

**RESOLUTION NO. 1522
AUGUST 2015**

**EUGENE WATER & ELECTRIC BOARD
A RESOLUTION DECLARING PUBLIC NEED TO ACQUIRE PROPERTY NECESSARY
FOR THE WILLAMETTE PLANT PROJECT**

WHEREAS, the above-entitled matter came before the Board of Commissioners of the Eugene Water and Electric Board (“EWEB”) at its regular meeting on August 4, 2015; and

WHEREAS, the Board has considered the Alternate Water Source Project which includes, but is not limited to, the acquisition of property abutting or in close proximity to the Willamette River to locate, design and construct a potable Water Treatment Plant, a river intake, raw water and finished water pipelines, pumping, storage and other necessary water system facilities (i.e. Willamette Plant) to enable EWEB to utilize existing water rights to provide redundancy and reliability to EWEB system users; and

WHEREAS, it appears to the Board that EWEB has authority under its Section 44 of the Eugene Charter, ORS 223.010, ORS 225.020, and Chapter 35 to acquire real property by purchase or condemnation proceedings; and

WHEREAS, the Board determines that it is consistent with the powers and purposes of EWEB and necessary for the continued growth, safety and welfare of EWEB, as well as its wholesale customers, now or hereafter existing, that fee title to necessary properties as well as necessary rights-of-way and easements be acquired to implement the Willamette Plant Project; and

WHEREAS, after investigation of the alternative sites and the most effective and economic method of service delivery, the Board has determined that the proposed Willamette Plant Project and selection of the properties set forth on Exhibit 1, attached hereto and incorporated by reference, is planned and located in a manner which is most compatible with the greatest public benefit and causes the least private injury; and

WHEREAS, the Board finds there are adequate funds budgeted and available to acquire the subject properties (per approved 2015 Capital Budget as amended with Budget Amendment #1 approved on May 5, 2015), and being fully advised,

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COMMISSIONERS:

1. It is necessary for the preservation of public health, safety, and welfare of EWEB, that EWEB, start the acquisition process for the necessary property for the Willamette Plant Project as shown on Exhibit 1, attached hereto and incorporated by reference, through exercise of the power of eminent domain;

2. That EWEB Staff and Counsel are authorized to obtain real estate appraisers, negotiators other consultants with said appraisals to be prepared under the auspices of EWEB Counsel and submitted to said office for initiation of proceedings as described below;

3. EWEB shall in good faith attempt to negotiate a purchase and sale agreement to acquire fee title to provide just compensation with affected property owners for the designated properties. EWEB Staff and Counsel are authorized to complete negotiations with the property owners. The Board recognizes that there is a reasonable likelihood that formal litigation will be necessary and hereby authorizes EWEB Staff and Counsel to file a complaint in condemnation, take other steps as they determine necessary and prosecute to final determination such action to acquire fee title to the identified properties described herein if negotiations fail.

4. That upon the trial of any suit or action instituted to acquire the Acquisition Property, the attorneys acting for and on behalf of the EWEB are authorized to make such stipulation, agreement or admission as in their judgment may be for the best interest of the EWEB and to take possession of the Acquisition Properties at such time as appropriate in their judgment without necessity of further Board approval.

Adopted at a meeting of the Eugene Water & Electric Board on August 4, 2015.

THE CITY OF EUGENE,
OREGON Acting by and through the
EUGENE WATER & ELECTRIC BOARD

President

I, TARYN M. JOHNSON the duly appointed, qualified and acting Assistant Secretary of the Eugene Water & Electric Board, do hereby certify that the above is a true and exact copy of the Resolution adopted by the Board at its August 4, 2015 Regular Board Meeting.

Assistant Secretary

Resolution 1522 Exhibit 1

Date: 8/3/2015

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0.1 Miles

