

IN THE BOARD OF COUNTY COMMISSIONERS
OF LANE COUNTY, OREGON

ORDER AND
RESOLUTION
12-06-13-03

IN THE MATTER OF AUTHORIZING A RESOLUTION PURSUANT TO
ORS 35.610 CONCERNING ACQUISITION OF RIGHT OF WAY
NECESSARY FOR CONSTRUCTION OF THE WITCHER GATEWAY
ROAD AND LITTLE LAKE ROAD CULVERT REPLACEMENT
PROJECTS

WHEREAS, in connection with the construction of the Witcher Gateway Road and Little Lake Road Culvert Replacement Projects, it is necessary to acquire right of way from private properties as described on "Exhibit A" attached hereto and incorporated herein by reference; and

WHEREAS, negotiations with the owners of the property have this far been unsuccessful in reaching an agreement to acquire the necessary property; and

WHEREAS if possession of the needed properties cannot be obtained in a timely manner, the projects may be delayed resulting in higher costs and a risk to public safety due to the potential for catastrophic failures of the roads resulting impairment of access for road users and residents on the two affected roads; and

WHEREAS, ORS Chapter 35 provides a procedure for acquisition of property for public projects when a voluntary agreement for the acquisition of the property cannot be reached, provided that the governing body passes a resolution declaring that the appropriation of such land is reasonably necessary to protect the full use and enjoyment by the public of the road, street or highway. **NOW THEREFORE, BE IT**

RESOLVED that under authority granted in ORS Chapter 35, there exists a necessity to acquire and immediately occupy real property for the Witcher Gateway Road and Little Lake Road culvert replacement projects to serve the needs of Lane County for the general use and benefit of Lane County; **AND BE IT**

RESOLVED AND ORDERED, 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 13th day of June, 2012.

APPROVED AS TO FORM
Date: 6/13/12 Lane County

OFFICE OF LEGAL COUNSEL


Sid Leiken, Chair,
Board of County Commissioners