

RESOLUTION AUTHORIZING THE DEPARTMENT OF AVIATION TO EXERCISE EMINENT DOMAIN

WHEREAS, the Oregon Department of Aviation ("Department") may exercise the power of eminent domain as authorized by the Board of Aviation ("Board") pursuant to ORS 836.025 and ORS 836.045 and the Law of the State of Oregon generally, when such power is deemed necessary for the safe and efficient operation of the state's airports, for the removal, elimination, marking or lighting of airport hazards or obstructions, and for preventing the establishment of new airport hazards.

WHEREAS, the Department has the responsibility of maintaining, operating, regulating and protecting airports and air navigation facilities within the state for the purpose of maintaining a safe operating environment for current and future users of state airports. The Department is also responsible for ensuring that all state airports meet or work towards meeting Federal Aviation Administration ("FAA") design standards.

WHEREAS, the Department has created projects to remove existing obstructions in the navigable use airspace for the Joseph, Aurora, Chiloquin and Mulino state airports (collectively "Projects.").

WHEREAS, to accomplish the Projects, continue to maintain the navigable airspace free of obstructions and to ensure continued safe and efficient airport operations at and around the Joseph, Aurora, Chiloquin and Mulino state airports, the Department has determined that it is necessary to acquire certain real property interests in and over the private properties surrounding the four airports.

WHEREAS, The purpose of this resolution is to authorize the Department in accordance with ORS 836.045, to exercise the Department's power of eminent domain in the manner provided by ORS 35, now, therefore,

BE IT HEREBY RESOLVED by the Board

1. The Board hereby authorizes the Department to exercise the Department's power of eminent domain with respect to the acquisition of private property interests that the Department determines are necessary for the Projects. All property interests shall be acquired subject to payment of just compensation and subject to procedural requirements of Oregon law.

2. The Department including its consultants is authorized and requested to attempt to agree with the owner and other persons in interest as to the compensation to be paid for each acquisition, and, in the event that no satisfactory agreement can be reached, to commence and prosecute such eminent domain proceedings as may be necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition. This authorization is not intended to expand the jurisdiction of any court to decide matters determined above or determinable by the Board or the Department.

DATED this _____ day of _____, 20__

Cathryn Stephens
Board Chair