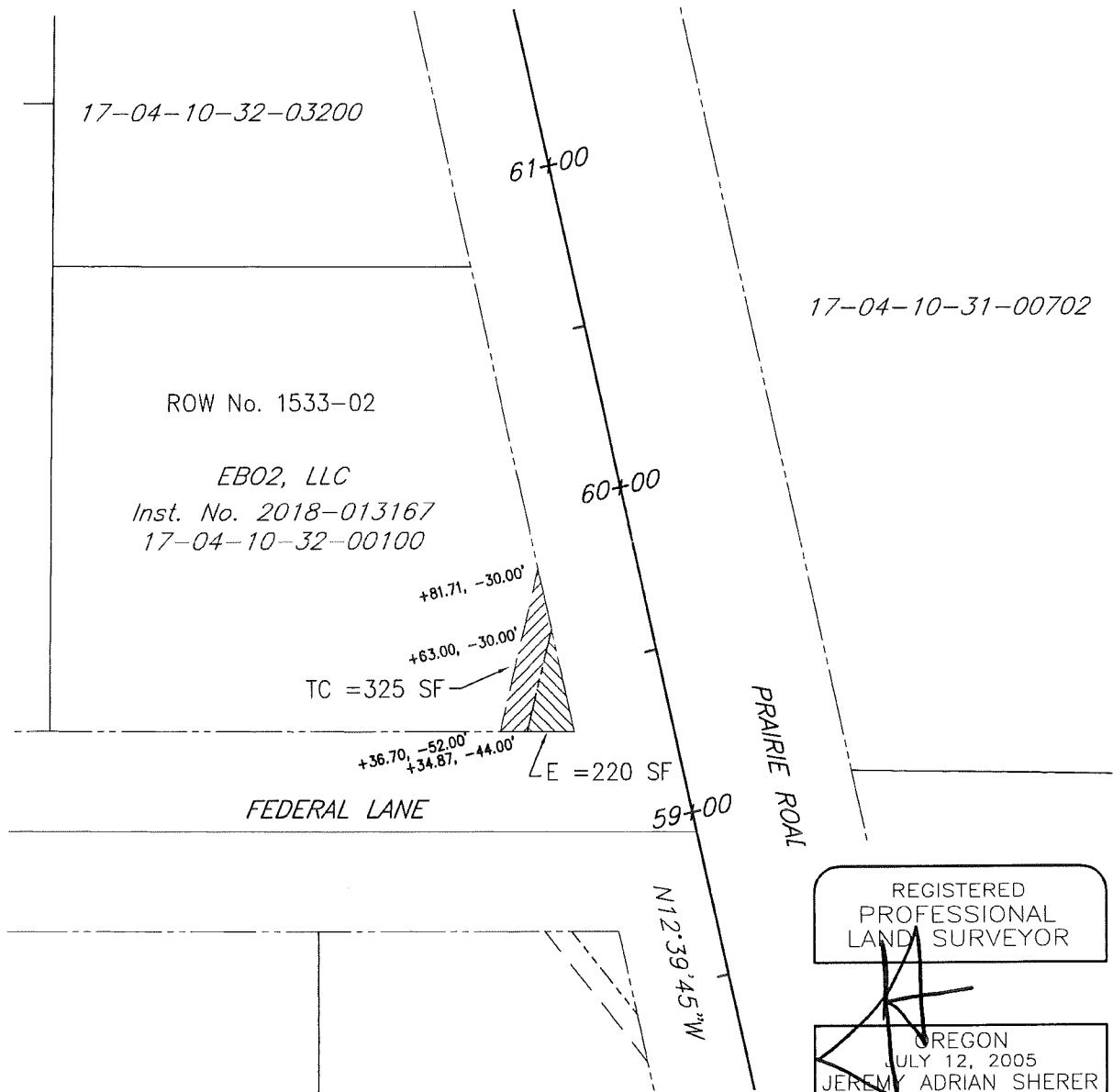
- E = Permanent Road Right of Way
- TC = Temporary Construction Easement

PRINT SCHEDULE
August 1, 2018 jos

LANE COUNTY DEPARTMENT OF PUBLIC WORKS
PRAIRIE ROAD
Sta LC 55+34.94 to Sta LC 111+62.21
RIGHT OF WAY NO. 1533
Peggy A. Keppler, P.E., P.L.S. Daniel M. Hurley, P.E.
COUNTY ENGINEER DIRECTOR OF PUBLIC WORKS
COUNTY ROAD LEGAL NO. 203 MAINTENANCE NO. M-1470
SCALE: AS SHOWN PROJECT NO. 367347001 SHEET 1 OF 1

EXHIBIT B Temporary Construction Easement & Permanent Road Right of Way

Right of Way No. 1533-02
EBO2, LLC
17-04-10-32-00100

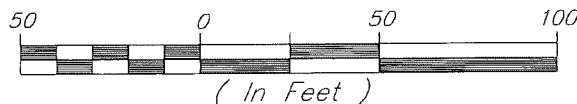


REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 12, 2005
JEREMY ADRIAN SHERER
61284



RENEWS: 6/30/2020

GRAPHIC
SCALE



LANE COUNTY ENGINEERING
AND CONSTRUCTION SERVICES
3040 NORTH DELTA
EUGENE, OR 97408

LEGEND

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PRINT SCHEDULE
August 1, 2018 jos

LANE COUNTY DEPARTMENT OF PUBLIC WORKS

PRAIRIE ROAD

Sta LC 55+34.94 to Sta LC 111+62.21
RIGHT OF WAY NO. 1533

Peggy A. Keppler, P.E., P.L.S. Daniel M. Hurley, P.E.

COUNTY ENGINEER DIRECTOR OF PUBLIC WORKS

COUNTY ROAD LEGAL NO. 203 MAINTENANCE NO. M-1470

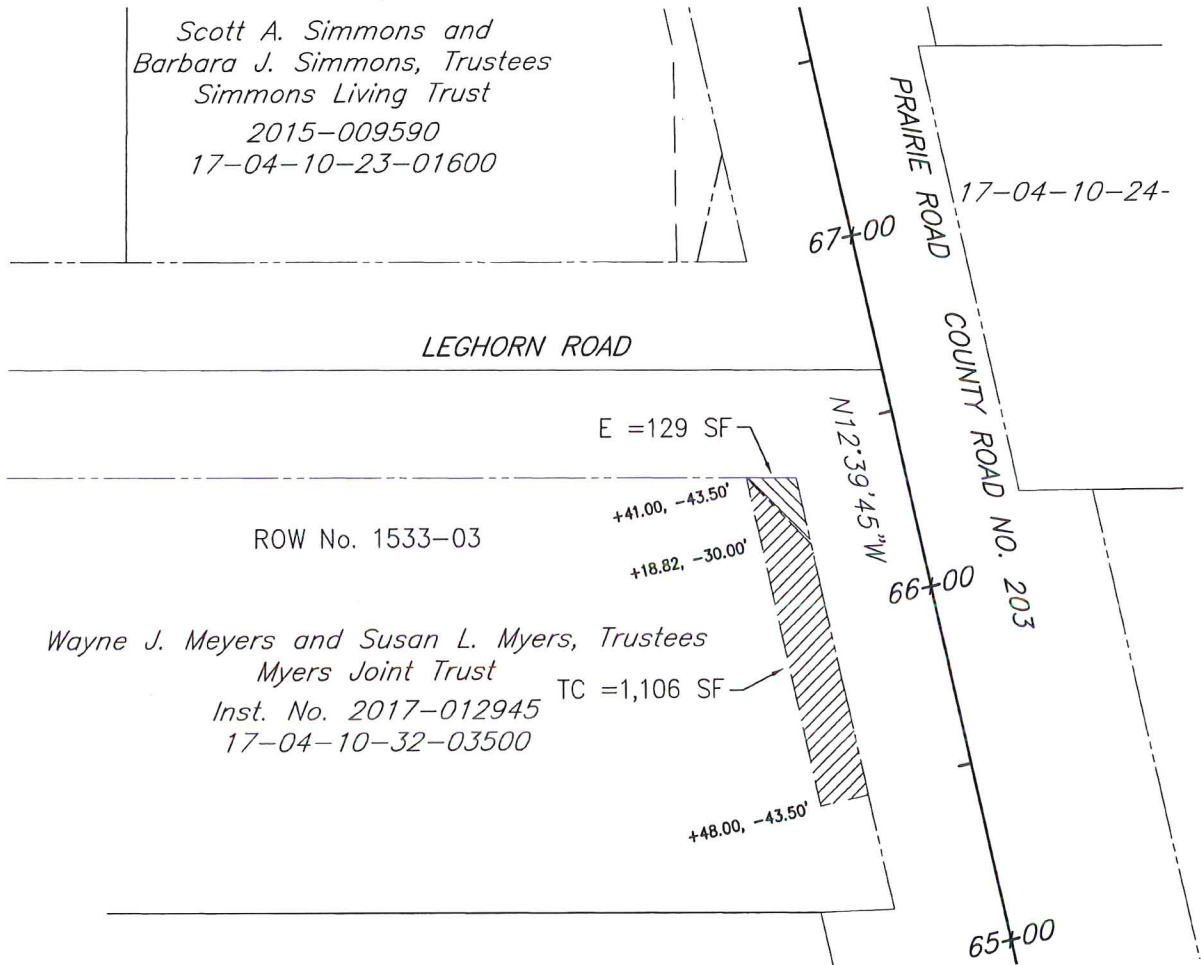
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EXHIBIT B Temporary Construction Easement & Permanent Road Right of Way

Right of Way No. 1533-03

Wayne J. Myers & Susan L. Myers Joint Trust
17-04-10-32-03500

Scott A. Simmons and
Barbara J. Simmons, Trustees
Simmons Living Trust
2015-009590
17-04-10-23-01600



ROW No. 1533-03

Wayne J. Meyers and Susan L. Myers, Trustees
Myers Joint Trust
Inst. No. 2017-012945
17-04-10-32-03500

TC = 1,106 SF

17-04-10-32-03400

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 12, 2005
JEREMY ADRIAN SHERER
61284

RENEWS: 6/30/2020

GRAPHIC
SCALE



LANE COUNTY ENGINEERING
AND CONSTRUCTION SERVICES
3040 NORTH DELTA
EUGENE, OR 97408

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August 1, 2018 jos

LANE COUNTY DEPARTMENT OF PUBLIC WORKS

PRAIRIE ROAD

Sta LC 55+34.94 to Sta LC 111+62.21
RIGHT OF WAY NO. 1533

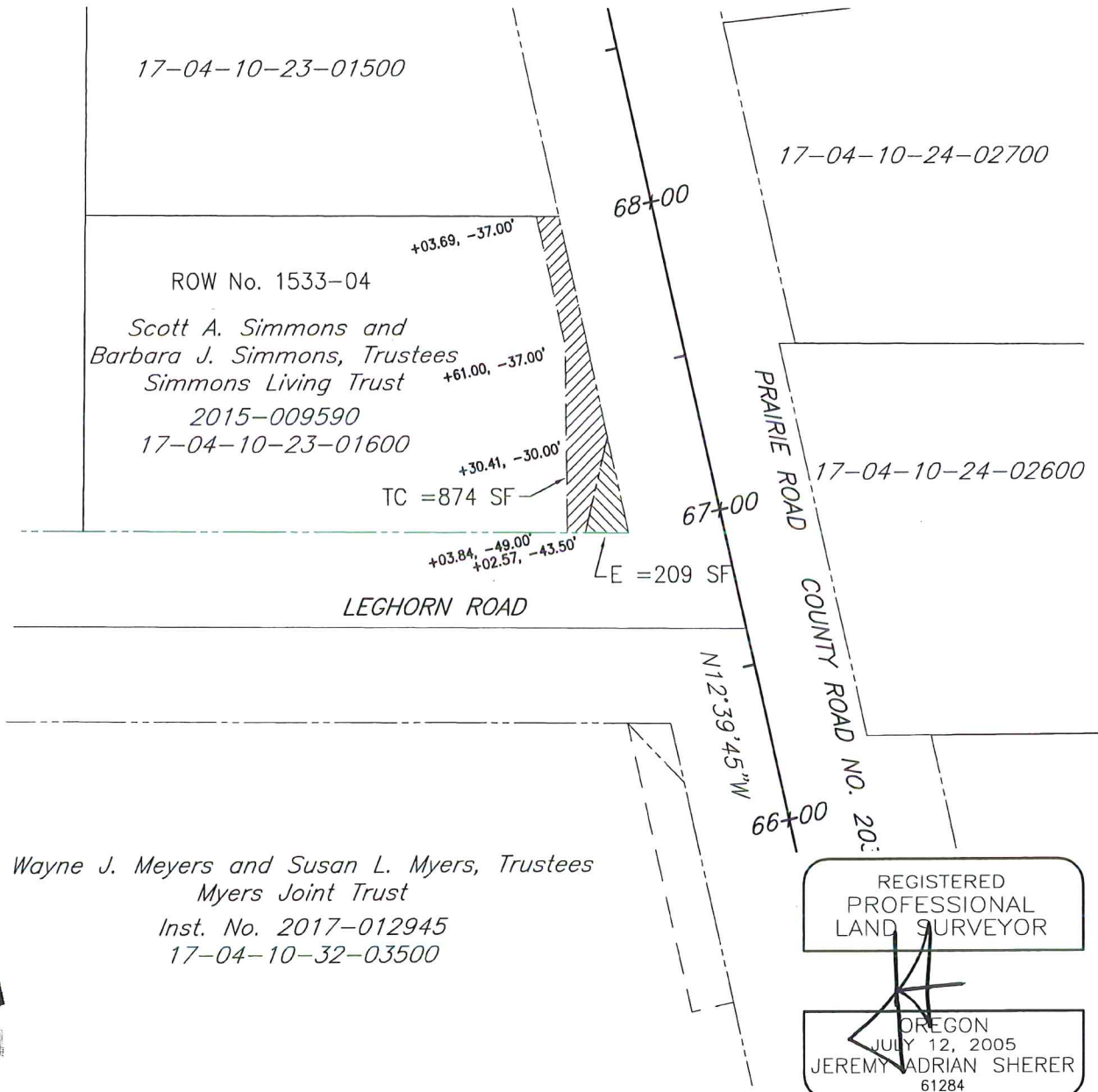
Peggy A. Keppler, P.E., P.L.S. Daniel M. Hurley, P.E.
COUNTY ENGINEER DIRECTOR OF PUBLIC WORKS

COUNTY ROAD LEGAL NO. 203

MAINTENANCE NO. M-1470

SCALE: AS SHOWN PROJECT NO. 367347001 SHEET 1 OF 1

EXHIBIT B
Temporary Construction Easement & Permanent Road Right of Way
 Right of Way No. 1533-04
 Scott & Barbara Simmons
 17-04-10-23-01600

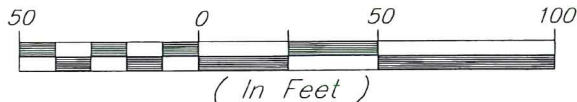


Wayne J. Meyers and Susan L. Myers, Trustees
 Myers Joint Trust
 Inst. No. 2017-012945
 17-04-10-32-03500

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
 JEREMY ADRIAN SHERER
 61284
 OREGON
 JULY 12, 2005



RENEWES: 6/30/2020

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LANE COUNTY ENGINEERING
 AND CONSTRUCTION SERVICES
 3040 NORTH DELTA
 EUGENE, OR 97408

LEGEND

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PRINT SCHEDULE
 August 28, 2018 jos

LANE COUNTY DEPARTMENT OF PUBLIC WORKS

PRAIRIE ROAD

Sta LC 55+34.94 to Sta LC 111+62.21
 RIGHT OF WAY NO. 1533

Peggy A. Keppler, P.E., P.L.S. Daniel M. Hurley, P.E.
 COUNTY ENGINEER DIRECTOR OF PUBLIC WORKS

COUNTY ROAD LEGAL NO. 203 MAINTENANCE NO. M-1470
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EXHIBIT B
Temporary Construction Easement & Permanent Road Right of Way
Right of Way No. 1533-05
Cutting Edge Landscapes & Design, LLC
17-04-10-23-00600

The Estate of Heinz W. Kaiser
RR# 240/51278
17-04-10-23-00200

Northw
a Del
Instr.
17-C

KAISER AVENUE

E = 143 SF

TC = 701 SF

ROW No. 1533-05

*Cutting Edge Landscapes & Design,
an Oregon Limited Liability Co.*

Inst. No. 2015-009590
17-04-10-23-00600

TC = 237 SF

17-04-10-23-00700

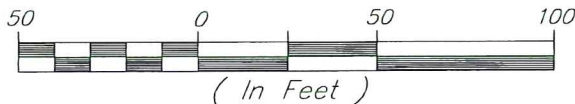
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61284

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PRAIRIE ROAD

Sta LC 55+34.94 to Sta LC 111+62.21

RIGHT OF WAY NO. 1533

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COUNTY ENGINEER

Daniel M. Hurley, P.E.

DIRECTOR OF PUBLIC WORKS

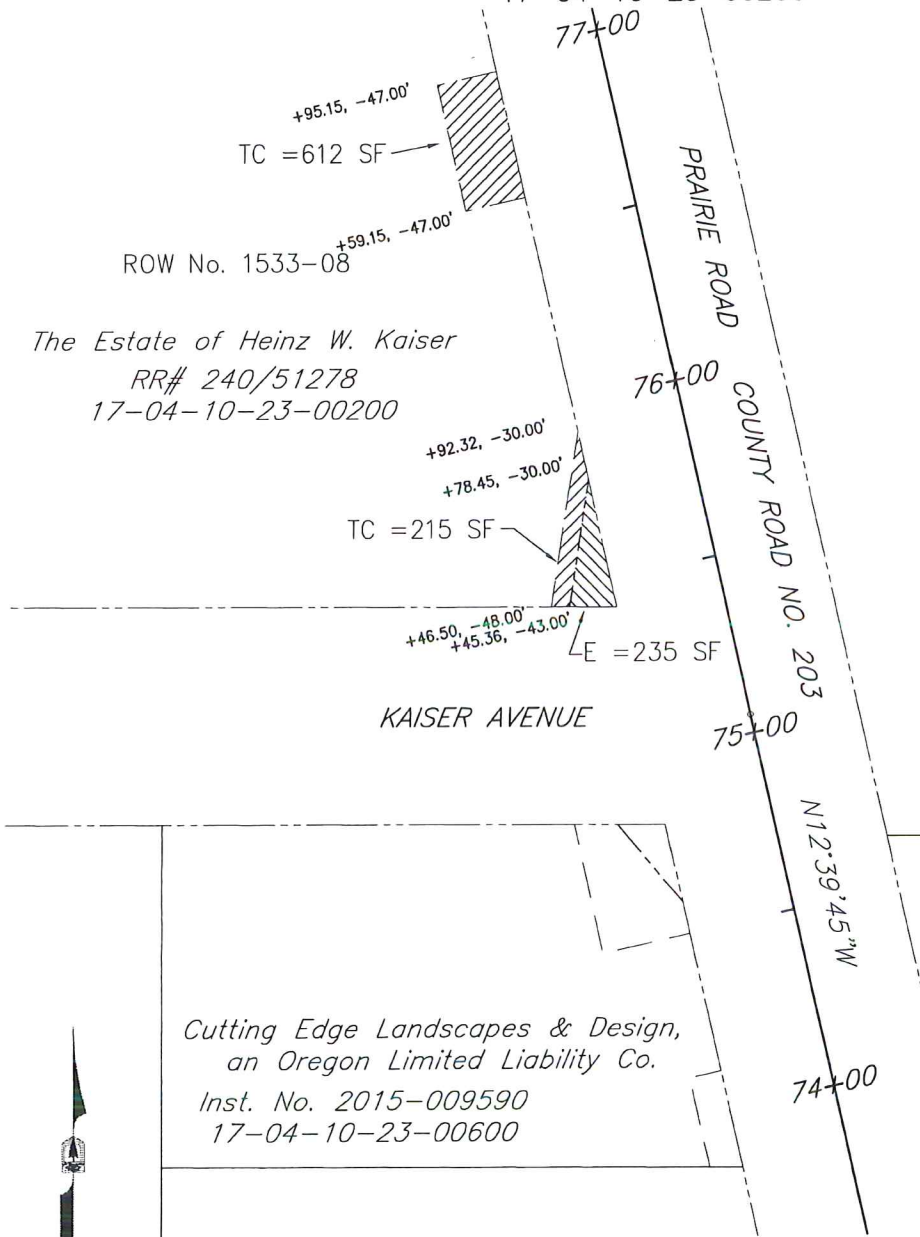
COUNTY ROAD LEGAL NO. 203

MAINTENANCE NO. M-1470

SCALE: AS SHOWN PROJECT NO. 367347001 SHEET 1 OF 1

EXHIBIT B Temporary Construction Easement & Permanent Road Right of Way

Right of Way No. 1533-08
The Estate of Heinz W. Kaiser
17-04-10-23-00200



Northwest Hardwoods, Inc
a Delaware corporation
Instr. No. 2011-034967
17-04-10-23-00100

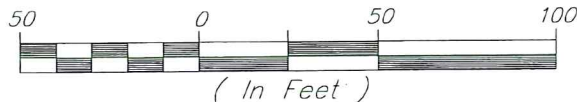
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MAINTENANCE NO. M-1470

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