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# MEMORANDUM

*Engineering Services*

To: Mayor Jackola and City Council  
From: Ron Whitlatch, Engineering Services Director  
Subject: **Condemnation Resolution**  
Airport and Stoltz Hill Road Improvements  
Project No. 20709

Date: January 2, 2024

## I. INTRODUCTION

City staff is currently designing a traffic signal and other related improvements at the intersection of Airport and Stoltz Hill Roads. The design requires improvements adjacent to and including a portion of the southeast corner of the property located at the southwest corner of Airport and Stoltz Hill Roads (12S02W15DB07300). The improvements will include sidewalks on both Airport Road and Stoltz Hill Road and an ADA ramp at the intersection.

As part of the Planning process, the Applegate Development was conditioned to participate in signalizing the intersection of Stoltz Hill Road and Airport Road along with the sidewalks and ADA ramp. This condition was arrived at based on the Traffic Impact Analysis (TIA) that was completed for the Development. The TIA indicated that the intersection would meet signalization warrants in 2022. City staff allowed occupancy of the Applegate Development prior to the signal, sidewalks and ADA ramp being installed as a courtesy to the Developer, as the signal design was still in process.

To meet ADA sidewalk access ramps and placement of the traffic signal pole on the NW corner of the intersection, the city requires 157.29 square feet of right-of-way (shown in Attachment A) from the nondevelopable lot.

- On May 5, 2023, city staff sent the owner of the property a letter requesting contact to discuss options relating to the acquisition of the needed Right-of-Way to complete the improvements. Staff followed up the letter with voicemails.
- On June 2, 2023, after receiving no contact from the owner, staff sent a second letter that included a purchase offer of \$495.46. The offer was based on Linn County Assessor Records Real Market Value.
- On July 19, 2023, at staff's request, the city attorney sent a letter to the owner explaining the project and that the conditions of approval for the Applegate Development included the traffic signal. The city granted occupancy to the Development as a courtesy prior to final design of the traffic signal.

- On October 17, 2023, the city attorney sent a letter to the owner's attorney increasing the offer to \$1,000 for the property and asked for a response within 40 days. The attorney was also notified of the city's intent to pursue condemnation if a resolution could not be reached.

## II. CURRENT REPORT

At this time, the city needs to move forward with the signal project. There are no other options available for pole placement and access ramps that would meet ADA requirements and a safe pedestrian crossing.

Further, additional development is occurring at the intersection, currently a convenient store and fueling station on the northwest corner of the intersection. Although a Traffic Impact Study conducted as part of the new development did not result in a conditioned protected left-turn lane from Stoltz Hill Road onto Airport Road, Staff believes a protected left-turn lane is justified and in the best interest of the city. A protected left-turn lane is much safer, more efficient and supports further potential development and increased traffic in the area.

Attachment A identifies the approximate 1,100 square feet of property needed for the protected left-turn lane. The lot in question is not developable and is encumbered by a seven foot private utility easement serving Applegate Landing. The utilities can be easily relocated or worked into the design.

## III. RECOMMENDATION

Staff recommends that the City Council pass a resolution to condemn the approximate 1,100 square feet of property at the southwest corner of Airport and Stoltz Hill Roads for a signal pole, ADA ramps and road widening to accommodate a protected left turn lane. The City is of course willing and prepared to pay the owner the fair market value for the property which is currently not being utilized and is not a developable lot.

## **Attachment A**