

## RESOLUTION NO. 884

### **A RESOLUTION DECLARING THE NECESSITY AND INTENT TO APPROPRIATE CERTAIN DESCRIBED REAL PROPERTY, AUTHORIZING THE OREGON DEPARTMENT OF TRANSPORTATION TO NEGOTIATE FOR ITS ACQUISITION, AND AUTHORIZING INSITUATION OF CONDEMNATION PROCEEDINGS IF NECESSARY,**

WHEREAS, the City of Prineville was notified on September 25, 2000 that the Oregon Transportation Commission had approved the City of Prineville's Local Street Networks Fund award in the amount of \$474,785.

WHEREAS, by Resolution 882, the City of Prineville authorized the Mayor and City Manger to execute an Intergovernmental Agreement with the Oregon Department of Transportation to have the Oregon Department of Transportation perform Preliminary and Final Engineering, Bid and Award a Contract, Manage the Construction of the 4<sup>th</sup> Street Extension.

WHEREAS, by Resolution 883, the City of Prineville authorized the Mayor and City Manager to execute a Right Of Way Services Agreement with the Oregon Department of Transportation.

WHEREAS, the adopted City of Prineville Transportation System plan includes the 4<sup>th</sup> Street Extension.

WHEREAS, in order to construct the 4<sup>th</sup> Street Extension Project, the City must acquire right-of-way across certain real property, more particularly described below.

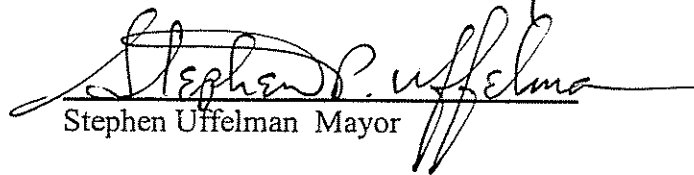
#### THE CITY OF PRINEVILLE DOES RESOLVE AS FOLLOWS:

1. The City finds and declares that the 4<sup>th</sup> Street Extension Project will serve a valuable and necessary public purpose.
2. The City finds that it is necessary and desireable to acquire right-of-way over and along the full-length and width of the relevant parcels necessary for the project, and authorized by the prior agreement.
3. The relevant parcel of property to be acquired is a strip of land 40 feet by 240 feet, constituting the previously vacated south ½ of East Fourth Street between N. Court Street and N Dunham Street.
4. The Oregon Department of Transportation is hereby authorized and directed to negotiate on behalf of the City of Prineville, with the owners of the above described real property for the purchase of the necessary rights-of-way.

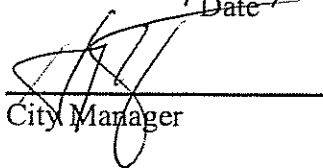
5. In the event that the Oregon Department of Transportation is unable to reach an agreement with the owner(s) of the property as to the compensation to be paid therefore, the Department of Transportation/Attorney General is hereby authorized and directed to institute condemnation proceedings in the name of the City of Prineville in a court of competent jurisdiction for the purpose of acquiring title to possession of the above-described right-of-way.

APPROVED BY THE CITY COUNCIL ON THE 27<sup>th</sup> Day of February, 2001.

APPROVED BY THE MAYOR ON THE 28<sup>th</sup> DAY OF February, 2001.

  
Stephen Uffelman Mayor

ATTEST: 2/28/01  
Date

  
City Manager