

BEFORE THE CITY OF CANNON BEACH

A RESOLUTION DECLARING THE NEED TO	)	RESOLUTION NO. 23-26
ACQUIRE CERTAIN REAL PROPERTY FOR	)	
DRAINAGE PROJECT	)	
	)	

**WHEREAS**, Section 33 of the Cannon Beach City Charter grants the City authority to acquire land for public purposes including through condemnation; and

**WHEREAS**, Oregon law, including but not limited to ORS 223.005, authorizes the City to appropriate real property within or without its corporate limits for any public or municipal use; and

**WHEREAS**, the Cannon Beach City Council deems it necessary and in the public interest to acquire certain real property located on the beach along Ocean Avenue approximately between W Washington Street and W Harrison Street, which real property is legally described in Exhibit A (Property) attached and incorporated by reference herein; and

**WHEREAS** the City needs to acquire the Property in fee simple to locate, construct, operate, and maintain a water drainage and stormwater system and associated utility improvements (Project); and

**WHEREAS**, the Project will be designed to, among other benefits, enhance and protect the City's water drainage and stormwater system; and

**WHEREAS**, the Cannon Beach City Council deems it necessary to construct the Project for the continued growth, health, safety, and general welfare of the community and to acquire the real property interests for right-of-way, utility, construction, storm and surface water treatment and detention, drainage, sidewalk, sanitary sewer, and other public purposes related to the Project.

NOW, THEREFORE, THE CITY OF CANNON BEACH RESOLVES AS FOLLOWS:

Section 1. The above recitals shall form an integral part of this resolution and shall have the same force and effect as if fully stated herein.

Section 2. The real property to be acquired is described in the attached Exhibit A (Property); and

Section 3. The Property is required and necessary to locate, construct, operate, and maintain the Project, which will enhance the public water drainage and stormwater system for the benefit of the public.

Section 4. The Project will be planned, designed, located, and constructed in a manner that will be most compatible with the greatest public benefit and the least private injury; and

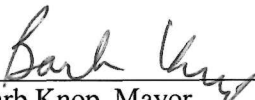
Section 5. The Cannon Beach City Manager and the City Attorney or their designees are authorized to attempt to agree with the owners and other persons with interest in the real

property described in Exhibits A; as to the compensation to be paid for the acquisition of the Property. In the event that no satisfactory agreement can be reached, then the City Attorney or their designee 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, including condemnation proceedings, and that upon the filing of such proceeding, possession of the interest in real property may be taken immediately to the extent provided by law; and

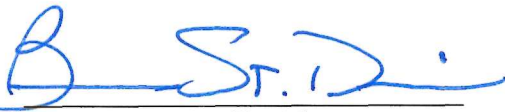
Section 6. This resolution is effective immediately upon adoption.

Passed by the Common Council of the City of Cannon Beach this 12<sup>th</sup> day of December 2023, by the following roll call vote:

YEAS:	Councilors Hayes, McCarthy, Ogilvie, Kerr and Mayor Knop
NAYS:	None
EXCUSED:	None

  
\_\_\_\_\_  
Barb Knop, Mayor

Attest:

  
\_\_\_\_\_  
Bruce St. Denis, City Manager

## **Exhibit A**

### **I**

All that portion adjacent to the Plat of Elk Creek Park, lying West of the centerline of Ocean Avenue to the high tide line of the Pacific Ocean as cut off on the North by the Westerly extension of the North line of ELK CREEK PARK and as cut off on the South by the Westerly Extension of the Southerly line of ELK CREEK PARK.

EXCEPTING any portion previously Deeded from Otto J. Kraemer to Elk Creek and Cannon Bach Land Company, recorded August 6, 1903, in Book 52, Page 253, records of Clatsop County, Oregon.

AND

### **II**

A tract of land lying in Government Lots 1 and 2, Section 30, Township 5 North, Range 10 West, Willamette Meridian, Clatsop County, Oregon, INCLUDING All that portion adjacent to the Plat of Elk Creek Park, lying West of the centerline of Ocean Avenue to the high water mark of the Pacific Ocean as cut off on the North by the Westerly extension of the North line of ELK CREEK PARK and as cut off on the South by the Westerly Extension of the Southerly line of ELK CREEK PARK.