



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Sean Brady, City Attorney
Jeff Fuchs, Public Works Director

DATE: February 8, 2021

SUBJECT:

Consideration of Resolution No. 5341-21 Declaring Certain Private Property Necessary to Acquire in Order to Construct the Martinazzi Avenue And Sagert Street Intersection Improvement Project.

RECOMMENDATION:

Staff recommends Council approve the resolution.

EXECUTIVE SUMMARY:

In May 2018, Tualatin voters approved a \$20 million bond measure to support high priority transportation projects. One of the high priority projects identified to be funded was the Martinazzi-Sagert Intersection Improvement Project (“Project”). The Project consists of improvement of the intersection’s traffic performance and pedestrian safety, and includes a new traffic signal, high-visibility crosswalks, curb ramps and sidewalks, and improved access to existing transit stops.

One of the properties near the intersection is a vacant lot, owned by the Kern Family. In order to construct the Project, the City needs to acquire right-of-way and a temporary construction easement of a portion of the Kern property. Specifically, the acquisition includes 0.06 acres (2,609 sq. ft.) for a temporary construction easement, and 0.058 acre (2,531 sq. ft.) for Right-of-Way, all on the north side of the property abutting Sagert Street. The specific legal descriptions and map of the property to be acquired are outlined in Exhibits 1, 2, and 3 of the Resolution.

The City has attempted, and will continue to attempt, to negotiate with the Kerns Family to purchase the necessary property interests. If that is unsuccessful, the City will need to use its eminent domain authority to acquire the property to construct the Project.

The City has Home Rule authority under Oregon law and its Charter, as well as under ORS 223.005 through ORS 223.020, and ORS 223.105, to acquire property by eminent domain. The acquisition of the property interests described in the Resolution is necessary to construct the Project and fulfill the purposes of the bond adopted by Tualatin voters.

Resolution No. 5341-21 authorizes the City to use its power of eminent domain to acquire the necessary real property rights to construct the Project. Specifically, the resolution authorizes the City Attorney, or designee, to commence and prosecute in the Circuit Court of Washington County in the name of City of Tualatin, any necessary proceedings for the condemnation and immediate possession of the necessary real property rights. It also authorizes the City Attorney to make offers, negotiate final settlement, and pay funds to acquire the property through negotiation,

settlement, or litigation, as well as authorize the City Manager to pay the funds necessary to acquire the property.

OUTCOMES OF DECISION:

Approving Resolution No. 5341-21 authorizes the City to acquire certain property by negotiation or eminent domain in order to construct the Martinazzi-Sagert Intersection Improvement Project.

FINANCIAL IMPLICATIONS:

Transportation bond funds will be used to acquire the property interests to allow the City to construct the Martinazzi-Sagert Intersection Improvement Project.
