

**A RESOLUTION FOR THE ACQUISITION OF
REAL PROPERTY BY CONDEMNATION BY
THE CITY OF LEBANON.**

) **RESOLUTION NO. 2024-1**
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WHEREAS, by virtue of the laws of the State of Oregon and the City of Lebanon, the City of Lebanon is duly authorized and empowered to locate, acquire, construct, alter, enlarge, renew, replace, and/or maintain public streets, utilities, roads, and water and storm systems within the City of Lebanon as the City Council deems it necessary and proper for the safety of vehicular and pedestrian traffic and the flow of public utilities: and

WHEREAS, by virtue of the laws of the State of Oregon and the City of Lebanon, the City of Lebanon may acquire by purchase, gift, devise, condemnation proceedings, or otherwise, such real and personal property, interest therein, easements, and rights of ways, either within or without the limits of the City, as the City Council deems necessary or appropriate to exercise its power; and

WHEREAS, for the purpose of constructing streets, roadways, water and storm systems, and providing safety for vehicular and pedestrian traffic, and to protect the transportation and flow of public utilities, and for the health, safety, benefit, and general welfare of the public, the City of Lebanon plans to locate, construct, operate, and maintain certain streets and roadways and their systems in Lebanon, Linn County, Oregon;

NOW, THEREFORE, BE IT RESOLVED by the City of Lebanon as follows:

1. The City of Lebanon does hereby find and declare that there is needed and required for the safety of the citizens of the City of Lebanon, for water and storm systems, for the free flow of public utilities, and for vehicular and pedestrian traffic thereof, and for the location, construction, operation, maintenance, repair, and improvement of traffic signaling, and access ramps that would meet ADA requirements for safe pedestrian crossing as identified in the Traffic Impact Analysis (TIA) for the benefit of the citizens of the City of Lebanon, more particularly set forth and described in Exhibit "A" attached hereto and by reference incorporated herein.
2. The location, construction, maintenance, repair, and improvement of the public utility system for which the real property and interest therein described in Exhibit "A", attached hereto and by reference incorporated herein, is required and is being taken as necessary in the public interest, and that the public utility improvements, including signalization and placement of a traffic signal pole, and additional right-of-way and ADA access ramps, has been planned, designed, located, and will be constructed in a manner that will be most compatible with the greatest public benefit and the least private injury or damage.

3. The City of Lebanon, through its City Administrator, or designate, and the City Attorney be, and they hereby are, authorized and directed to attempt to agree with the owner and other persons with an interest in said real property described in Exhibit "A" as to the compensation to be paid for the appropriation of the property, and, in the event that no satisfactory agreement can or has been reached, then the City Attorney is hereby authorized and directed to commence and prosecute such proceedings as may be necessary to acquire the real property or any interest therein as described in attached Exhibit "A"
4. Upon the trial of any suit or action instituted to acquire the real property or any interest therein, the attorney or attorneys acting for and on behalf of the City of Lebanon are hereby authorized to make such stipulation, agreement, or admission as in their judgement may be for the best interests of the City of Lebanon.

Passed by the Lebanon City Council and executed by the Mayor on this 10th day of January, 2024 by a vote of _____ yeas and _____ nays.

CITY OF LEBANON, OREGON

Kenneth E. Jackola, Mayor ☐
Michelle Steinhebel, Council President ☐

ATTESTED BY:

Julie Fisher, City Recorder