



# Oregon

Kate Brown, Governor

**Department of Transportation**  
Right of Way Headquarters  
4040 Fairview Industrial Drive SE, MS #2  
Salem, OR 97302-1142  
Phone: (503) 986-3600  
Fax: (503) 986-3625  
Toll Free: (888) 769-7340

**TO:** Jacque Carlisle  
Commission Assistant

**FROM:** Joseph Gray  
State Right of Way Manager

**DATE:** September 22, 2016

**RE:** Resolution for Authority to Acquire Property

Delivered herewith is the resolution for authority to acquire by purchase, condemnation, agreement or donation the properties listed on the attached Exhibit A. This resolution is to be presented to the Commission at the meeting scheduled for October 20, 2016. If approved by the Commission, the resolution should be so entered in your records.

cc: Matthew L. Garrett, Director  
Justin Emerson Kidd, Asst. Attorney General  
Nicole DeFever, Senior Asst. Attorney General  
Geri Hall, Asst. State Right of Way Manager

## RESOLUTION

WHEREAS, by virtue of the laws of the State of Oregon, as set forth and defined in Oregon Revised Statutes, the Department of Transportation, by and through the Oregon Transportation Commission, is authorized and empowered to acquire by purchase, agreement, donation, or by the exercise of the power of eminent domain:

- 1) Real property, or any right or interest therein including any easement or right of access, deemed necessary for highway purposes as prescribed and more particularly set forth in ORS 366.320 (2), 366.325, 366.330, 366.333, 366.335 (2) and (4), 366.340, 366.576, 377.640, and 377.780.
- 2) Fee title to or any interest in any real property, including easements of air, view, light and access, deemed necessary for throughway purposes as prescribed and more particularly set forth in ORS 374.035 (1), and 374.040;

WHEREAS, by virtue of the laws of the State of Oregon charging the Department of Transportation with the responsibility of providing highways and throughways to adequately serve the traveling public, certain projects have been planned as more specifically set forth and named in the attached list, marked "Exhibit A", in accordance with established policies and engineering design standards for the accomplishment of the respective projects specified in "Exhibit A", and

WHEREAS, for the accomplishment of the planned projects, to the end that human lives may be saved, property damage minimized, transportation by motor vehicles promoted and highway travel in general safeguarded, it is the judgment of the Commission that certain parcels of real property are necessary for the planned projects, and that access to the respective highway and throughway projects should be controlled in accordance with the access control policies of the Department of Transportation.

NOW, THEREFORE BE IT AND IT HEREBY IS RESOLVED by this Commission and the Commission does hereby find and declare as follows:

1. That for the accomplishment of the planned projects there is needed and required certain interests in or fee simple title to certain parcels of real property. The parcels of real property, or particular interests therein, needed and required for the planned projects are specifically described in the right of way files, and shown on the right of way maps, listed on the attached exhibit marked "Exhibit A", under the name of the record owner or reputed owner and the Commission's respective Highway Division Right of Way file number, and said "Exhibit A" is by this reference hereby adopted and made a part hereof as completely and fully as though set forth in full herein. The respective projects are also designated thereon. The files and maps referenced are located in the headquarters office of the Right of Way Section of the Highway Division. Unless otherwise specified on the attached "Exhibit A", the time period within which the parcels of real property must be put to public use is 10 years from the date of acquisition. It is also necessary to enter upon

the remaining lands of the respective owners contiguous to any buildings or improvements which are bisected by the acquisition for the purpose of moving, dismantling or otherwise disposing of the buildings or improvements, and to enter upon the remaining lands of the owners for the construction of road approaches or other land service facilities being constructed for the use and benefit of the property.

2. That it is necessary where applicable that there shall be access controls on certain highway and throughway projects. The needed and required types of access controls are as follows:
  - a.) "Access Completely Restricted"; there is needed and required any and all rights of access of every nature to the right of way of the respective projects unless exception is specifically made.
  - b.) "Access Controlled", there is needed and required any and all rights of access of every nature to the right of way of the respective projects; provided, however, that there shall be reserved unto the respective owners for service of their remaining land only such rights of access located opposite the Highway Engineer's Centerline Station or Stations as may be specified. The State Right of Way Manager or his/her designee may move a reserved location. If an owner during negotiations wishes to move a reserved location, it may be moved on request to a location approved by the State Right of Way Manager or his/her designee.
  - c.) "Access Not Controlled", "Access Controlled by Permit", or no indication as to access control; access rights of the respective owners will not be acquired in this appropriation.
3. That when the word "Throughway" appears with the designations of the projects, all or part of the acquisitions under those projects are required and are being appropriated for the purpose of accomplishing a throughway highway project, which by prior resolution the Commission or its predecessor has ordered and declared that the work thereon shall be performed under the provisions and within the meaning and for the accomplishment of purposes declared and provided under Chapter 374, Oregon Revised Statutes, commonly known as the Throughway Law.
4. That the designated projects for which each of the acquisitions is required and is being taken are necessary in the public interest, and the same have been planned, designed, located and will be constructed in a manner which will be most compatible with the greatest public good and the least private injury or damage.
5. That this Resolution is, and is intended to be, with respect to all property, rights or interests described herein, the exercise of the power of eminent domain of the State of Oregon to the full extent that this Commission is authorized to exercise such power.
6. That the Right of Way Section of the Highway Division is directed to attempt to agree with the respective owners as to the compensation to be paid for each acquisition. The State Right of Way Manager is directed and authorized to take all actions necessary to complete the real property

transactions authorized by this resolution and shall establish procedures in the ODOT Right of Way Manual to accomplish each acquisition including the authority to approve agreements with the respective owners that are in the best interest of the State. In the event no satisfactory agreement can be reached, the State Right of Way Manager is directed and authorized to request the Commission's Counsel to commence and prosecute to final determination such proceedings as may be necessary to determine compensation and any other matter appropriate to the acquisitions declared herein to be needed and required.

7. That upon the trial of any suit or action instituted under the provisions of paragraph 6 above, the Commission's Counsel, or, in his/her absence, any Assistant Attorney General assigned to the Department of Transportation, is authorized to make such stipulation, agreement or admission as in his judgment may be for the best interests of the State of Oregon.
8. That any Condemnation or Right of Way Resolution or portion thereof previously adopted by this Commission or its predecessor and inconsistent herewith is hereby rescinded.
9. That this resolution be entered in full in the minutes and records of the Commission this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ as Right of Way Resolution No. 3142.

Authority to Acquire Real Property by Purchase, Condemnation, Agreement or Donation  
Covering the Property Listed Below.  
Commission Meeting, October 20, 2016  
Exhibit 'A'

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Revision

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FFO - OR 138E: Corridor Solutions (Roseburg)  
NORTH UMPQUA HIGHWAY EAST No. 138  
Map No. 11B-7-5  
Non-throughway

7653-023	TI Harvard, LLC	Douglas	<input type="checkbox"/>
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FFO-OR62: Rogue River Dr-Cleveland St Streetscape  
CRATER LAKE No. 022  
Map No. 11B-7-29  
Non-throughway

7701-029	21825 Highway 62, LLC	Jackson	<input checked="" type="checkbox"/>
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I84: BRUSH CREEK CULVERT  
OLD OREGON TRAIL No. 006  
Map No. 01R-04-1245  
Throughway

9104-001	Boothman Ranches, Inc.	Union	<input checked="" type="checkbox"/>
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Netarts Hwy131 @ MP2.4 repair  
NETARTS No. 131  
Map No. 1R-4-1243  
Non-throughway

9144-001	Justin E. Winslow, Kristin V. Winslow	Tillamook	<input type="checkbox"/>
9144-002	William C. Glenn, Regina D. Glenn	Tillamook	<input type="checkbox"/>
9144-003	Calvin G. Carlson Trustee	Tillamook	<input type="checkbox"/>
9144-004	Jacquelyn I. Weber	Tillamook	<input type="checkbox"/>
9144-005	Sidney M. Johnson, Susan Y. Johnson	Tillamook	<input type="checkbox"/>

OR 212/224: Sunrise Corridor (I-205-SE 122nd Ave)  
Clackamas No. 171  
Map No. 11B-6-12  
Non-throughway

7436-055	Ron Satterlee, LLC	Clackamas	<input type="checkbox"/>
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OR 213: Cascade Hwy N @ Stark & Washington (Portland)  
CASCADE HWY NORTH No. 068  
Map No. 11B-7-24, 1R-3-1792  
Non-throughway

7650-022	Daisy Investment Company LLC	Multnomah	<input type="checkbox"/>
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OR153: Bellevue-Hopewell Rail Road Crossing Safety  
BELLEVUE-HOPEWELL No. 153  
Map No. 11B-8-31  
Non-throughway

9115-001	Ilene A. Tenbrook	Yamhill	<input type="checkbox"/>
9115-002	The City of Amity, Oregon, a municipal corporation	Yamhill	<input type="checkbox"/>
9115-003	Jered Caywood, Sonya Caywood	Yamhill	<input type="checkbox"/>

OR213: SE Lindy St – SE King Rd  
CASCADE HWY NORTH No. 068  
Map No. 11B-8-18  
Non-throughway

9082-011	Jerry R. Asquith, Trustee	Clackamas	<input checked="" type="checkbox"/>
9082-014	Eastern Union Oregon, Inc.	Clackamas	<input checked="" type="checkbox"/>
9082-015	Rowe Properties LLC	Clackamas	<input checked="" type="checkbox"/>
9082-016	82 Property, LLC	Clackamas	<input checked="" type="checkbox"/>
9082-023	D3-427, LLC	Clackamas	<input checked="" type="checkbox"/>

US101: Wheeler at MP48 slide repair

OREGON COAST No. 009

Map No. 1R-4-1242

Non-throughway

9143-001	Deslee Kahrs, Donna Kahrs	Tillamook	<input type="checkbox"/>
9143-002	Deslee Kahrs, Donna Kahrs	Tillamook	<input type="checkbox"/>
9143-003	Deslee Kahrs, Donna Kahrs	Tillamook	<input type="checkbox"/>
9143-004	Port of Tillamook Bay	Tillamook	<input type="checkbox"/>

US30: MOSIER CR & DRY CANYON CR & CHENOWETH CR BRI

HISTORIC COLUMBIA RIVER No. 100

Map No. 1R-4-1253

Non-throughway

9172-001	Spee-Dee Haulers, Inc.	Wasco	<input type="checkbox"/>
9172-002	NW Aluminum Company	Wasco	<input type="checkbox"/>

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US101: Harbor Culvert Repair

Oregon Coast Highway No. 009

Throughway

9127-001	Angelique Allen, David B. Allen II	Curry	<input checked="" type="checkbox"/>
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**US101: Harbor Culvert Repair**  
**Oregon Coast Highway No. 009**  
**Throughway**

9127-002	GOH Properties, LLC	Curry	<input type="checkbox"/>
9127-003	Henry A. Herwig, Trustee, Maria P. Herwig, Trustee	Curry	<input type="checkbox"/>
9127-004	Hendrik Aart Inthout, Trustee	Curry	<input type="checkbox"/>

**Developer Donation - N. College Street**  
**Map No. 7B-35-8**  
**Non-throughway**

9157-001	Raymond A. Pieren		<input type="checkbox"/>
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**Developer Donation - 8787 Scholls Ferry Rd.**  
**SCHOLLS No. 143**  
**Map No. 10B-16-24**  
**Non-throughway**

9192-001	Commercial Net Lease Realty	Washington	<input type="checkbox"/>
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**East Addition Pleasant Valley Quarry**  
**Map No. 01R-03-1811**  
**Throughway**

9200-001	Helen M. Troy, Trustee	Baker	<input type="checkbox"/>
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