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03-7-23-4

AGENDA COVER MEMO

DATE: July 7, 2003

TO: Lane County Board of Commissioners

DEPT: Public Works

PRESENTED BY: Frank Simas
Right of Way Manager

AGENDA ITEM TITLE: In the Matter of Authorizing Acquisition of Real Property for Expansion of the Delta Public Works Complex, Including Authority to Commence and Prosecute Any Necessary Proceedings for the Condemnation of Said Real Property if a Settlement Cannot be Reached by Negotiation.

I. MOTION

THAT THE RESOLUTION AND ORDER BE ADOPTED AUTHORIZING ACQUISITION OF REAL PROPERTY FOR EXPANSION OF THE DELTA PUBLIC WORKS COMPLEX, INCLUDING AUTHORITY TO COMMENCE AND PROSECUTE ANY NECESSARY PROCEEDINGS FOR THE CONDEMNATION OF SAID REAL PROPERTY IF A SETTLEMENT CANNOT BE REACHED BY NEGOTIATION.

II. ISSUE OR PROBLEM

Pursuant to direction from the Board of Commissioners, Public Works commissioned a fee appraisal of the property abutting the Delta Complex on the north and commenced negotiations to purchase the property from Reliance Figueroa Associates LP, the owner. If the County and Reliance are unable to reach a settlement, authorization by the Board of Commissioners will be required to commence condemnation proceedings.

III. DISCUSSION

A. Background

Construction of new facilities on the existing Public Works site on North Delta Highway has limited road maintenance equipment parking areas. Expansion of the Sheriff Department function has also reduced available covered storage and shop areas.

B. Analysis

Acquisition of the adjacent property will provide the room needed for equipment parking and offer additional covered office/shop/storage space needed for expansion or consolidation of existing Public Works functions.

C. Alternatives/Options

1. Authorize acquisition of the Reliance property, including authority to condemn if a negotiated settlement cannot be reached.
2. Do not acquire the property.

D. Recommendation

It is recommended that the Board grant authority to acquire by condemnation if a negotiated settlement cannot be reached.

IV. IMPLEMENTATION AND FOLLOW-UP

Public Works Right of Way Management will continue to negotiate the purchase of the Reliance property. If successful, the negotiated package will be presented to the Board for final approval. If a negotiated settlement cannot be reached, condemnation proceedings will be commenced.

V. ATTACHMENTS

None

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY
STATE OF OREGON

(IN THE MATTER OF AUTHORIZING
(ACQUISITION OF REAL PROPERTY
(FOR EXPANSION OF THE DELTA
(PUBLIC WORKS COMPLEX, INCLUDING
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(PROCEEDINGS FOR THE CONDEM-
(NATION OF SAID REAL PROPERTY IF
(A SETTLEMENT CANNOT BE REACHED
(BY NEGOTIATION.

RESOLUTION AND ORDER NO.

THIS MATTER now coming before the Board of County Commissioners of Lane County, and the Board determining it is necessary and in the public's interest to acquire fee or other interests in certain real property identified as Assessor's Index 17-03-18 102 from owners and others as their interests may appear of record to serve the needs of Lane County;

WHEREAS, the Board has directed Public Works to appraise and commence negotiations for the purchase of said real property; and

WHEREAS, ORS 271.390 provides for purchase of real property by a county; and

WHEREAS, Lane Manual Chapter 21.410 provides for real property acquisition when acted upon by the Board of County Commissioners; and

WHEREAS, the Board has concurred in the necessity of the acquisition and believes it to be compatible with the greatest public good and the least private injury; **NOW THEREFORE BE IT**

RESOLVED that under the authority granted in ORS Chapter 35 and consistent with ORS Chapter 281, that there exists a necessity to acquire and occupy the real property identified as Assessor's Index 17-03-18 102 for expansion of the Delta Public Works Complex to serve the needs of Lane County for the general use and benefit of Lane County;

IT IS HEREBY ORDERED that if Lane County is unable to reach agreement by negotiation for the acquisition of the necessary real property, the Office of Legal Counsel is hereby authorized to commence and prosecute in the Circuit Court of Lane County, in the name of Lane County, any necessary proceedings for the condemnation of said real property and for the assessment of damages for the taking thereof.

Dated this _____ day of _____, 2003.

Peter Sorenson, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 7-11-03 lane county

OFFICE OF LEGAL COUNSEL

