

**CITY OF FLORENCE
RESOLUTION NO. 01, SERIES 2024**

**A RESOLUTION EXERCISING THE POWER OF EMINENT DOMAIN AND
DELEGATING AUTHORITY FOR THE RHODODENDRON DRIVE REALIGNMENT
AND IMPROVEMENT PROJECT.**

RECITALS:

1. The City of Florence may exercise the power of eminent domain pursuant to the City Charter, Oregon Revised Statutes (ORS) 223.005 – 233.105, and the Law of the State of Oregon generally, when the exercise of such power is deemed necessary by the City of Florence’s governing body to accomplish public purposes for which the City of Florence has responsibility.
2. The City of Florence has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public.
3. The project known as Rhododendron Drive Realignment and Improvement Project (“Project”) has been planned in accordance with appropriate engineering standards for the construction, maintenance or improvement of said transportation infrastructure such that property damage is minimized, transportation promoted, and travel safeguarded.
4. The purpose of the Project is to make improvements to Rhododendron Drive from Wildwinds Street to 35th Street. The Project will include water and wastewater relocation, establishment of new slopes, retaining walls, separated multi-use path, stormwater improvements, repaving, restriping, and constructing related facilities to improve the safety and visual aesthetics of this major transportation facility.
5. To accomplish the Project, it is necessary to acquire the interests in the property described in “Exhibit A,” attached to this resolution and hereby incorporated.
6. Based upon the above findings;

THE CITY COUNCIL OF THE CITY OF FLORENCE RESOLVES AS FOLLOWS:

1. The above statements of authority and need are, in fact, the case. The Project for which the property is required and is being acquired 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.
2. The power of eminent domain is hereby exercised with respect to the interests in the property described in Exhibit A. The property is acquired subject to payment of just compensation and subject to procedural requirements of Oregon law.

3. The City of Florence's staff, designees, and the City's attorneys are authorized and requested to attempt to agree with the owner and other persons in interest as to the compensation to be paid for the acquisition, and, in the event that no satisfactory agreement can be reached, to commence and prosecute such condemnation 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 Florence City Council.
4. If the City and the owners or other persons in interest as to the property described in Exhibit A agree on the amount of just compensation, the City Manager is authorized to negotiate and execute acquisition agreements for those properties.
5. The City of Florence expressly reserves its jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality, or locality, and to change or abandon any acquisition.
6. This Resolution takes effect immediately upon adoption.

ADOPTION:

This Resolution is passed and adopted on the 22nd day of January, 2024.



Rob Ward, Mayor

Attest:



Lindsey White, City Recorder

Exhibit A
Resolution No. 1, Series 2024
City of Florence Status Sheet

Map and Taxlot	Owner Name	Mailing Address/Contact Info	Site Address	Area	Value
18-12-22-23-01201	Legacy Ventures, Inc.	11994 Peace Ln Wilton, CA 95693	N/A	20,473 SF	

