

**CITY OF CENTRAL POINT
City Council Meeting Agenda
March 22, 2012**

Next Res. 1328
Next Ord. No. 1957

**Central Point
City Hall
664-3321**

City Council

Mayor
Hank Williams

Ward I
Bruce Dingler

Ward II
Kelly Geiger

Ward III
Ellie George

Ward IV
Allen Broderick

At Large
Carol Fischer
Kay Harrison

Administration
Phil Messina, City
Manager
Chris Clayton, Assistant
City Manager
Deanna Casey, City
Recorder

**Community
Development
Department**
Tom Humphrey, Director

Finance Department
Bev Adams, Director

Human Resources
Barb Robson, Director

**Parks and Public Works
Department**
Matt Samitore, Director
Jennifer Boardman,
Manager

Police Department
Jon Zeliff, Chief

I. REGULAR MEETING CALLED TO ORDER – 7:00 P.M.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PUBLIC APPEARANCES

V. CONSENT AGENDA

Pg. 2 - 7 A. Approval of March 8, 2012 City Council Minutes

VI. ITEMS REMOVED FROM CONSENT AGENDA

VII. BUSINESS

--- A. Rogue Valley Council of Governments Annual Report

VII. PUBLIC HEARING, ORDINANCES, AND RESOLUTIONS

9 - 10 A. Second Reading - Ordinance No. _____, An Ordinance Adding Subsection 12.20.025 to the Central Point Municipal Code to Prohibit the Transfer of Property Between a Pedestrian and Vehicle Occupant on the Vehicular Portion of a Highway (Allison)

12 - 16 B. Resolution No. _____, A Resolution Setting a Public Hearing and Initiating Proceedings to Annex 1.79 Acres Known as Skyman Central Point Arboretum, Identified on the Jackson County Assessor's Map as 37 2W 03 BD, Tax Lots 700 and 800. (Humphrey)

18 - 22 C. Resolution No. _____, A Resolution Exercising the Power of Eminent Domain For Property Adjacent to Oak Street Parking Lot (Samitore)

VIII. MAYOR'S REPORT

IX. CITY MANAGER'S REPORT

X. COUNCIL REPORTS

XI. DEPARTMENT REPORTS

XII. EXECUTIVE SESSION

The City Council may adjourn to executive session under the provisions of ORS 192.660. Under the provisions of the Oregon Public Meetings Law, the proceedings of an executive session are not for publication or broadcast.

XIII. ADJOURNMENT

Consent Agenda

**CITY OF CENTRAL POINT
City Council Meeting Minutes
March 8, 2012**

I. REGULAR MEETING CALLED TO ORDER

Mayor Williams called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL: Mayor: Hank Williams
Council Members: Allen Broderick, Bruce Dingler, Carol Fischer, Kelly Geiger, and Ellie George were present. Kay Harrison was excused.

Assistant City Manager Chris Clayton; City Attorney Paul Nolte; Police Chief Jon Zeliff; Community Development Director Tom Humphrey; Parks and Public Works Director Matt Samitore; and City Recorder Deanna Casey were also present.

IV. PUBLIC APPEARANCES - None

V. CONSENT AGENDA

A. Approval of February 23, 2012, City Council Minutes

Kelly Geiger made a motion to approve the Consent Agenda as presented. Carol Fischer seconded. Roll call: Allen Broderick, yes, Bruce Dingler, yes; Kelly Geiger, yes; Carol Fischer, yes; Hank Williams, yes; and Ellie George, yes. Motion approved.

VI. ITEMS REMOVED FROM CONSENT AGENDA - None

VII. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

A. Second Reading – Ordinance No. 1955, An Ordinance Creating Chapter 11.22 of the Central Point Municipal Code; Making Certain Determinations and Findings Relating to and Adopting the Downtown & East Pine Street Corridor Revitalization Plan, An Urban Renewal Plan for the City of Central Point.

Planning Manager Don Burt stated that this is the second reading of an Ordinance creating an Urban Renewal District for the City of Central Point. On February 23rd the City Council held a public hearing and accepted testimony from Citizens.

There was discussion that once it became clear that this would not be an additional tax for the Citizens they have not heard any negative feedback from the community. The Council members are very pleased with the education that was provided to the citizens. Council wanted to make sure approval of this

Ordinance in no way determines the lane configuration of the downtown improvements. Mr. Burt assured the Council this does not have any specifics in regards to the lane configuration for any area within the district.

Allen Broderick made a motion to approve Ordinance No 1955, An Ordinance Creating Chapter 11.22 of the Central Point Municipal Code; Making Certain Determinations and Findings Relating to and Adopting the Downtown & East Pine Street Corridor Revitalization Plan, An Urban Renewal Plan for the City of Central Point. Carol Fischer seconded. Roll call: Allen Broderick, yes, Bruce Dingle, yes; Kelly Geiger, yes; Carol Fischer, yes; Hank Williams, yes; and Ellie George, yes. Motion approved.

B. First Reading – An Ordinance Regulating Panhandling in Public Right of Ways.

Police Captain Kris Allison presented the staff report and the issues regarding panhandling in Central Point. The proposed ordinance would prohibit the transfer of items while a driver or passenger in a vehicle are on a public right of way. This does not apply if the vehicle is legally parked. The driver, passenger and pedestrian could be ticketed if found in violation. This ordinance is recommended by the Central Point Police Department and approved by the City Attorney.

There was discussion regarding the Fire Department Boot Fund raiser. Captain Allison and the City Attorney stated that is covered in this ordinance and the fund raising activity is approved at the state level.

There will be a lot of educating in the beginning hoping that we will not need to issue citations. Once the pedestrians know that the practice is against the law we hope they will find other sources of income.

Bruce Dingle made a motion to pass to second reading an Ordinance adding Subsection 12.20.025 to the Central Point Municipal Code to Prohibit the Transfer of Property Between a Pedestrian and Vehicle Occupant on the Vehicular Portion of a Highway. Ellie George seconded. Roll call: Allen Broderick, yes, Bruce Dingle, yes; Kelly Geiger, yes; Carol Fischer, yes; Hank Williams, yes; and Ellie George, yes. Motion approved.

C. Resolution No. 1327, Authorizing the City of Central Point National Pollution Discharge Elimination System Phase II Permit Application Submittal for Small Municipal Separate Sewer Systems

Floodplain/Stormwater Coordinator Stephanie Holtey stated that in 2011 the Council held a Study Session regarding the storm water quality program managed by RVSS. Central Point now has qualified employees to manage this program. Staff would like the Council to approve the recommended resolution showing DEQ that they are in favor of taking back the program to manage and control our water quality.

When the City is in control of the water quality program we will be able to expand it. We will also have control over the funds that are paid to manage this program. Currently we do not get an accounting of where the Central Point funds are being spent. The Storm Water Quality fee currently charged by RVSS will be transferred to the City of Central Point as of July 1, 2012. The only difference is the \$1 will show on the Central Point Water Bill instead of the RVSS sewer bill. For those citizens that pay their RVSS bill a year in advance a conversion will be worked out with RVSS and our billing department. Staff plans to do public outreach and education on the change in fees to the City so that they are not surprised in July when there is a new fee on their water bill.

City Attorney Paul Nolte stated that the Council member making the motion should include the complete enacting clause which is missing from the resolution. The entire enacting clause should read "The City of Central Point resolves as follows:"

Allen Broderick made a motion to approve Resolution No. 1327, Authorizing the City of Central Point National Pollution Discharge Elimination System Phase II Permit Application Submittal for Small Municipal Separate Sewer Systems, Completing the Enacting Clause by adding "as follows". Ellie George seconded. Roll call: Allen Broderick, yes; Bruce Dingler, yes; Kelly Geiger, yes; Carol Fischer, yes; Hank Williams, yes; and Ellie George, yes. Motion approved.

D. Ordinance No. 1956, An Ordinance Amending Sections 8.08.010 of the Central Point Municipal Code to Provide for a More Efficient and Timely Weed Abatement and Declaring an Emergency.

Parks and Public Works Director Matt Samitore apologized that this section was missed last year when he came to update the process for weed abatements. The proposed ordinance removes the effective dates, allowing the City to enforce the weed abatement program at any time of year.

The reason he is asking for the emergency clause is because the normal time frame would put the effective date in the middle of May. There are currently issues that the Code Enforcement Officer could be enforcing if this time frame was not in effect.

Kelly Geiger made a motion to approve Ordinance No. 1956, An Ordinance Amending Sections 8.08.010 of the Central Point Municipal Code to Provide for a More Efficient and Timely Weed Abatement and Declaring an Emergency. Bruce Dingler seconded. Roll call: Allen Broderick, yes; Bruce Dingler, yes; Kelly Geiger, yes; Carol Fischer, yes; Hank Williams, yes; and Ellie George, yes. Motion approved.

VIII. BUSINESS

A. Water Conservation Grant Recommendation

Assistant City Manager Chris Clayton presented a letter from Public Works Management, Inc., explaining that the Medford Water Commission (MWC) proposed to increase the price of water to the jurisdictions that purchase from them. That increase is planned for an expansion to the Duff Water Treatment Plant. When the Cities learned that the plant expansions were scheduled without any consideration of the potential impacts of water conservation they expressed concern to the MWC.

The goal is to prolong the need for additional water rights and delay the need for expansion of the Duff Water Treatment Plant. The proposal will create committees to research water conservation for all MWC recipients.

Public Works Management will be creating a Technical Advisory Committee and a Policy Committee. We will need volunteers from the Council and staff to help with these committees. The goal will be to review ways to conserve water and to avoid unnecessary water rate increases to the outlying cities.

Bruce Dingler made a motion to move forward with the water conservation grant and appoint Chris Clayton, Phil Messina and Matt Samitore to the Technical Committee and Mayor Williams to the Policy Committee. Ellie George seconded. Roll call: Allen Broderick, yes, Bruce Dingler, yes; Kelly Geiger, yes; Carol Fischer, yes; Hank Williams, yes; and Ellie George, yes. Motion approved.

B. Planning Commission Report

Community Development Director Tom Humphrey presented the Planning Commission Report for March 6, 2012:

1) The Commission was given a one year status report of the RV Recovery home duplex which is being used to house up to 15 people transitioning from addiction to self –sufficiency. Convalescent homes are classified as group quarters for rehabilitation or recuperation from disability or illness. The home has housed between 2 to 8 residents during its first year of operation. The applicants have satisfied all previous conditions of approval and the facility has been operating successfully without incident for over a year.

2) The Commission denied an application to remove a mature tree. The homeowners association asked to remove a tree that is interfering with a street light in a sidewalk landscaping strip. In this case the Commission found that the tree was healthy and did not jeopardize the safety of the public. They denied the request to remove the tree and directed staff to consult with the association's maintenance crew when trimming the tree. They agreed that if necessary the street light and not the tree should be moved to eliminate conflicts.

3) Planning Staff reviewed new federal legislation with the Commission at the advice of the City Attorney. The new federal law mandates local approval for modification of "an existing wireless tower or base station." The CPMC appears to be equitable with it comes to this subject. The City has been very creative with

wireless providers when it comes to base station placement at Four Oaks and Twin Creeks.

4) The Commission was informed of the following changes that will come before them this year: 1) Comprehensive Plan and Zoning Map Amendments on Table Rock Road ; 2) Comprehensive Plan Amendments for a new Regional Plan Element, Urban Reserve Management Agreement, Updated Population Element, and an Agricultural Buffering Ordinance; 3) East Side Transit Oriented Development Master Plan; and various Municipal Code Amendments for Accessory Buildings, ADU's, Building Height modifications and wireless collocation.

Bruce Dingler made a motion to accept the March 2, 2012, Planning Commission Report as presented. Kelly Geiger seconded. Roll call: Allen Broderick, yes; Bruce Dingler, yes; Kelly Geiger, yes; Carol Fischer, yes; Hank Williams, yes; and Ellie George, yes. Motion approved.

IX. MAYOR'S REPORT

Mayor Williams reported that he attended the Council work session and a Medford Water Commission meeting at the Duff Treatment Plant.

X. CITY MANAGER'S REPORT - None

XI. COUNCIL REPORTS

Council Members Allen Broderick, Kelly Geiger, and Bruce Dingler reported that they attended the Council work session.

Council Member Carol Fischer reported that she attended the Council work session, the MWC meeting, and the Harry and David's New Look Celebration.

XII. DEPARTMENT REPORTS

Community Development Director Tom Humphrey reported that the boot camp group are still meeting. They watched a web cast about "Think Big, Act Small" very similar to the discussion we had at the Council work session. If any Council member is interested in watching the web cast he would be able to set that up.

Police Chief Jon Zeliff updated the Council on the new members of the Bike Patrol team.

Parks and Public Works Director Matt Samitore reported that:

- The Open House for the Front Street improvements was this evening. Staff will be leaving the comment portion open for a few more days.
- There will be tours to go inside the water reservoir planned soon. If any members or citizens are interested to see inside.

- The Central Point Community Center did not get funding approval with the state this year. We will keep it in the plans and hope for the next legislative session.

XIII. EXECUTIVE SESSION - None

XIV. ADJOURNMENT

Bruce Dingler moved to adjourn, all said "aye" and the Council Meeting was adjourned at 8:20 p.m.

The foregoing minutes of the March 8, 2012, Council meeting were approved by the City Council at its meeting of March 22, 2012.

Dated:

Mayor Hank Williams

ATTEST:

City Recorder

Ordinance

Prohibiting Transfer of Property between Pedestrian and Vehicle Occupant

STAFF REPORT

To: The Honorable Mayor and City Council

From: Kris Allison, Captain

SUBJECT: Unlawful Transfer on Vehicular Portion of the Right of Way

Date: March 23, 2012

Executive Summary:

The recommended Ordinance prohibits the exchange of property between pedestrians and passengers of a vehicle in the right of way of a highway, road or street within their city limits. Staff has conferred with our City Attorney, Paul Nolte, and this ordinance would help the City enforce and prohibit this behavior for the public's safety and increasing environmental issues these intersections are facing.

There were no recommended changes at the first reading on March 8, 2012.

Recommendation:

Staff recommends approving Ordinance No. _____, an Ordinance Adding Subsection 12.20.025 to the Central Point Municipal Code to Prohibit the Transfer of Property Between a Pedestrian and Vehicle Occupant on the Vehicular Portion of a Highway.

ORDINANCE NO. _____

AN ORDINANCE ADDING SUBSECTION 12.20.025 TO THE CENTRAL POINT MUNICIPAL CODE TO PROHIBIT THE TRANSFER OF PROPERTY BETWEEN A PEDESTRIAN AND VEHICLE OCCUPANT ON THE VEHICULAR PORTION OF A HIGHWAY

Recitals:

1. The Words ~~lined through~~ are to be deleted and words **in bold** are added.

The people of the City of Central Point do ordain as follows:

Section 1. The following subsection 12.20.025 is added to the Central Point Municipal Code:

12.20.025 Unlawful Transfer on Vehicular Portion of a Highway

- A. A person commits the offense of unlawful transfer on a highway if the person:**
 - 1. While a driver or passenger in a vehicle on a highway, road or street within the boundaries of the city, gives or relinquishes possession or control of, or allows another person in the vehicle to give or relinquish possession or control of any item of property to a pedestrian; or**
 - 2. While a pedestrian, accepts, receives or retains possession or control of any item of property from a driver or passenger in a vehicle on a highway, road or street within the boundaries of the city.**
- B. This subsection does not apply if the vehicle is legally parked. This subsection also does not apply to persons participating in a "Pedestrian Activity," as defined in OAR 734 Division 58, for which a permit has been issued by the Oregon Department of Transportation, so long as all terms of such permit are being met.**
- C. Notwithstanding the penalty provisions of 12.20.030, any person found violating this subsection shall be guilty of committing a traffic violation punishable by a fine not to exceed \$75.00.**

Passed by the Council and signed by me in authentication of its passage this ____ day of _____, 20____.

ATTEST

Mayor Hank Williams

City Recorder

Resolution

**Initiating Annexation
of Skyrman Park
Property**



STAFF REPORT
March 22, 2012

ITEM:

Consideration of a resolution setting a public hearing and initiating proceedings to annex approximately 1.79 acres known as *Skyrman Central Point Arboretum and Park*. The physical address is 4588 and 4604 Highway 99/ North Front Street and is identified on the Jackson County Assessor's map as 37 2W 03BD Tax Lots 700 and 800. **Applicant: City of Central Point**

STAFF SOURCE:

Tom Humphrey AICP, Community Development Director

BACKGROUND:

The City of Central Point acquired the property in 2010 as a site designed as an arboretum, park and learning center. The property has unique types of trees and vegetation that will make a perfect learning center for the community in the years to come. The property must be annexed to move forward with the educational arboretum park design, site improvements and grant applications.

DISCUSSION:

ORS 222.120 grants the City Council the authority to initiate annexation proceedings and set a date for a public hearing. At this time the City Council is considering whether or not to schedule a public hearing to consider the annexation of the City Park as illustrated in Attachment A and Exhibit B. No formal decision is being made on whether or not to annex the property. Only after the proposed public hearing will the City Council determine whether or not to annex the 1.79 acre park site.

ISSUES:

None

ATTACHMENTS:

- Attachment A: Graphic Illustration of *Skyrman Central Point Arboretum*
- Attachment B: Resolution to Initiate
 - Exhibit A: Written Description of Boundary
 - Exhibit B: Annexation Depiction Map

ACTION:

Schedule a public hearing by Resolution to annex the 1.79 acres known as *Skyrman Central Point Arboretum and Park*.

RECOMMENDATION:

Set a public hearing at a regular Council meeting to consider the annexation of the 1.79 acres property.



Legend

 City Limits

Central Point

**Skyrman Arboretum Park
Annexation**

ATTACHMENT B

RESOLUTION NO. _____

**A RESOLUTION SETTING A PUBLIC HEARING AND INITIATING PROCEEDINGS
TO ANNEX 1.79 ACRES KNOWN AS SKYRMAN CENTRAL POINT ARBORETUM, IDENTIFIED ON
THE JACKSON COUNTY ASSESSOR'S MAP AS 37 2W 03 BD, TAX LOTS 700 AND 800.
APPLICANT: CITY OF CENTRAL POINT**

RECITALS:

- A. The City owned park land of approximately 1.79 acres, known as Skyrman Central Point Arboretum, and generally described by Exhibit A, is deemed to not be within the City of Central Point city limits. The Central Point City Council (the Council) is authorized under ORS 222.120 to initiate annexation proceedings without an election for annexation.
- B. It is the intent of the Council to initiate annexation of the 1.79 acre property specifically described in attached Exhibits "A" Written Description of Boundary and Exhibit "B" Annexation Depiction Map.

The City of Central Point resolves as follows:

Section 1: A public hearing before the Central Point City Council is set for April 26, 2012, at 7:00 p.m. in the Central Point Council Chambers, City Hall, 140 South Third Street, Central Point, Oregon, to receive public testimony regarding the annexation described in the above recitals. All electors of the city and other interested persons may appear and be heard. Notice of the public hearing shall be provided in accordance with ORS 222.120(3).

Passed by the Council and signed by me in authentication of its passage this ____ day of _____, 2012.

Mayor Hank Williams

ATTEST:

City Recorder

EXHIBIT "A"

**ANNEXATION DESCRIPTION
JACKSON COUNTY ASSESSOR'S MAP NUMBER
37 2W 03BD, TAX LOTS 700 AND 800**

All that real property located in the Northwest One-quarter of Section 3, Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon, as depicted on Survey Number 20332, filed in the office of the Jackson County Surveyor, the exterior boundary of said real property more particularly described as follows and as depicted on the accompanying Exhibit "___", attached hereto and incorporated herein by reference:

Commencing at the North One-Quarter corner of said Section 3; thence along the North-South centerline of said Section 3, South 00°16'50" East, 2,025.84 feet to the northeast corner of Parcel No. 2 of Partition Plat No. P-95-1993 of the Records of Partition Plats, Jackson County, Oregon, and filed as Survey Number 13716 in the Office of the Jackson County Surveyor, Said northeast corner also on the City Limits for the City of Central Point, Oregon; thence along the northerly boundary of Parcels 1 and 2 of said partition plat and city limits, West, 273.02 feet to a 5/8 inch iron pin; thence along the boundary of Parcel No. 1 of said partition plat and said city limits, South 01°11'03" West, 2.86 feet to a 5/8 inch iron pin, and that certain boundary agreement line described in Instrument No. 98-037025, Official Records of Jackson County, Oregon; thence continue along said boundary agreement line, said city limits and said Parcel 1, South 55°07'34" West, 0.69 feet to a 5/8 inch iron pin and the **True Point of Beginning**; thence continue along said boundary agreement line, said city limits and the northwesterly line of said Parcel 1, South 55°07'34" West, 474.25 feet to a 5/8 inch iron pin on the northeasterly right of way line of U.S. Highway No. 99; thence leaving said Parcel 1, along said right of way line and said city limits, North 35°08'30" West, 330.67 feet to a 5/8 inch iron pin on that certain boundary agreement line described in Instrument No. 99-025597, said official records; thence leaving said right of way and said city limits, along last said boundary agreement line, South 89°54'17" East, 291.53 feet to a 5/8 inch pin; thence continue along last said boundary agreement line, North 89°45'06" East, 287.89 feet to True Point of Beginning.

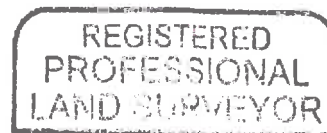
The area to be annexed contains 1.79 acres, more or Less.

Basis of Bearing for this description is Survey Number 20332 as filed in the Office of the Jackson County Surveyor.

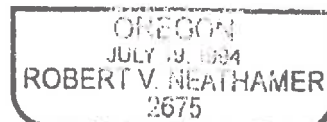
Prepared By: Neathamer Surveying, Inc.
3126 State Street, Suite 203
PO Box 1584
Medford, Oregon 97501
Phone: (541) 732-2869
FAX: (541) 732-1382

Project Number 09002-D

Date: February 29, 2012



Robert V. Neathamer



RENEWAL: DEC. 31, 2012

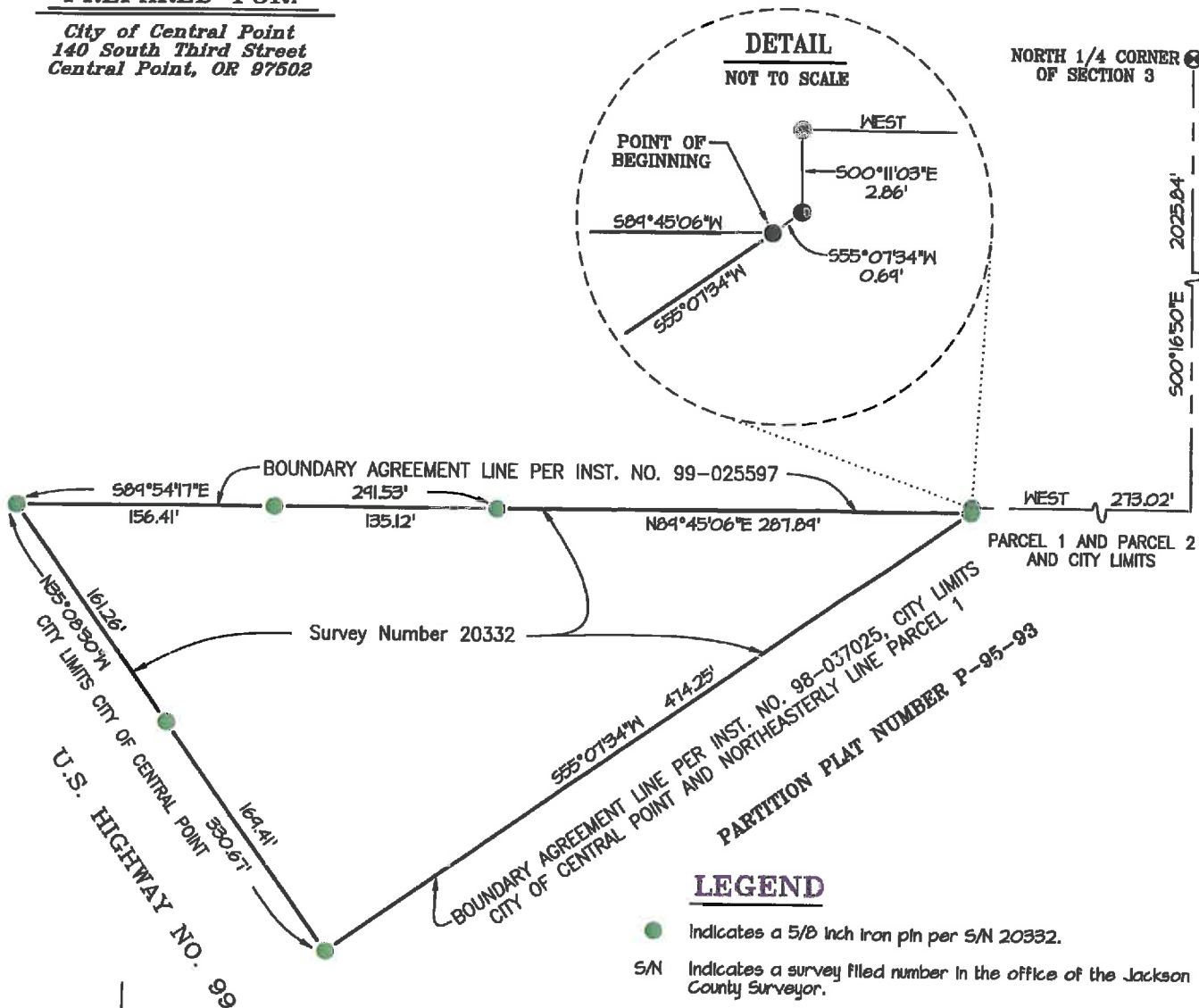
EXHIBIT " B "

ANNEXATION DEPICTION

Located in the Northwest One-quarter of Section 3,
Township 37 South, Range 2 West of the
Willamette Meridian, Jackson County,
Oregon.

PREPARED FOR:

City of Central Point
140 South Third Street
Central Point, OR 97502



LEGEND

- Indicates a 5/8 inch iron pin per S/N 20332.
- S/N Indicates a survey filed number in the office of the Jackson County Surveyor.
- Inst. No. Indicates a document recorded number in the Official Records of Jackson County, Oregon

BASIS OF BEARINGS:

Survey Number 20332 as filed in the Office of the Jackson County Surveyor.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert V. Neathamer

OREGON
JULY 19, 1994
ROBERT V. NEATHAMER
2675

PREPARED BY: Neathamer Surveying, Inc.
3126 State St., Suite 203
P.O. Box 1584
Medford, Oregon 97501
Phone (541) 732-2869
FAX (541) 732-1382

PLOT DATE: February 29, 2012 PROJECT NUMBER: 09002-D
Sheet 1 of 1 © RVN

SCALE 1" = 100' Renewal Date 12/31/12

Resolution

Exercising Eminent Domain



STAFF REPORT

DATE: MARCH 15, 2012
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: MATT SAMITORE, DIRECTOR

SUBJECT: Potential use of eminent domain for city parking lot project

SUMMARY:. In 2010 the City received funding to improve two parking lots within the downtown area. The first is located immediately across from City Hall between the alley and Oak Street. What is commonly referred to as the old Burton Pharmacy parking area. The second parking lot is located behind the senior center immediately across from Rogue Valley Council of Governments.

The oak street parking lot may require the city to purchase land from the neighboring properties, specially the property owned by Charles Sinyard. The Oregon Department of Transportation asks that we approve a resolution authorizing the potential use of eminent domain if a compensation for the property be agreed upon. The City is still in design and we may not actually need to acquire the property but in order to keep our construction window of next year on schedule this resolution is needed.

RECOMMENDATION: Approve the resolution allowing for eminent domain if compensation with neighboring properties cannot be agreed upon.

RESOLUTION NO. _____

A RESOLUTION EXERCISING THE POWER OF
EMINENT DOMAIN FOR PROPERTY ADJACENT TO
OAK STREET PARKING LOT

Recitals:

A. the City of Central point may exercise the power of eminent domain pursuant to City charter and the Laws of the State of Oregon generally, when the exercise of such power is deemed necessary by the City’s governing body to accomplish public purposes for which City has responsibility.

B. City has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public.

C. The project or projects known as Central Point and Talent Parking Lot Improvements have 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.

D. To accomplish the project or projects set forth above it is necessary to acquire the interests of the property described in “Exhibit A” attached to this resolution and, by this reference incorporated herein.

The City of Central Point resolves as follows:

1. The foregoing statements of authority and need are, in fact, the case. The project or projects 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’s staff and the City Attorney 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 reach, 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 Council.

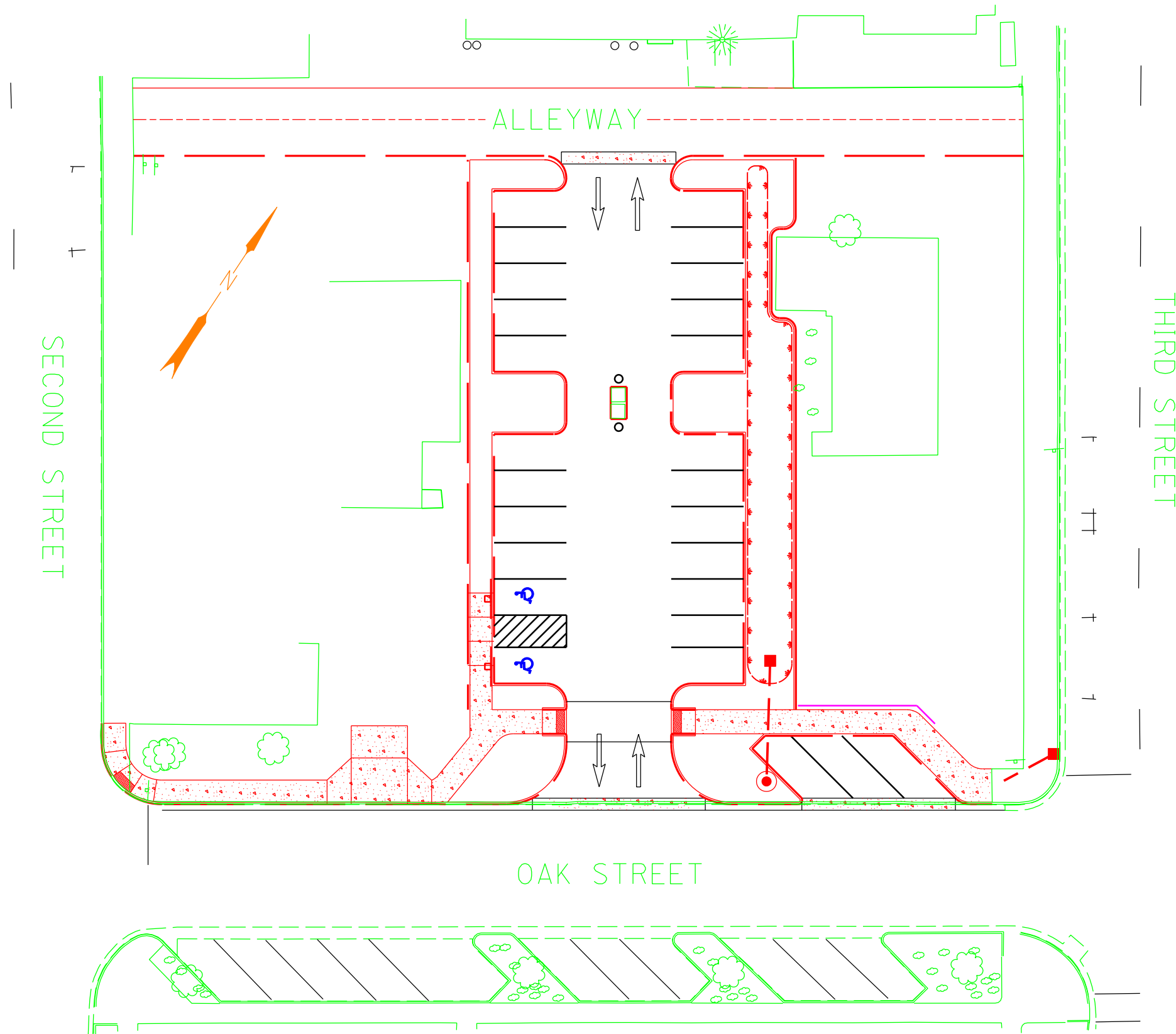
4. City express reserves its jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality, or locality, and to change or abandon any acquisition.

Passed by the Council and signed by me in authentication of its passage this _____ day of _____, 2012.

Mayor Hank Williams

ATTEST:

City Recorder

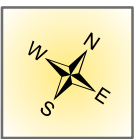


**EXHIBIT A
SINYARD PROPERTY**

48 S THIRD ST

OAK ST

S 3RD ST



25 12.5 0 25 Feet

