

**RESOLUTION NO.** 66-2013

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THE PUBLIC NECESSITY FOR THE CONSTRUCTION OF THE 17<sup>TH</sup> AVENUE MULTIUSE PATH PROJECT (CIP-2013-T05) AND NEED TO ACQUIRE REAL PROPERTY AND EASEMENTS.**

**WHEREAS**, the City has identified the need to improve the pedestrian and cyclist infrastructure on 17<sup>th</sup> Avenue in its Transportation System Master Plan and its Capital Improvement Plan; and

**WHEREAS**, in order to complete the project, the City may need to acquire permanent and/or 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** that:

Section 1. The acquisition of easements over properties may be necessary to build the 17<sup>th</sup> Avenue Multi-use Path, and

Section 2. The 17<sup>th</sup> Avenue Multiuse Path will be located in a manner which will be most compatible with the greatest public good and the least private injury; and

Section 3. 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 17<sup>th</sup> Avenue Multiuse Path Project, 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 4. 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.

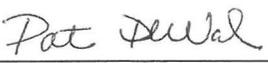
Introduced and adopted by the City Council on August 6, 2013.

This resolution is effective on August 6, 2013.

  
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Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

  
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Pat DuVal, City Recorder

  
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City Attorney

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