



REQUEST FOR COUNCIL ACTION

Title: Request for Council Action - ODOT US 20/OR 228 ADA Ramp Easement Offer Packet

Preferred Agenda: March 22, 2022

Submitted By: Trish Rice, Engineering Tech II

Reviewed By: Greg Springman, Public Works Director

Type of Action: Resolution ____ Motion ____ Roll Call __X__ Other ____

Relevant Code/Policy: N/A

Towards Council Goal: Goal 3.2: Community Safety

Attachments: Easement Offer Packet

Purpose of this RCA:

The purpose of this RCA is to seek Council approval of an easement compensation offer ODOT has extended with regard to the ODOT US 20 / OR 228 ADA Curb Ramps project.

Background/Context:

ODOT is methodically working to update ADA ramps to meet current guidelines throughout the state. Construction is commencing in Sweet Home. ODOT has been contacting adjacent landowners where easements and/or additional right-of-way are required for ramp construction. ODOT has notified City staff easements will be required across City-owned land in order to make way for the improved ramp at 1st Avenue and Main St (Clover Memorial Park). The easements sought are a temporary construction easement (347 sq ft) and a permanent easement (133 sq ft). A site map and photographs are included in the attached offer packet.

ODOT has assessed the value of the land and improvements and has offered \$2,100 compensation. ODOT will pay the title fees, recording fees, and other associated administrative costs.

Impacts to public enjoyment of Clover Memorial Park are negligible. The area in question is currently landscaped. Minor adjustments to the sprinkler system may be required. The offered \$2,100 includes \$1,000 to compensate for sprinkler system adjustments.

The Challenge/Problem:

How does the City, as a land owner, respond to ODOT's need to acquire encroachment easements for legally-mandated highway pedestrian facilities?

Stakeholders:

- Sweet Home City Council – The City Council has ultimate authority over City-owned real estate and is responsible for approving agreements with other governmental agencies.

- Sweet Home Residents – Residents deserve pedestrian crossings that are ADA compliant and safe for both pedestrians and motorists.
- Sweet Home Staff – Staff work to address residents' concerns and accomplish the Council's goals.
- ODOT– ODOT has jurisdiction over any improvements made within the US 20 and OR 228 rights-of-way. ODOT is legally mandated to construct these pedestrian improvements.

Issues and Financial Impacts:

ODOT has offered \$2,100 in exchange for these easements and will pay the title fees, recording fees, and other associated administrative costs. This figure includes \$1,000 to compensate for sprinkler system adjustments.

Elements of a Stable Solution:

A stable solution includes intergovernmental cooperation for the public good, and the fair and equitable use of public land.

Options:

1. Option 1 – Do Nothing. Not recommended. ODOT will continue seeking a response from the City. At the extreme, ODOT could enact eminent domain to obtain the required land for their ramp.
2. Option 2 – Move to accept the offer and authorize signatories. Recommended.
3. Option 3 – Move to reject the offer. Not recommended. ODOT may attempt to redesign the ramp but has already made efforts to minimize encroachments on adjacent properties. At the extreme, ODOT could enact eminent domain to obtain the required land.
4. Option 4 – Move to negotiate the offer. – Not recommended. As a public entity, the value of ODOT's offers are prescribed by law. Staff do not see any worthwhile gains to be sought by negotiation.

Recommendation:

Staff recommends Option 2 – Move to accept the offer and authorize signatories.