

MOLALLA RIVER SCHOOL DISTRICT

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MOLALLA RIVER SCHOOL DISTRICT DECLARING THE NECESSITY FOR ACQUISITION OF REAL PROPERTY INTERESTS—TEMPORARY CONSTRUCTION AND ACCESS EASEMENTS
RESOLUTION 2025-2026.010**

THIS MATTER came on regularly before the Board of Directors (“*the Board*”) of the Molalla River School District (“*the District*”) for the purpose of reviewing the facts and legal implications of acquiring certain real property interests located in the City of Molalla, temporary construction and access easements, which is further described and depicted in the attached *Exhibit 1* and *Exhibit 2*, attached hereto and incorporated by this reference. Said temporary acquisition is needed for the purposes of the new Molalla River Middle School build (“*the Middle School Project*”), wherein the City of Molalla is requiring that the District perform street improvements on Leroy Avenue and Lynn Lane as a part of the Middle School Project.

WHEREAS, the District may exercise the power of eminent domain pursuant to Oregon Revised Statute ORS 332.182. The District is an Oregon public school district duly incorporated pursuant to the laws of the State of Oregon and is a “school district” defined by ORS 332.002 and a “public body” as defined by ORS 174.109 and a “special government body” as defined by ORS 174.117. The District has the authority to exercise the power of eminent domain when deemed necessary to accomplish school purposes for which the District has responsibility, provided that the power is exercised in accordance with the eminent domain procedures established in ORS Chapter 35, including, but not limited to those procedures that apply to notification, valuation, negotiation, relocation and early possession, if necessary.

WHEREAS, the Middle School Project will require street improvements on Leory Avenue and Lynn Lane which necessitates the District’s acquisition of temporary construction and access easements for purposes of completing this work.

WHEREAS, the real property interests sought to be acquired and described further herein supports the Middle School Project directly for school purposes and in support of providing an upgraded educational facility and educational services to the community.

WHEREAS, said temporary real property interest acquisitions in support of the Middle School Project, have been planned, designed and located in a manner that is most compatible with the greatest public good and least private injury.

BE IT THEREFORE RESOLVED:

Section 1. The above findings form an integral part of this Resolution and are hereby incorporated herein by this reference. The foregoing statement of authority, purpose and need are reaffirmed herein. It is necessary for the preservation of public health, economic well being, public safety and public welfare of the District and members of the public served by the District that the District commence the acquisition process described herein. The District is authorized by law to acquire the property interests described herein, and the Middle School Project and the supporting acquisitions

have been planned, designed and located and will be constructed in a manner that will be most compatible with the greatest public good and least private injury.

Section 2. District Staff are hereby authorized to obtain expert support for valuation of the subject property interests and to further determine fair market value of the temporary acquisitions. All necessary title work related to the subject properties defined further herein is authorized and approved.

Section 3. Subject to the payment of just compensation and damages, if any, and the procedural requirements of Oregon Law, District staff and their designees, such as attorneys, right of way agents, or other experts, are authorized to acquire the property interests described herein through negotiation first, or the exercise of the District's eminent domain authority to the extent negotiations fail as discussed herein.

Section 4. District staff, and their designees, such as attorneys, or right of way agents may negotiate and authorize payment of just compensation and damages, if any, and are further authorized to enter into agreements with owners and/or interest holders of the subject property interests to address construction management concerns within the available project budget.

Section 5. The power of eminent domain is hereby authorized concerning the subject property interests, temporary construction and access easements, as further described and depicted in ***Exhibit 1*** and ***Exhibit 2***.

Section 6. District staff, and their designees, such as attorneys, or right of way agents are authorized to attempt to agree with the owners of the subject property interests and other interest holders as to the amount of just compensation to be paid for the temporary acquisitions. If no satisfactory compensation agreement can be reached, the District may commence and prosecute condemnation proceedings, thereafter with no further action on the part of the District, and as may be necessary to determine just compensation or to determine/adjudicate any other issue appropriate to be determined in connection with the temporary acquisition.

Section 7. This authorization is not intended to expand the jurisdiction of any court to decide matters determined or to be determined by the District or the Board.

Section 8. The District staff, and their designees, are authorized to determine the continuing necessity of the acquisition authorized by this Resolution, its quantity, quality or locality, and to reduce or abandon the acquisition of any portion of the subject property interests described herein.

Section 9. The District staff are authorized to retain counsel and related consultants or experts necessary to assist with pre-condemnation work, negotiations with the owners or interest holders of the subject property interest, and condemnation litigation, if necessary.

Section 10. Upon trial or any suit or action to acquire the subject property interests, the attorney(s) acting for and on behalf of the District are authorized to make such stipulations, agreements, or admissions as in their judgment may be in the best interest of the District to take possession of the subject property interests, by immediate possession of otherwise, without further Board approval.

Section 11. In accordance with ORS Chapter 35, the District is hereby authorized to create a fund in the amount estimated to be the just compensation for the subject property interests, which if necessary, shall be deposited with the clerk of the court where a condemnation action is commenced.

Effective Date. This resolution shall be effective upon its adoption.

DATED/Duly Adopted: this ___ th day of ____, 2026.

Chair of the Board of Directors Date Witnessed

By:

Lauree Nelzen, Board Secretary

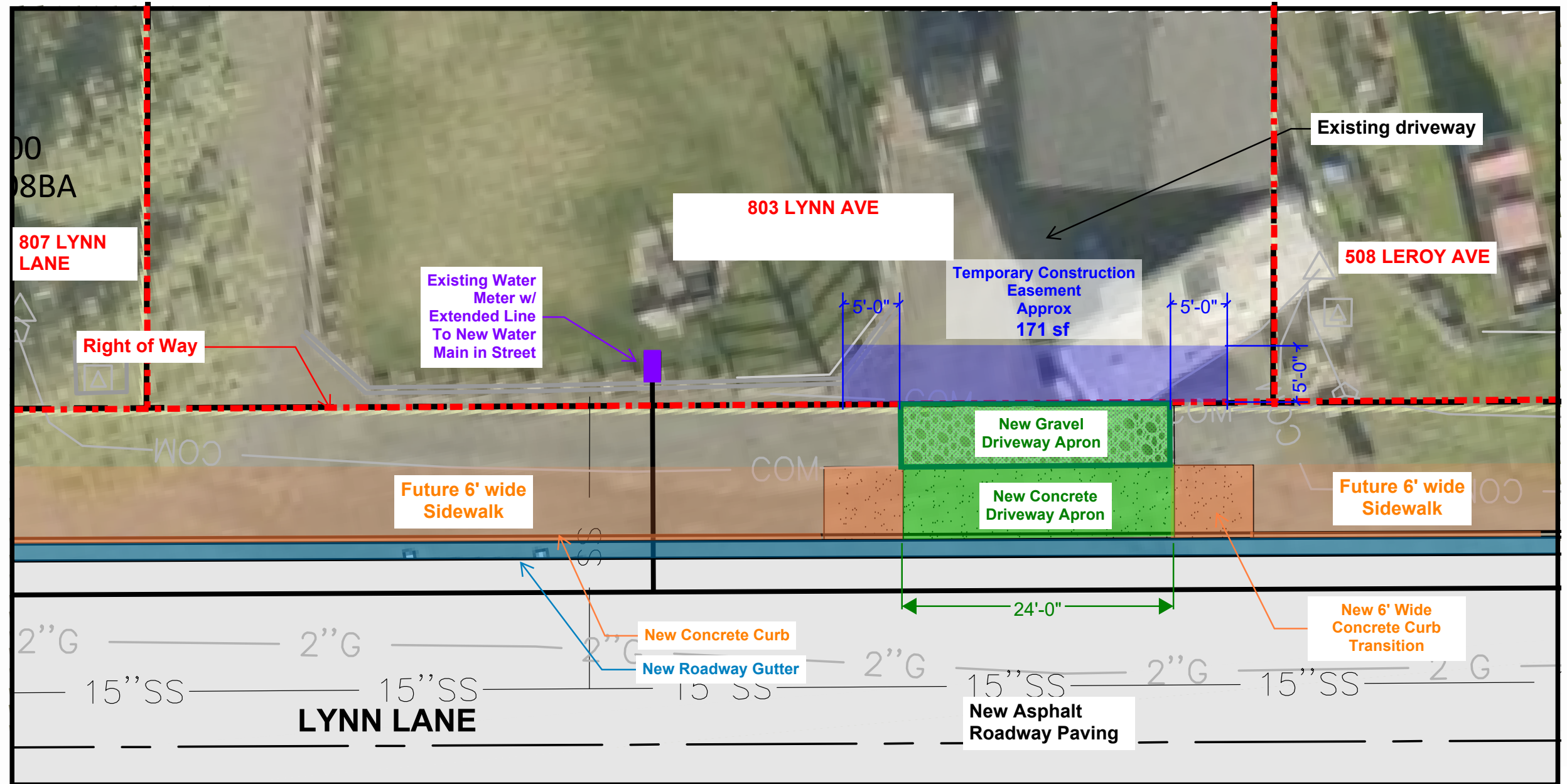
Exhibit 1

ADDRESS	TAXLOT	PROPERTY INTERST ACQUIRED	APPOXIMATE SQ FEET (more or less)
323 Leroy Ave	52E08AC00901	6 month duration Temporary Construction and Access Easement; Non-exclusive; Restoration work provided prior to expiration.	598
413 Leroy Ave	52E08AC00800	6 month duration Temporary Construction and Access Easement; Non-exclusive; Restoration work provided prior to expiration.	739
415 Leroy Ave	52E08AC00801	6 month duration Temporary Construction and Access Easement; Non-exclusive; Restoration work provided prior to expiration.	51
417 Leroy Ave	52E08AC00802	6 month duration Temporary Construction and Access Easement; Non-exclusive; Restoration work provided prior to expiration.	51
419 Leroy Ave	52E08AB04300	6 month duration Temporary Construction and Access Easement; Non-exclusive; Restoration work provided prior to expiration.	419
421 Leroy Ave	52E08AB04301	6 month duration Temporary Construction and Access Easement; Non-exclusive; Restoration work provided prior to expiration.	421
508 Leroy Ave	52E08BA02200	6 month duration Temporary Construction and Access Easement; Non-exclusive; Restoration work provided prior to expiration.	119
509 Leroy Ave and 511 Leroy Ave - same taxlot	52E08AB01800	6 month duration Temporary Construction and Access Easement; Non-exclusive; Restoration work provided prior to expiration.	808

515 Leroy Ave	52E08AB01700	6 month duration Temporary Construction and Access Easement; Non-exclusive; Restoration work provided prior to expiration.	405
803 Lynn Lane	52E08BA02300	6 month duration Temporary Construction and Access Easement; Non-exclusive; Restoration work provided prior to expiration.	171
807 Lynn Lane	52E08BA02400	6 month duration Temporary Construction and Access Easement; Non-exclusive; Restoration work provided prior to expiration.	445
721 Skye Lane	52E08AC01701	6 month duration Temporary Construction and Access Easement; Non-exclusive; Restoration work provided prior to expiration.	121
727 Skye Lane	52E08AC01702	6 month duration Temporary Construction and Access Easement; Non-exclusive; Restoration work provided prior to expiration.	118
No Situs Address	52E08AC00900	6 month duration Temporary Construction and Access Easement; Non-exclusive; Restoration work provided prior to expiration.	155

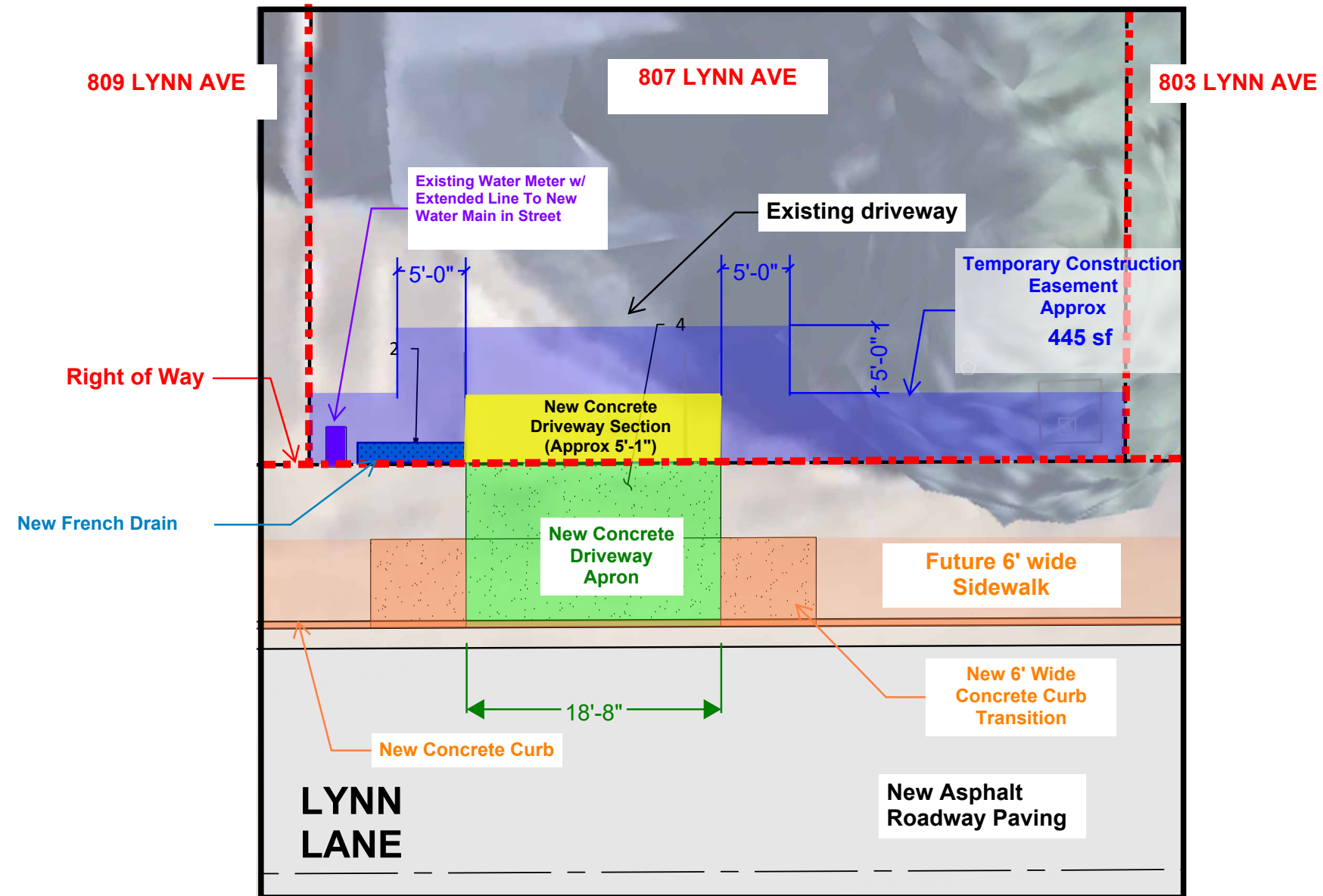
Exhibit 2

Depictions of Acquisition of ROW Frontage Acquired for Purposes of Temporary Construction
and Access Easements



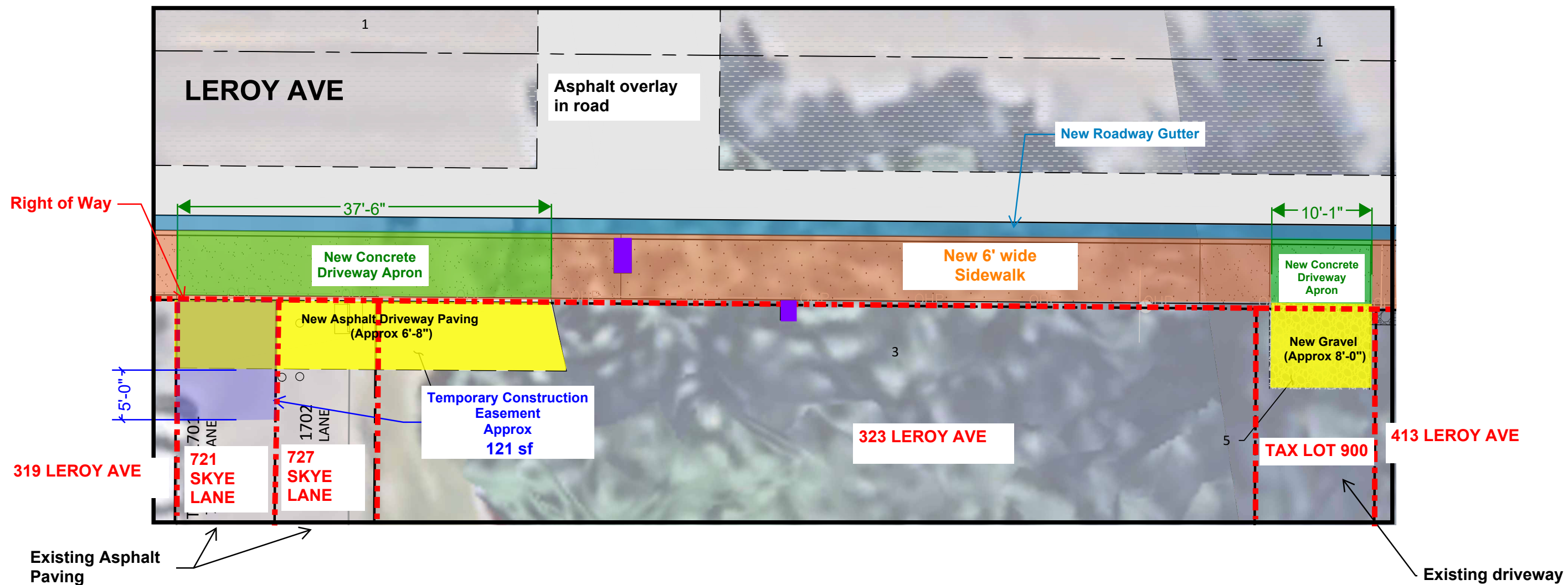
Scale: 1"= 10'

803 Lynn Lane



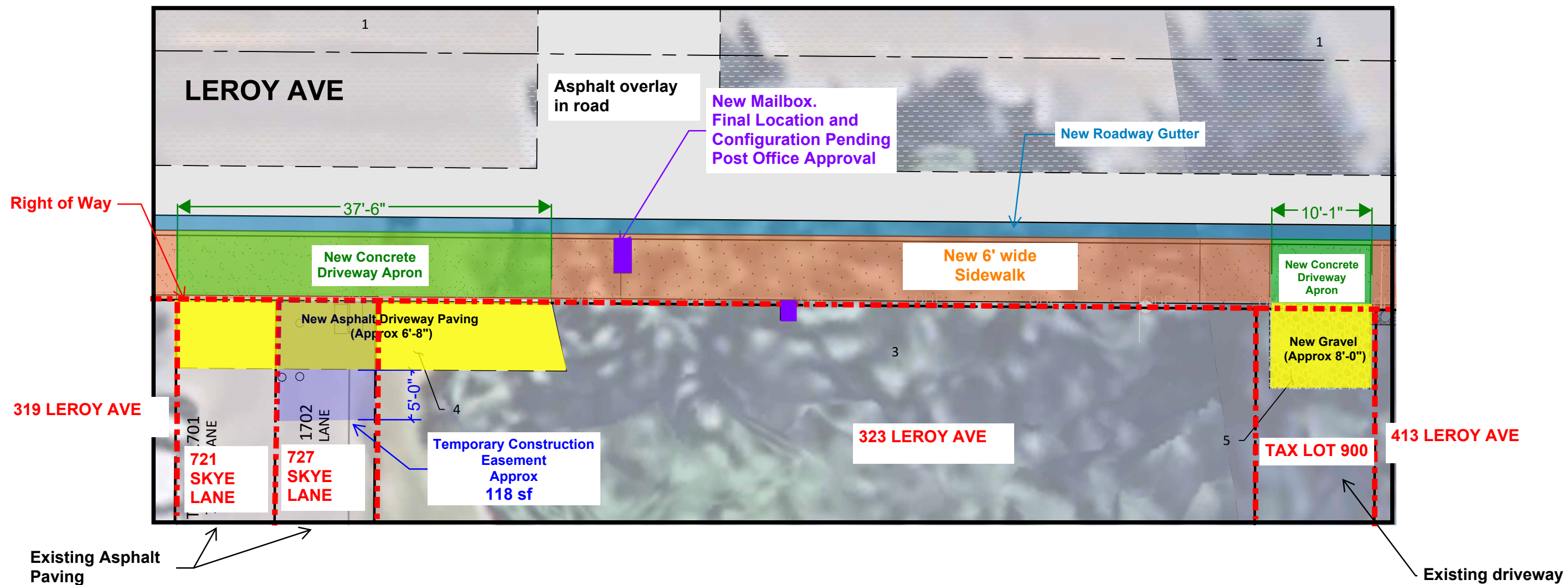
Scale: 1"=10"

807 Lynn Lane



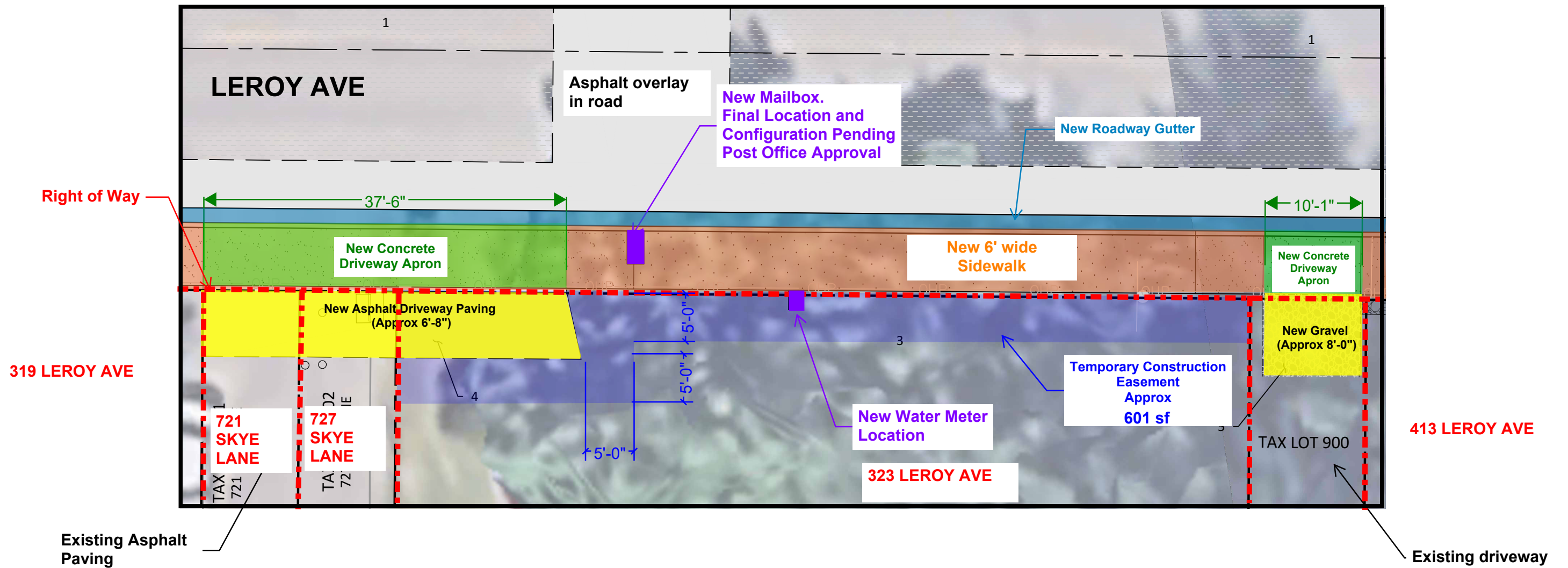
Scale: 1"= 10'

721 Skye Lane



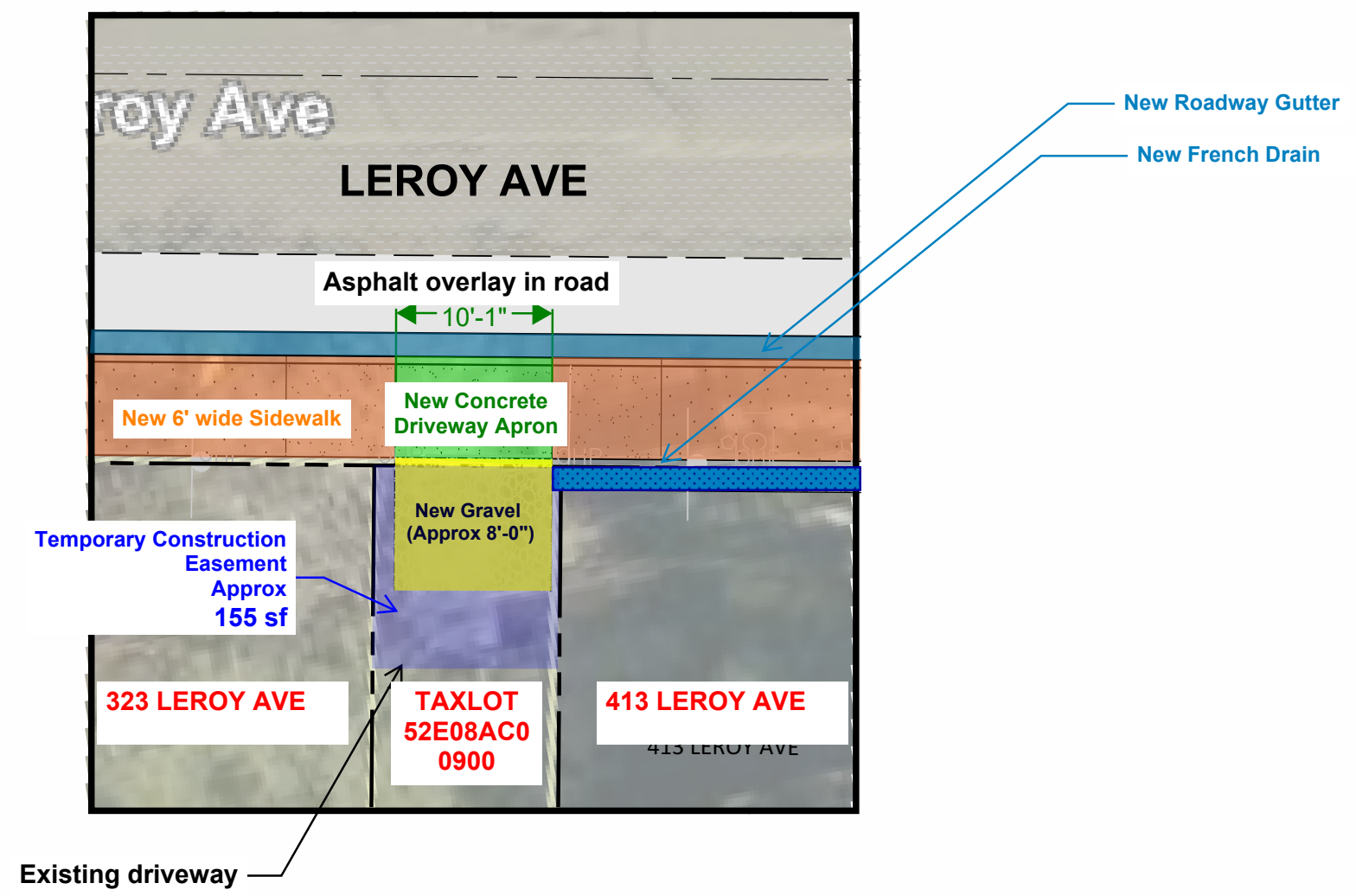
Scale: 1"= 10'

727 Skye Lane



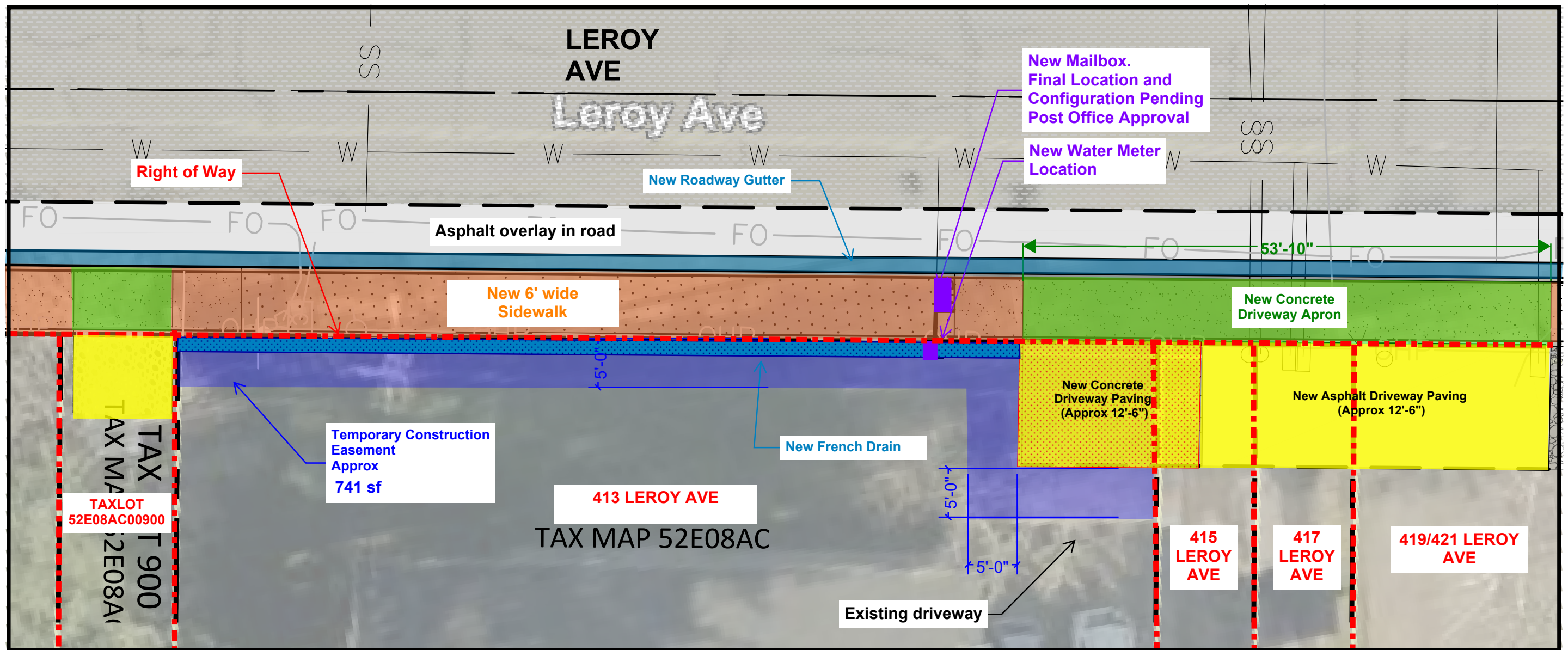
Scale: 1"= 10'

323 Leroy Ave



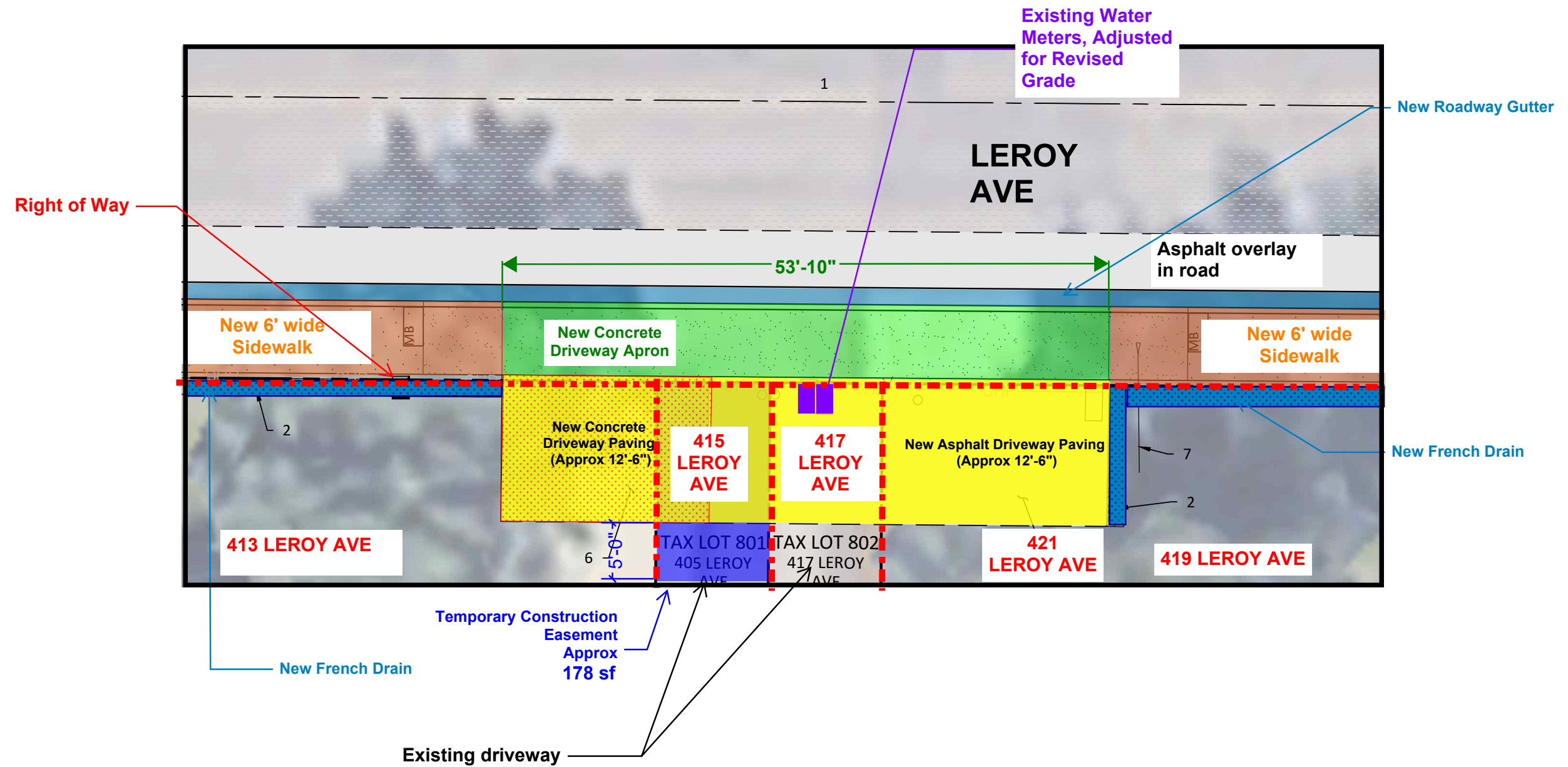
Scale: 1"= 10'

Taxlot 52E08AC00900
Leroy Ave



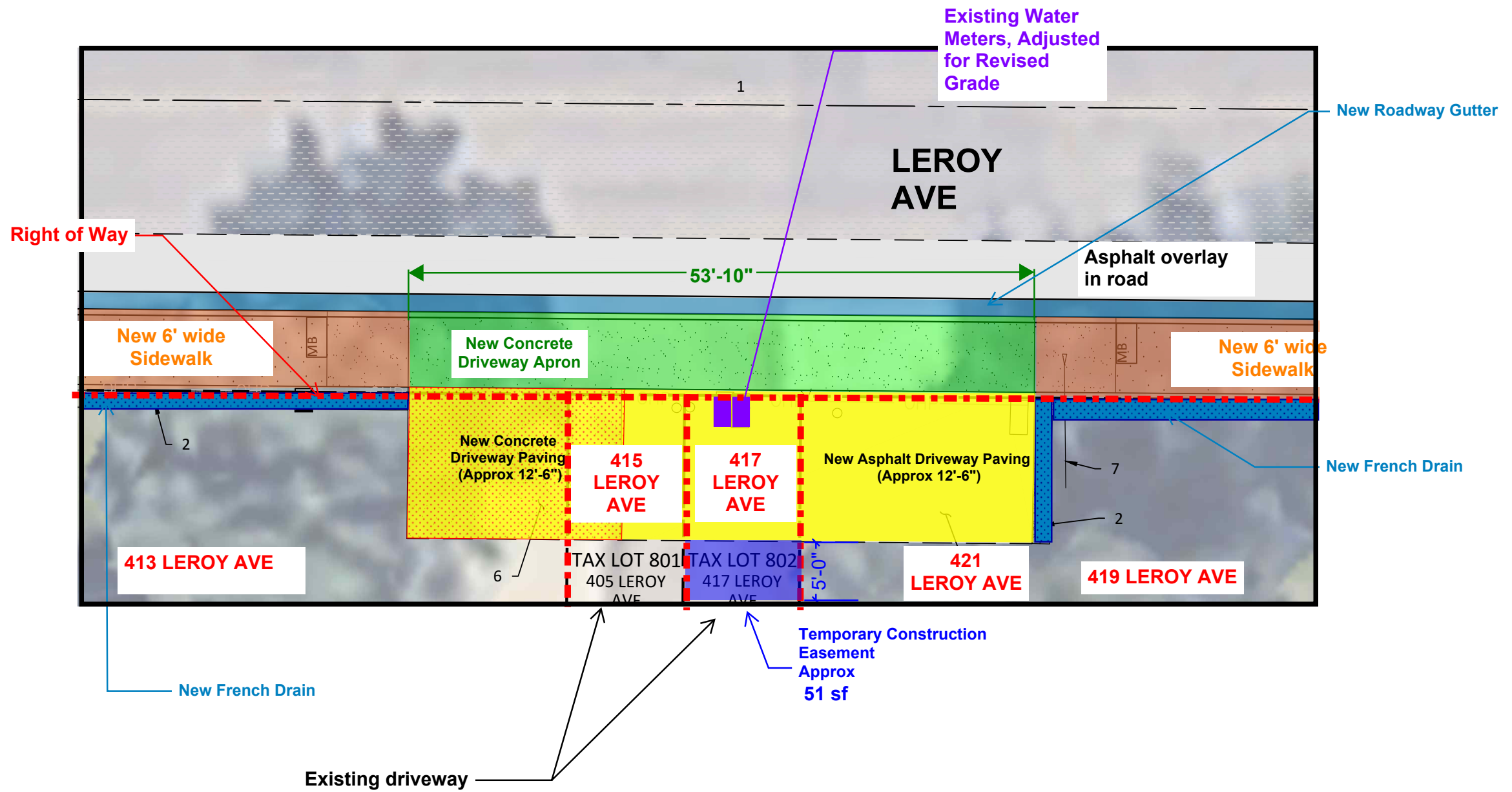
Scale: 1"= 10'

413 Leroy Ave



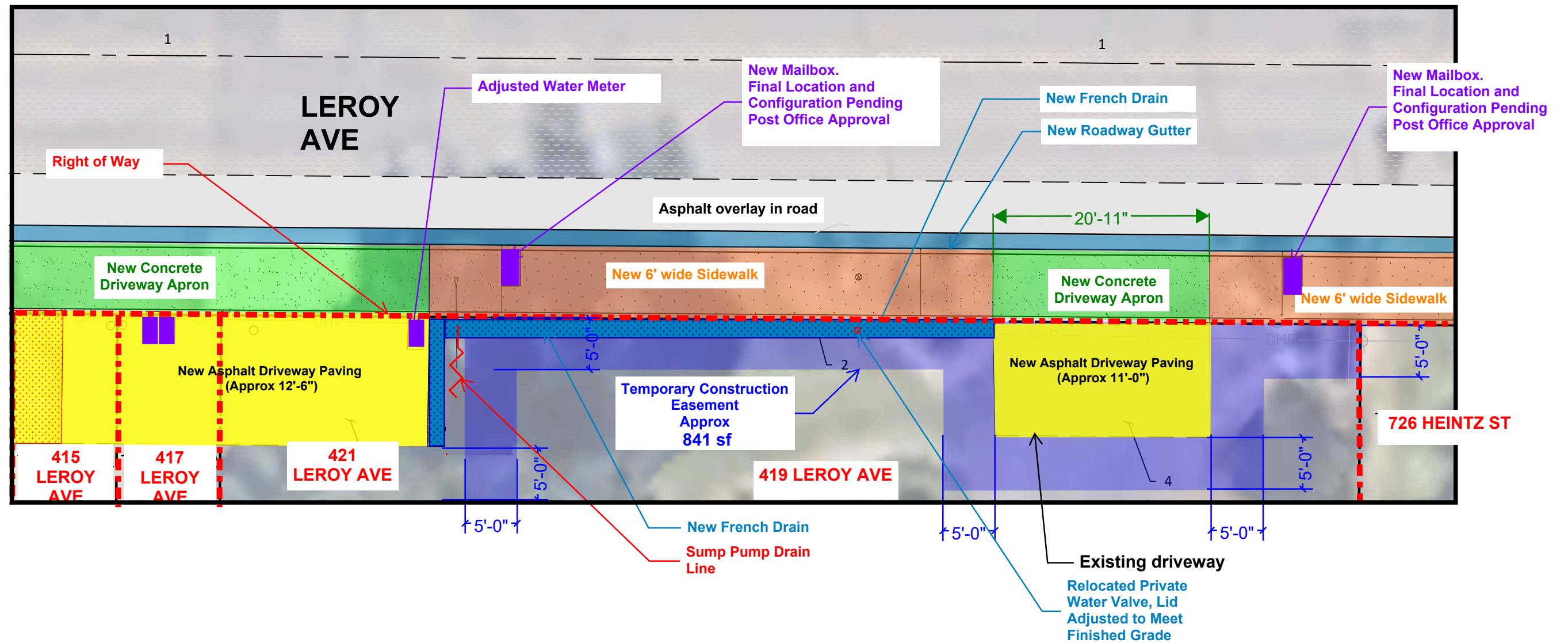
Scale: 1"= 10'

415 Leroy Ave



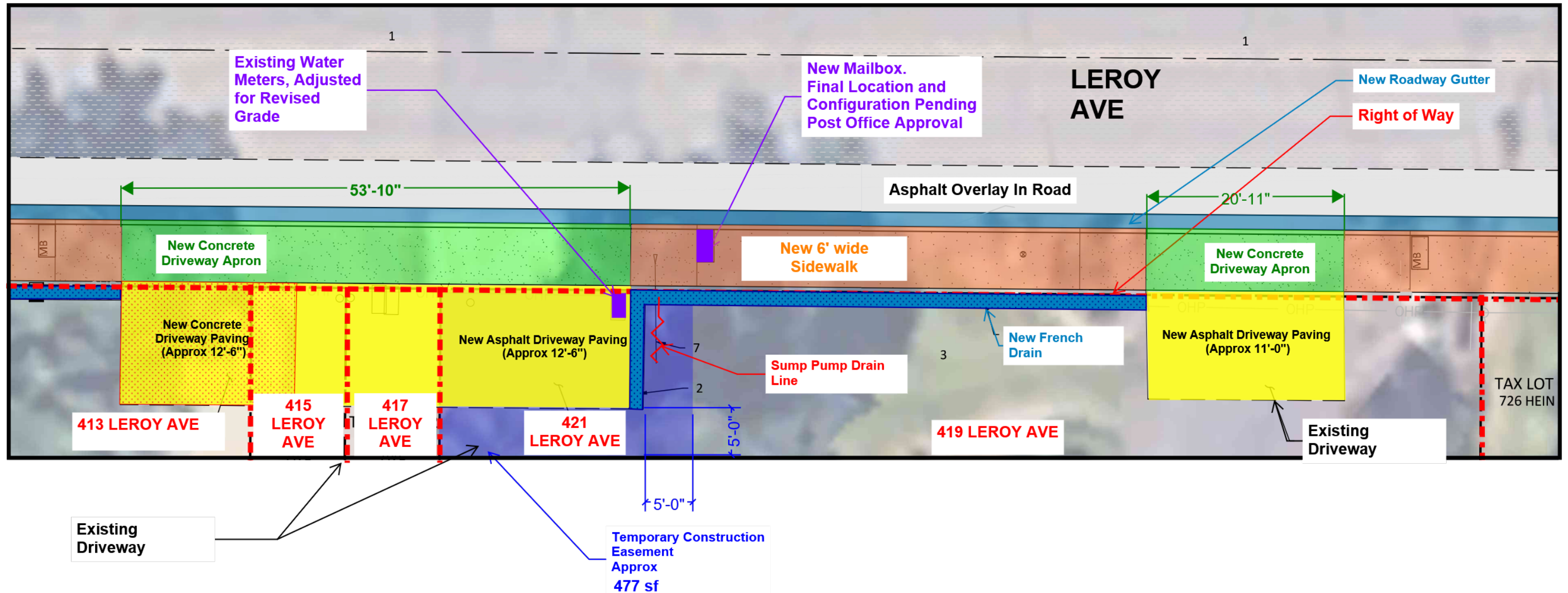
Scale: 1"= 10'

417 Leroy Ave



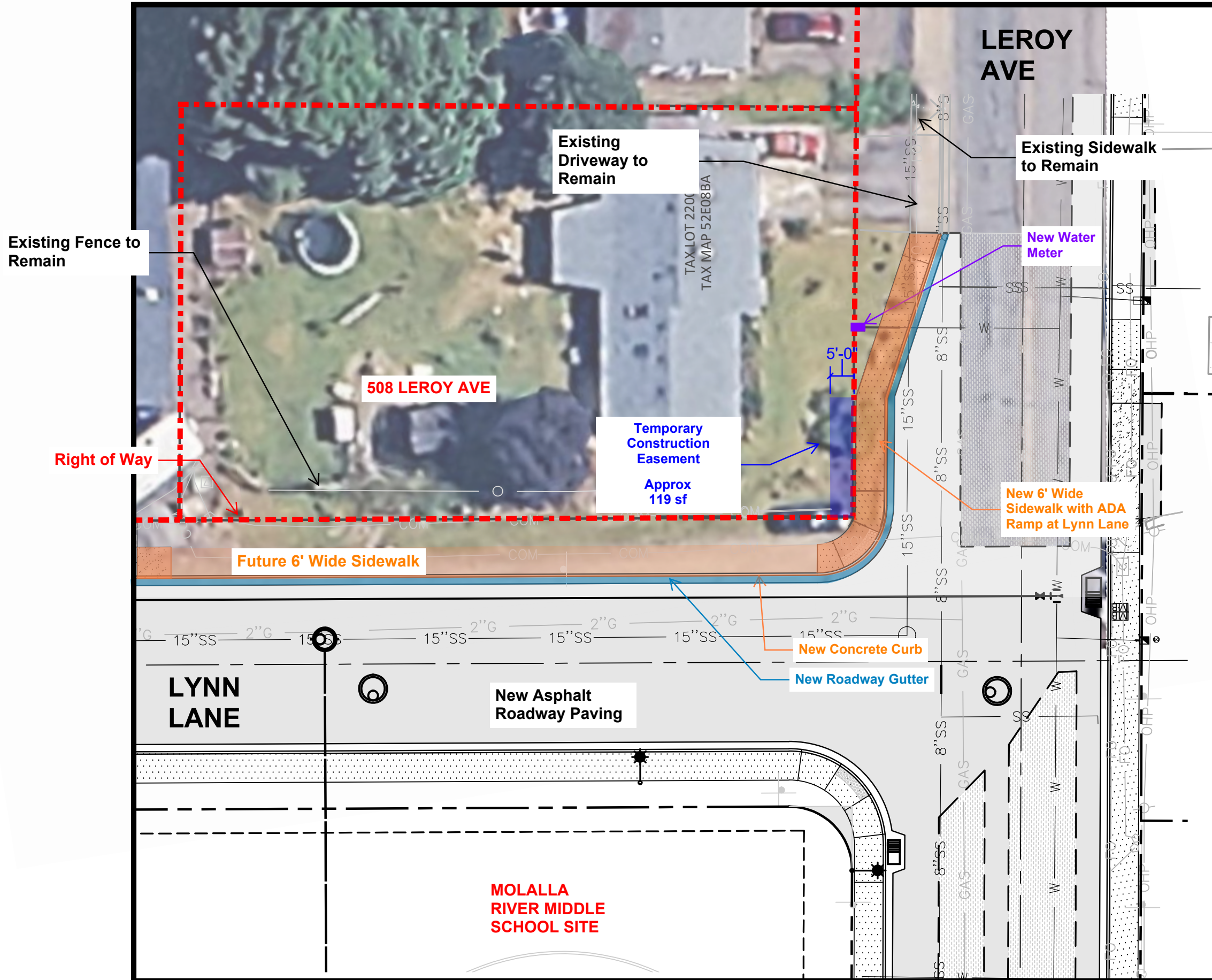
Scale: 1"= 10'

419 Leroy Ave



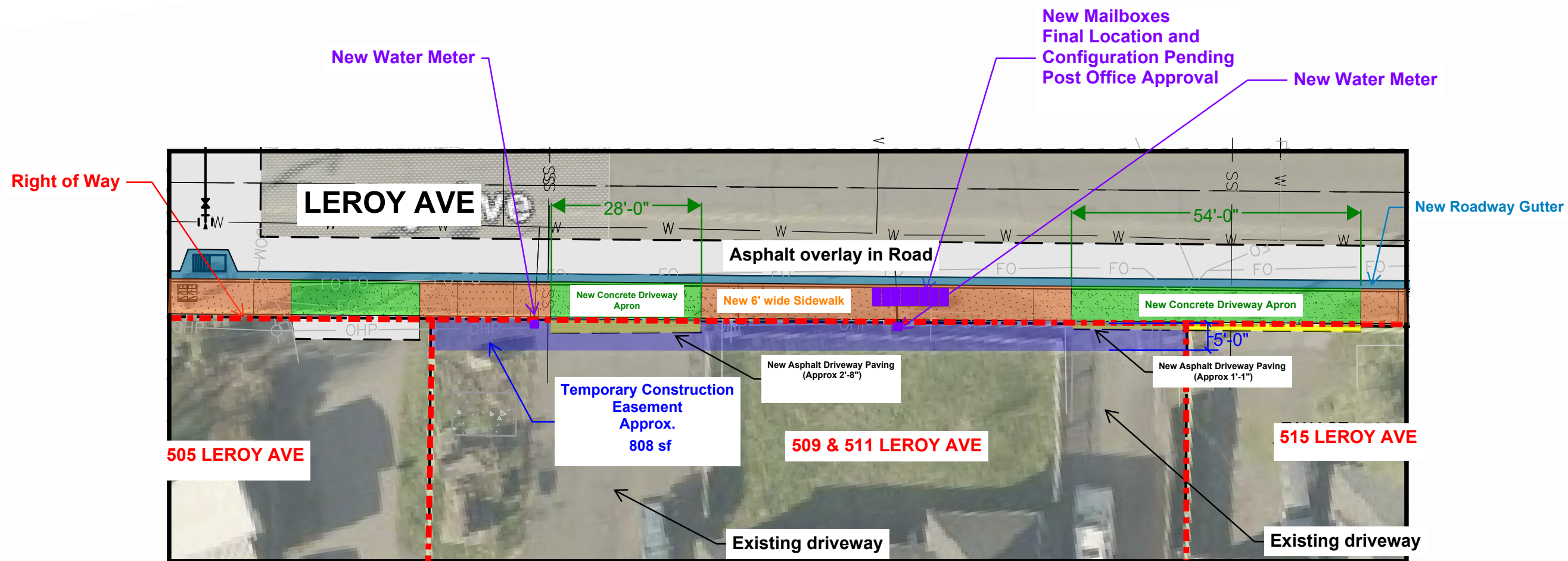
Scale: 1"= 10'

421 Leroy Ave



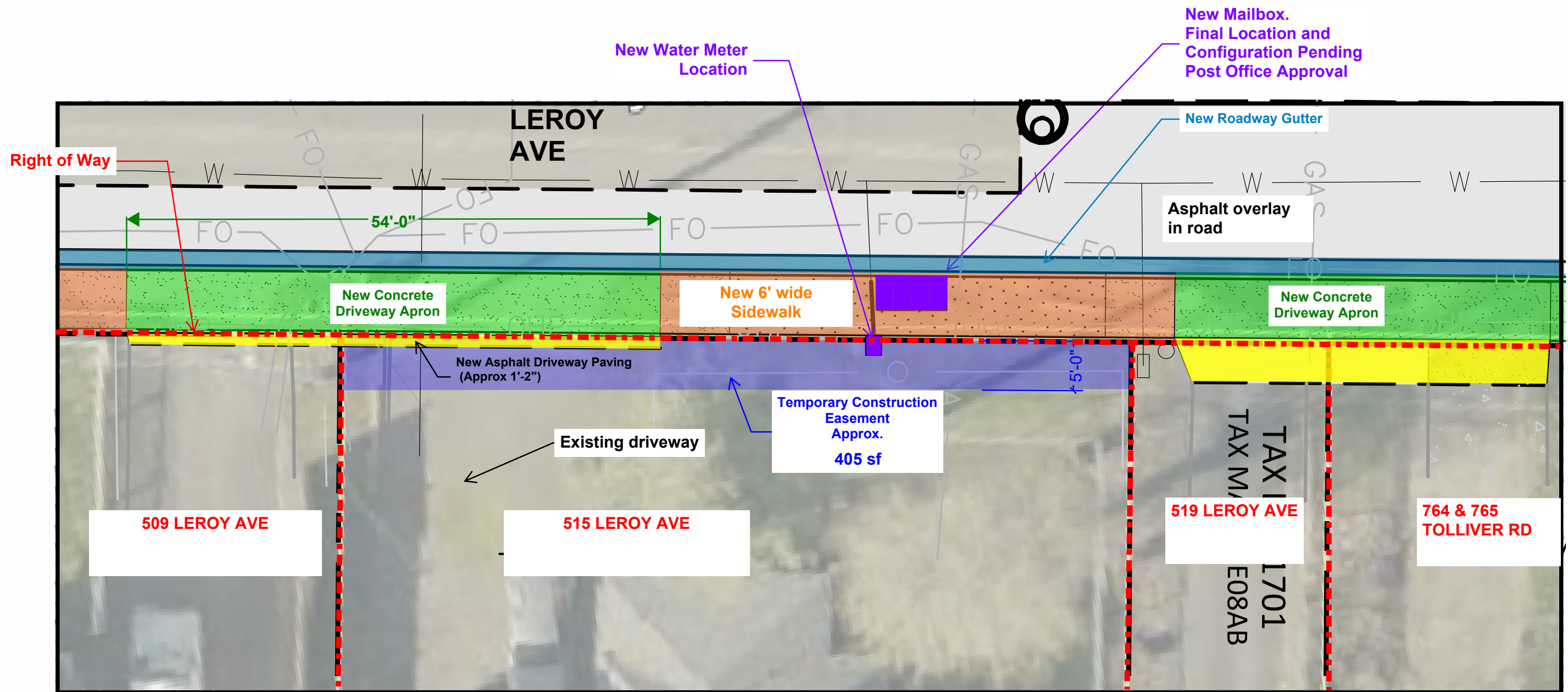
Scale: 1" = 20'

508 Leroy Ave



Scale: 1"= 20'

**509 & 511
Leroy Ave**



Scale: 1"= 10'

515 Leroy Ave