

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF)	RESOLUTION NO. 86-678
AUTHORIZING THE NEGOTIATED)	
ACQUISITION OR COMMENCEMENT OF)	Introduced by the
CONDEMNATION OF THE 209th AND)	Executive Officer
TUALATIN VALLEY HIGHWAY SITE FOR)	
THE PURPOSE OF CONSTRUCTING THE)	
WEST TRANSFER AND RECYCLING CENTER)	

WHEREAS, By virtue of the laws of the state of Oregon, the Metropolitan Service District (Metro) is authorized and empowered to acquire by purchase, or by the exercise of eminent domain, real property or any interest therein for the purpose of providing a metropolitan aspect of a public service; and

WHEREAS, ORS chapter 268 gives Metro the responsibility for solid waste disposal in the Portland metropolitan area; and

WHEREAS, Metro has adopted by Resolution No. 84-506 a Solid Waste Management Plan for solid waste transfer centers, including one such center to be located in eastern Washington County as part of the solid waste disposal system, and this is a metropolitan aspect of a public service; and

WHEREAS, For the reasons described in Resolution No. 84-506 and Exhibit A (Staff Report dated August 14, 1986), attached hereto and incorporated herein, Metro finds it necessary to acquire in fee the properties shown and described on the tax map attached as Exhibit B for the purpose of constructing the west transfer and recycling center, and finds that the center has been located and planned and will be designed in a manner which will be most compatible with the greatest public benefit and the least private injury; and

WHEREAS, Metro finds that if a satisfactory agreement cannot be reached with the property owners as to a just compensation for the property, condemnation suits should be instituted to acquire the property for the purposes of constructing the center; and

WHEREAS, Immediate possession of the property is necessary to obtain development permits and commence construction on schedule and in conjunction with commitments made to jurisdictions regulating other Metro transfer stations; now, therefore,

BE IT RESOLVED,

1. That the Metropolitan Service District does hereby find and declare that it is necessary and required for the purpose of providing a metropolitan aspect of public service by constructing the center to acquire the property described in Exhibit B, which property will be utilized for such public purpose within ten (10) years from the date of acquisition.

2. That the Metropolitan Service District hereby directs the Metro General Counsel to make a written offer on behalf of Metro to all owners or parties having an ownership interest to purchase all right, title and interest in the property and to pay just compensation. The offer to purchase shall comply with all legal formalities as determined by the Metro General Counsel and shall remain open for at least twenty (20) days.

3. That should any owner or party having an ownership interest fail to accept the amount offered by the Metro General Counsel, the Executive Officer and Metro staff and General Counsel are hereby authorized to attempt to agree with the owners and other persons in interest in the real property as to the compensation to

be paid for the appropriation of the property. In the event that no satisfactory agreement can be reached promptly, then the attorneys for Metro are directed and authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire the real property and interest therein. Metro General Counsel may file an action in eminent domain at any time after the expiration of the twenty-day (20) letter offer.

4. That upon the filing or trial of any suit or action instituted to acquire the real property or any interests therein, Metro General Counsel is authorized to make such stipulation, agreement or admission as in their judgment may be for the best interest of Metro.

5. That Metro General Counsel is authorized, in accordance with all applicable laws and regulations, to take appropriate steps to acquire immediate possession of such property.

6. That there is hereby authorized the creation of a fund in the amount estimated to be the just compensation for such property which shall, upon obtaining possession of the property, be deposited with the Clerk of the Court wherein the action was commenced for the use of the defendants of the action.

7. That upon the final determination of any such proceedings, the deposit of funds and payment of judgment conveying title to the property to Metro is hereby authorized.

8. That this Resolution is effective immediately upon its adoption.

ADOPTED by the Council of the Metropolitan Service District
this 14th day of August, 1986.


Richard Waker, Presiding Officer

Exhibit B

N.E. 1/4 S.E. 1/4 Section II T1S R2W W.M.

Washington County, Oregon

Tax Lots

100
200
201

Tax Map
152 II DA

