



RESOLUTION No. 2015-3224

**A RESOLUTION AUTHORIZING THE ACQUISITION OF CERTAIN REAL
PROPERTY FOR THE INSTALLATION OF SIDEWALK ALONG THE
PROPERTY AT TAX LOT 3217CD 05300**

RECITALS:

1. Under the laws of the State of Oregon, the City of Newberg is authorized and empowered to locate, acquire, construct, reconstruct, alter, enlarge, renew, replace, operate and maintain such roadway systems and facilities as are necessary and proper for the City in the judgment of its City Council.
2. Under the laws of the State of Oregon, the City of Newberg may acquire by purchase, gift, condemnation proceedings, or otherwise, such real and personal property, interests in property and rights-of-way, either within or without the limits of the City as are necessary or proper to exercise its powers in the judgment of the City Council.
3. It is necessary and in the public interest to acquire right-of-way along tax lot 3217CD 05300 (517 Villa Road, the "Property") for the purpose of constructing, maintaining, repairing, and reconstructing sidewalk in the City of Newberg (the "Project").
4. With the exception of this property, there currently exists sidewalk along the Western side of Villa Road from Fulton Street to Portland Road. This area is a high traffic pedestrian area serving the neighborhood, Friendsview Retirement Community, George Fox University. It provides access to business and services in the area. Completion of the sidewalk across the Property is the final piece in providing complete pedestrian transportation facilities.
5. The Project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury.
6. The immediate possession of the parcel is necessary.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

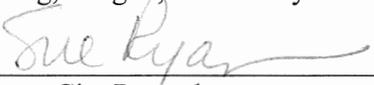
1. The Council makes findings of fact as set forth in the recitals above.
2. The Council finds that it is necessary, required and in the public interest for the Project, that the interests in real property at tax lot 3217CD 05300 identified in Exhibit "A", be acquired.
3. The City of Newberg staff is directed to begin negotiations, and in good faith, attempt to negotiate agreements as to the amount of just compensation owed the owner(s) of the property identified in Exhibit "A". In so doing, staff is authorized to retain real estate appraisers,

negotiators, and such other experts deemed necessary to fairly determine the amount of just compensation.

4. It is the intention of the Council that the required rights of way, easements and property interests identified in Exhibit "A," be obtained through good faith negotiation. The City Manager, City Manager Pro Tem, or designee is authorized to make a binding offer for compensation and to execute any documents necessary on behalf of the City, in a form approved by the City Attorney.
5. In the event no satisfactory agreement can be reached, the Council acknowledges that the exercise of the power of eminent domain may be necessary. The City Manager or City Manager Pro Tem, shall inform the Council when he or she deems eminent domain necessary. Thereafter, the City Attorney is authorized to file complaints in condemnation and take such other steps as determined necessary for the immediate possession of required rights of way, easements, and property interests and the successful litigation of the condemnation action, including the retention of real estate appraisers, experts and other consultants deemed necessary to the successful conclusion of that litigation.

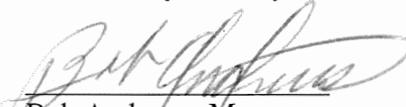
➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: September 9, 2015.

ADOPTED by the City Council of the City of Newberg, Oregon, this 8th day of September, 2015.



Sue Ryan, City Recorder

ATTEST by the Mayor this 10th day of September, 2015.



Bob Andrews, Mayor

EXHIBIT A

PARCEL 1 – STREET DEDICATION

The proposed dedication is a 4-foot wide strip along the entire front (east) edge of the subject property. With the width of the lot at 50 feet, the indicated area of the dedication is 200 square feet (4' X 50' = 200 sf). This will reduce the lot depth from 100 feet to 96 feet, and the lot area will be reduced from 5,000 square feet to 4,800 square feet. This parcel is shown on the Construction Diagram Map, which is attached.

PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT

The proposed Temporary Construction Easement (TCE) will be a 7-foot wide strip extending along of the front edge of the remainder property. It will be used as a work area for building the new sidewalk improvements, as well as re-connecting the driveway to match the curb-drop in the new sidewalk. The TCE will not allow storage of materials or equipment. The proposed TCE will be extinguished at the end of the project, which will be no more than 2-years from the date of the document. The TCE is shown on the Construction Diagram Map, which is attached.

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Exhibit A

