

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF DECLARING A	)	RESOLUTION NO. 81-286
PUBLIC NECESSITY TO ACQUIRE REAL	)	
PROPERTY IN OREGON CITY ADJACENT	)	Introduced by the
TO THE CLACKAMAS TRANSFER &	)	Executive Officer
RECYCLING CENTER AND THE RESOURCE	)	
RECOVERY FACILITY	)	

WHEREAS, Under the laws of the state of Oregon, the Metropolitan Service District is duly authorized and empowered to locate, acquire, construct, operate and maintain such solid waste facilities as in the judgment of the Council are necessary and proper for the District; and

WHEREAS, Under the laws of the state of Oregon, the Metropolitan Service District may acquire by purchase, gift, devise condemnation proceedings or otherwise such real and personal property as in the judgment of the Council are necessary or proper to exercise its powers; and

WHEREAS, For the purpose of providing a transfer and recycling center and a resource recovery facility to serve the solid waste disposal needs of the District, and for the health, safety, benefit and general welfare of the public, the Metropolitan Service District plans to locate, construct, operate and maintain a transfer and recycling center and a resource recovery facility in Oregon City, Oregon; now, therefore,

BE IT RESOLVED,

1. That the Metropolitan Service District does hereby find and declare that there is needed and required for the location, construction, operation and maintenance of the Clackamas Transfer &

Recycling Center and the Resource Recovery Facility the real property and interest therein, more particularly set forth and described in Exhibit "A" attached hereto and by this reference incorporated herein.

2. That the construction, operation and maintenance of the Clackamas Transfer & Recycling and Resource Recovery Facility, for which the real property and interest therein described in Exhibit "A" is being acquired, is necessary and in the public interest and that the transfer station and resource recovery facility have been planned, designed, located and will be constructed in a manner which will be most compatible with the greatest public benefit and the least private injury or damage.

3. That the Executive Officer is authorized to attempt to agree with the owner and other persons with interests in the real property described in Exhibit "A" as to the compensation to be paid for the appropriation of the property and for an immediate right of entry to the property. If such an agreement can be negotiated, the Executive Officer shall present the contract for purchase of the property to the Council Coordinating Committee and the Council at their next regular meetings.

4. That, in the event no satisfactory agreement can be reached, the Executive Officer is authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire the real property and interest therein and that upon the filing of such proceedings, possession of the real property and the interest therein may be taken immediately.

5. That upon the trial of any suit or action instituted to acquire the real property or any interest therein the Executive Officer acting for and on behalf of the Metropolitan Service District is authorized to make such stipulations and agreements to secure the property as in his judgment may be in the best interests of the Metropolitan Service District.

ADOPTED by the Council of the Metropolitan Service District  
this 5th day of November, 1981.

  
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Presiding Officer

MAH/gl  
4456B/283

Rev 5/1/86

A G E N D A   M A N A G E M E N T   S U M M A R Y

TO: Metro Council  
FROM: Executive Officer *ELG*  
SUBJECT: Condemnation of Railroad Property

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Adopt the attached Resolution to authorize the Executive Officer to purchase 1.88 acres of land belonging to the Southern Pacific Railroad and to condemn the land if an agreement cannot be reached. The land (see map) is adjacent to Metro's current resource recovery site making the total site 11.72 acres.

The filling of this property was part of the original Site Development contract with Eucon Corporation. This action is urgent to allow the filling of this property to occur during this construction season with our current contract.

- B. POLICY IMPACT: The site development is important to provide an adequate foundation for the Resource Recovery Facility and the Clackamas Transfer & Recycling Center by raising the elevation above the 100-year floodplain level. The site development is part of the five-year plan.
- C. BUDGET IMPACT: Site development and purchase of the property are being funded by the Department of Environmental Quality (DEQ) using State Pollution Control Bonds. Cost to purchase the property is estimate at \$60,000. However, an offer will be made based on appraisal at fair market value.

II. ANALYSIS:

- A. BACKGROUND: Metro purchased 10.17 acres of property in 1977 for the Resource Recovery Facility. In order to prepare the site for any type of structure, it was necessary to fill the land, raising the site above the 100-year flood elevation. These plans included filling approximately 40 feet onto the railroad right-of-way to provide adequate drainage for the Metro site and the railroad property. An initial request for an easement or lease agreement was made in October 1980. Metro provided Southern Pacific Transportation Company with all plans and technical information to evaluate the impacts. Bids for the construction were taken and a contract was awarded to Eucon Corporation for \$2.99 million to fill the site and the right-of-way. The contract was issued to assure the project's completion in the current construction season.

In July 1981, Metro received a response from Southern Pacific denying our easement request. This action would reduce Metro's buildable space by about 30 feet or require constructing a large retaining wall on the property line. Metro prepared additional information and submitted a request for reconsideration in August 1981. On October 29, 1981, as a result of that request, the railroad recommended conveyance of the property through a bargain and sale deed under threat of condemnation. The request requires Metro to appraise the property and propose a purchase agreement.

It is important to submit a proposal as soon as possible to assure that the project is completed under the current contract. Upon receiving Metro's proposal, the railroad intends to issue a right of entry allowing work to be performed under our present contract with Eucon. If an agreement cannot be reached, then Metro will condemn the property.

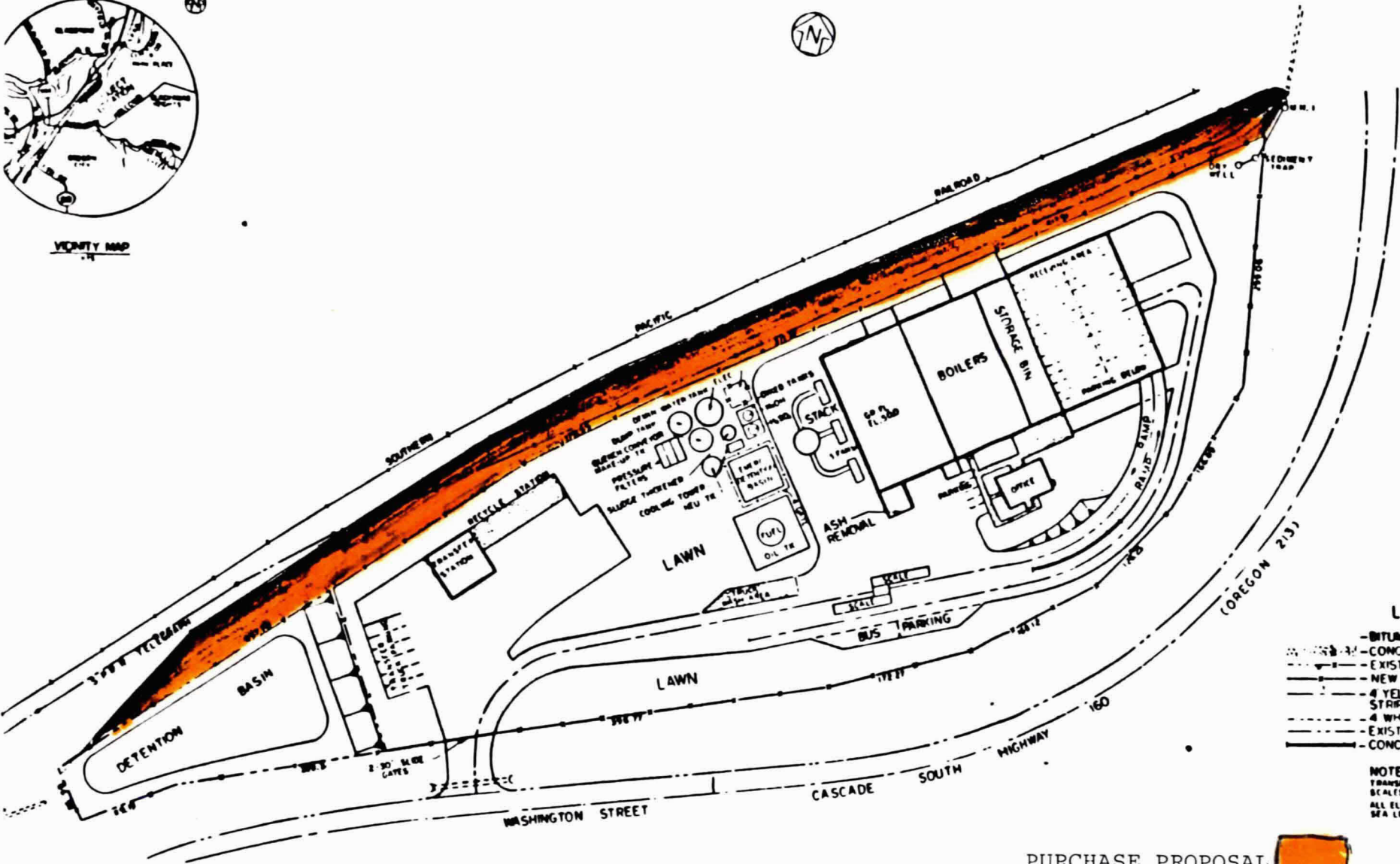
- B. ALTERNATIVES CONSIDERED: To maximize the amount of building space, Metro has considered construction of a retaining wall at approximately \$300,000 if the railroad denied our request. If a lease agreement were approved by the railroad it would require Metro to pay an annual sum to the railroad and maintain drainage facilities.
- C. CONCLUSION: The site development is 90 percent complete. Eucon Corporation remains under contract with Metro until January 1982. If the railroad does not transfer the deed prior to January, Metro will be required to re-bid or extend the contract. Any delays will result in a higher cost to place the fill. This action will allow Metro to submit the appraisal and obtain a right of entry. This right of entry will permit work to be completed by January under our current contract.

DD/gl  
4472B/283  
10/29/81

A B C D E F G H I J K L M



VICINITY MAP



**LEGEND**

- BITUMINOUS ASPHALT PAVING
- CONCRETE PAVING & WALKS
- EXISTING FENCE
- NEW FENCE
- 4 YELLOW REFLECTIVE PAINT STRIPE (ON PROPERTY)
- 4 WHITE PARKING STRIPE
- EXISTING IMPROVEMENTS
- CONC RETAINING WALL

**NOTE:**  
TRANSFER STATION, RECYCLE STATION & SCALES TO BE BUILT BY OTHERS  
ALL ELEVATIONS REFER TO MEAN SEA LEVEL (MSL)

PURCHASE PROPOSAL  
1.88 acres



<p>RESOURCE RECOVERY PROJECT SITE PLAN METRO-PORTLAND OREGON WHEELABRATOR ENERGY SYS INC.</p>		<p>The Best Engineering Company P702-32-1</p>
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