

**CITY OF FLORENCE
RESOLUTION NO. 18, SERIES 2017**

A Resolution Exercising the Power of Eminent Domain and Delegating Authority.

RECITALS:

1. The City of Florence may exercise the power of eminent domain pursuant to the Charter of the City of Florence, 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 ReVision Florence (“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, travel safeguarded.
4. The purpose of the Project is to make improvements to Hwy 126 and Hwy 101 from Spruce Street to the Siuslaw River Bridge. The Project will include repaving, restriping, making sidewalk improvements, and constructing related streetscape facilities to improve the safety and visual aesthetics of these major transportation facilities through the heart of the community.
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. As part of the Project, the City of Florence is a party to an Intergovernmental Agreement for Right of Way Services (Agreement No. 31894) with the Florence Urban Renewal Agency and the Oregon Department of Transportation. The Florence Urban Renewal Agency will reimburse the City for costs associated with the City’s right of way services and acquisitions.
7. 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 each of the interests in property described in Exhibit A. Each 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 each 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.

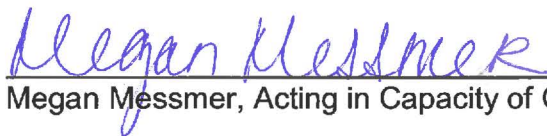
ADOPTION:

This Resolution is passed and adopted on the 28th day of August, 2017.



Joe Henry, Mayor

Attest:



Megan Messmer, Acting in Capacity of City Recorder

Exhibit A

City of Florence Status Sheet

File #	APN	Owner Name	Mailing Address/Contact Info	Situs Address	Permanent Easement		Temporary Easement	
					Area (SF)	Value	Area (SF)	Value
9262001	18-12-26-32-06500-000	Abel Insurance Agency	PO BOX 1780, COOS BAY, OREGON 97420	875 HWY 101	136		1,124	
9262002	18-12-27-41-10500-000	Bob Miles LLC	2175 HIGHWAY 101	813 HIGHWAY 101	205		2,297	
9262003	18-12-26-32-06603-000	Clawson, Darby C and Amy M.	PO BOX 1132	820 HIGHWAY 101	6		749	
9262004	18-12-27-44-00100-000	Siuslaw Valley Bank	PO BOX 280	777 HIGHWAY 101	1355		471	
9262005	18-12-26-33-00700-000	Safeway Inc.	1371 Oakland Blvd. Suite 200, Walnut Creed, CA 94596-4349	710 HWY 101	176		1,004	
9262006	18-12-27-44-00401-000	KDH Bldg, LLC	733 HIGHWAY 101	733 HIGHWAY 101	101		398	
9262007	18-12-27-44-00402-000	McMahon, Thomas M. and Nancy I.	811 WILLAMETTE ST	715 HIGHWAY 101	155		141	
9262008	18-12-27-44-00600-000	Safeway Inc.	1371 Oakland Blvd. Suite 200, Walnut Creed, CA 94596-4349	710 HWY 101	136		681	
9262009	18-12-27-44-05701-000	McKay's Florence LLC	LAKESIDE, OR 97449	685 HWY 101	177		815	
9262010	18-12-27-44-05800-000	McKay's Florence LLC	LAKESIDE, OR 97449	685 HWY 101	30		522	
9262011	18-12-27-44-05801-000	Hennessee, Todd and Amanda	5969 CANARY RD, WESTLAKE, OREGON 97493	1417 6TH ST	88		1,059	
9262012	18-12-27-44-06400-000	Dominick's Finer Foods, Inc.	5918 STONERIDGE MALL, PLEASANTON, CALIFORNIA 94588		177		613	
9262013	18-12-27-44-06200-000 18-12-27-44-06300-000	Washington Federal	425 PIKE ST	620 HIGHWAY 101	218		422	
9262014	18-12-27-44-07300-000	La Firenze, LLC	10 WATERFORD DOWNS	575 HIGHWAY 101	68		377	
9262015	18-12-27-44-07200-000	La Firenze, LLC	10 WATERFORD DOWNS	575 HIGHWAY 101	57		548	
9262016	18-12-27-44-07100-000	Williams, David R. and Susan K.	PO BOX 69	549 HIGHWAY 101	57		548	
9262017	18-12-27-44-07000-000	Wray, Steven L.	PO BOX 398	539 HIGHWAY 101	23		159	
9262018	18-12-27-44-06900-000	Alifonso Pelayo and Sonia Munoz	PO BOX 2216	529 HIGHWAY 101	23		159	
9262019	18-12-27-44-06800-000	Petersen, Lillian F.	PO BOX 96	519 HIGHWAY 101	20		125	
9262020	18-12-27-44-06601-000	101 Florence, LLC	5490 CAMERON ST, LAS VEGAS, NEVADA 89118	586 HWY 101	164		657	
9262021	18-12-27-44-06600-000	Chenoweth, Raymond M. & Elaine Y.	9811 W CHARLESTON BLVD	514 HIGHWAY 101	118		1,162	
9262022	18-12-27-44-10600-000	Brower, George F. and Harold E.	PO BOX 1835, FLORENCE, OREGON 97439	481 HWY 101	58		751	
9262023	18-12-27-44-10601-000	Holderle, Stacy A	5688 LAKE ST, FLORENCE, OREGON 97439	435 HWY 101	29		118	
9262024	18-12-27-44-10700-000	Brown, Stacy A	5688 LAKE ST, FLORENCE, OREGON 97439	435 HWY 101	29		118	
9262025	18-12-27-44-10800-000	McMullen Properties, LLC	PO BOX 357, FLORENCE, OREGON 97439	345-423 HWY 101	173		1,777	
9262026	18-12-27-44-12200-000	Sapp, Timothy N and Patricia D	PO BOX 1776	498 HIGHWAY 101	30		72	
9262027	18-12-27-44-12201-000	Sapp, Timothy N and Patricia D	PO BOX 1776	498 HIGHWAY 101	16		32	
9262028	18-12-27-44-12100-000	Tidewater Building Investors LLC	9700 BERNHARDT CREEK RD	494 HIGHWAY 101	21		43	
9262029	18-12-27-44-12000-000	Gini M. James AND William Gary Clawson	PO BOX 386	490 HIGHWAY 101	34		67	
9262030	18-12-27-44-11900-000	RUSSELL A. LUKER AND CAROLYN S. LUKER	233 GREEN LN	478 HIGHWAY 101	45		91	
9262031	18-12-27-44-11800-000	Luker, Russell A. and Carolyn S.	233 GREEN LN	478 HIGHWAY 101	36		94	
9262032	18-12-27-44-11700-000	Klamath First Federal Savings and Loan Association	20085 NW TANASBOURNE DR	430 HIGHWAY 101	11		173	
9262033	18-12-34-11-01800-000	McMullen Properties, LLC	PO BOX 357, FLORENCE, OREGON 97439	397 HWY 101	80		295	

Exhibit A

City of Florence Status Sheet

File #	APN	Owner Name	Mailing Address/Contact Info	Situs Address	Permanent Easement		Temporary Easement	
					Area (SF)	Value	Area (SF)	Value
9262034	18-12-34-11-02000-000	McMullen Properties, LLC	PO BOX 357, FLORENCE, OREGON 97439	345 HWY 101	228		1,427	
9262035	18-12-34-11-01100-000	McMullen Properties, LLC	1345 OLIVE ST, EUGENE, OREGON 97401	396 HWY 101	77		844	
9262036	18-12-34-11-01299-000	JK Land & Investments LLC	90585 N FORK RD	386 HIGHWAY 101 310 HIGHWAY 101	62		243	
9262037	18-12-34-11-01700-000	JK Land & Investments LLC	90585 N FORK RD	386 HIGHWAY 101 310 HIGHWAY 101	85		656	
9262038	18-12-34-11-03200-000	Pinkney, Warner W. and Pinkney, Jolene A	PO BOX 298	249 HIGHWAY 101	0		320	
9262039	18-12-34-11-03300-000	Pinkney, Jolene A	PO BOX 298	249 HIGHWAY 101	516		1,051	
9262040	18-12-34-11-04401-000	Gannon, Bennett	83933 CLOUD NINE RD	185 HIGHWAY 101	63		500	
9262041	18-12-34-11-04400-000	Howarth Hospitality Group LLC	PO BOX 187	155 HIGHWAY 101	201		1,341	
9262042	18-12-26-32-06601-000	Florence Coastal Hardware Company	PO BOX R, FLORENCE, OREGON 97439	1750 HWY 126	1,382			
9262043	18-12-26-32-08100-000	Aspen Quince, LLC	PO BOX 25430 Portland OR 97298	812 Quince Street	1,285			
9262044	18-12-26-32-07201-000	Pollman, Reinard A	1845 HIGHWAY 126	No situs	609			
9262045	18-12-26-32-07800-000	Florence Urban Renewal Agency	250 HWY 101, FLORENCE, OREGON 97439		166			

Total 8,726 24,044