

**RESOLUTION NO. 49-2010**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THE PUBLIC NECESSITY FOR THE CONSTRUCTION OF THE LAKE ROAD MULTIMODAL PROJECT AND NEED TO ACQUIRE REAL PROPERTY AND EASEMENTS THEREFORE.**

**WHEREAS**, the Lake Road Multimodal Plan was adopted as part of the City of Milwaukie's Comprehensive Plan by Ordinance 1819 in May of 1997; and

**WHEREAS**, the City, by Resolution 12-2007, has authorized the completion of design of the Lake Road Multimodal Project for the purpose of installing street improvements; and

**WHEREAS**, in order to complete the project, the City must acquire permanent and temporary easements from multiple properties within the project boundaries; and

**WHEREAS**, the City of Milwaukie has authority to acquire property by condemnation under ORS 223.105 and ORS 35.235; and

**WHEREAS**, the combined value of the easements may total more than \$25,000; and

**WHEREAS**, the Milwaukie Municipal Code section 3.15.030 requires that a purchase of real property valued at more than \$25,000 requires the express approval of the City Council;

**NOW THEREFORE, BE IT RESOLVED BY THE** City Council of the City of Milwaukie that:

Section 1. The Lake Road Multimodal Project is necessary for a public purpose; and

Section 2. The acquisition of easements over the properties listed in Exhibit A, attached hereto and hereby incorporated by reference, is necessary to build the Lake Road Multimodal Project, and

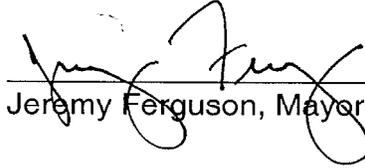
Section 3. The Lake Road Multimodal Project has been planned and is located in a manner which will be most compatible with the greatest public good and the least private injury; and

Section 4. Pursuant to Milwaukie Municipal Code Section 3.15.030, the City Council hereby approves the purchase and/or condemnation of the easements over real property made necessary by the Lake Road Multimodal Project, as in Exhibit A, and authorizes the City Manager or his delegate to take all action necessary, including execution of all necessary documents, to complete said purchases or condemnation; and

Section 5. Upon the trial of any suit or action instituted under the provisions of Section 4 above, the City's legal counsel, after consultation with City Staff, is authorized to make any stipulation, agreement or admission that in the counsel's judgment may be for the best interests of the Project and the City of Milwaukie.

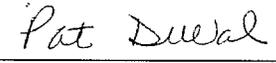
Section 6. This resolution is effective immediately upon passage.

Introduced and adopted by the City Council on 6/1/10.

  
\_\_\_\_\_  
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

  
\_\_\_\_\_  
Pat DuVal, City Recorder

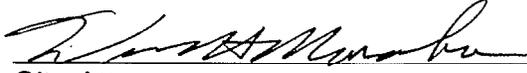
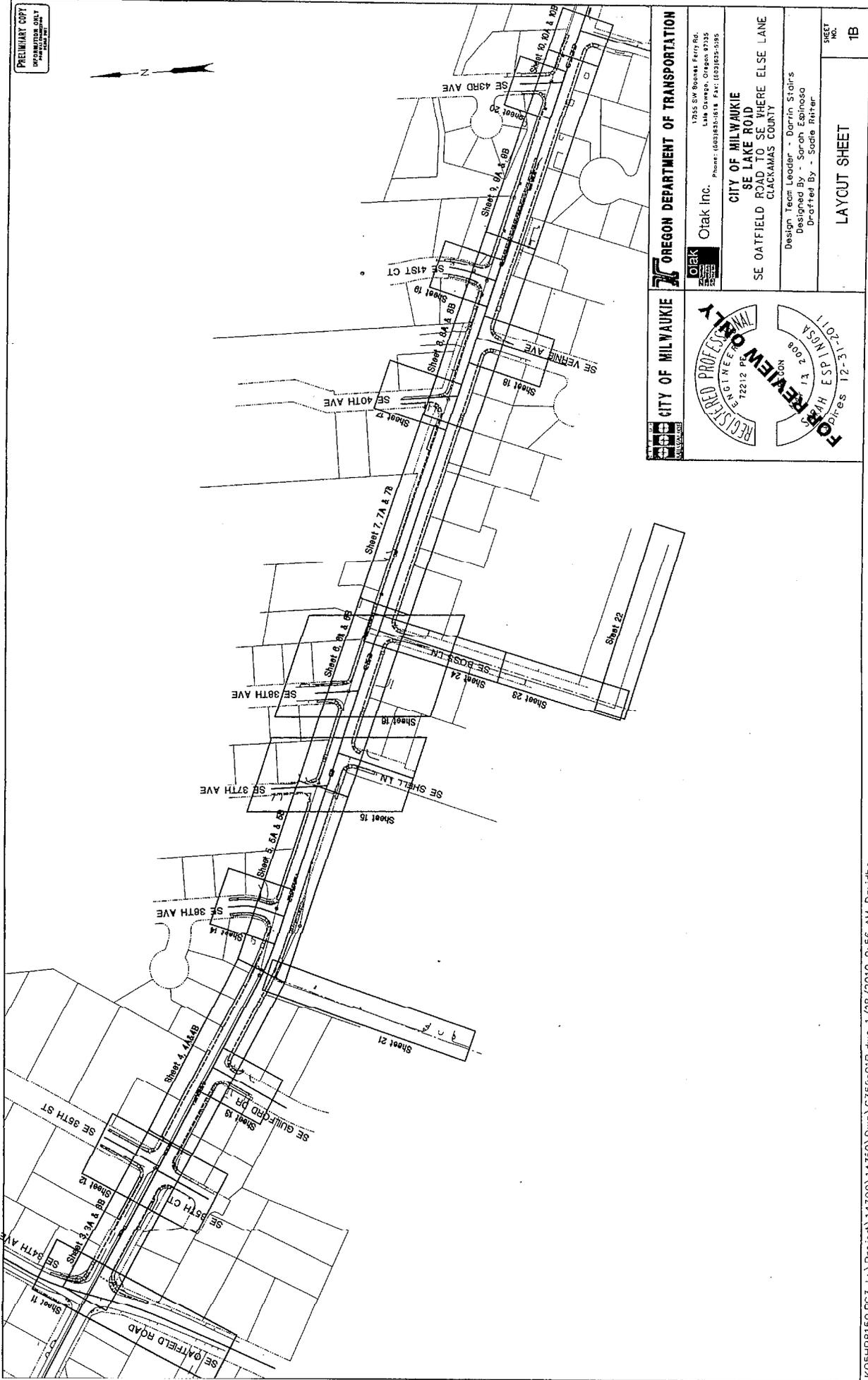
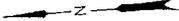
  
\_\_\_\_\_  
City Attorney

EXHIBIT A



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**CITY OF MILWAUKIE**  
 SE LAKE ROAD  
 TO SE WHERE ELSE LANE  
 SE OATFIELD ROAD TO SE WHERE ELSE LANE  
 CLACKAMAS COUNTY

Design Team Leader - Darrin Stairs  
 Designed By - Sarah Espinosa  
 Drafted By - Sade Rhrer

SHEET NO. 1B

**REGISTERED PROFESSIONAL ENGINEER**  
 FOR REVIEW ONLY  
 12212 P.E. No. 13208  
 JAMES H. ESCH  
 12-31-2011