

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. _____

Authorizing Condemnation and Immediate Possession of Real Property Necessary for the NE Arata Road Project

The Multnomah County Board of Commissioners Finds:

- a. This Board by Resolution No. 2014-140 adopted on December 11, 2014, and Resolution No. 2016-016 adopted on March 10, 2016, authorized the County to undertake negotiations for the acquisition of certain real property interests as described and shown on the attached Exhibit A and Exhibit Map (the "Property"); for the purpose of constructing, installing, operating, maintaining, repairing and reconstructing drainage facilities necessary for the N.E. Arata Road Project (the "Project").
- b. The Project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury.
- c. The negotiations for the acquisition of the Property have not, to date, resulted in a settlement and it is necessary to acquire immediate possession of the Property to allow construction to proceed and be completed on schedule and within budgetary limitations.

The Multnomah County Board of Commissioners Resolves:

1. It is necessary to acquire the Property for the purpose of completing the Project.
2. In the event that no satisfactory agreement can be reached with the owners of the Property as to the purchase price, legal counsel is authorized and directed to commence and prosecute to final determination such condemnation proceedings as may be necessary to acquire the Property. Such action shall be in accordance with all applicable laws, rules, and regulations governing such acquisition.
3. Upon final determination of any such proceeding, the deposit of funds and payment of judgment conveying the Property to the County is authorized.
4. It is necessary to obtain possession of the Property as soon as possible to allow construction to proceed and be completed on schedule within budgetary limitations.
5. Legal counsel is authorized and directed to take such action in accordance with law to obtain possession of the Property as soon as possible. Legal counsel is directed to diligently pursue negotiations to resolve the litigation.

6. There is authorized the creation of a fund in the amount of the estimate of just compensation for the Property, which shall, upon obtaining possession of the Property, be deposited with the Clerk of the Court wherein the action was commenced for the use of the defendant in the action, and the Director of the Finance Division is authorized to draw a warrant on the Road Fund of the County in such sum for deposit.

ADOPTED this 3rd day of November, 2016.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury, Chair

REVIEWED:

JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
COURTNEY LORDS, Assistant County Attorney

SUBMITTED BY:

Kim Peoples, Director, Department of Community Services