



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: 11/5/2025

Department: Public Works

Title: Ehlen Road NE at Butteville Road NE - ROW Resolution of Need

Management Update/Work Session Date: 10/21/2025 Audio/Visual aids ☐

Time Required: 5 minutes Contact: Shane Ottosen Phone: 503-365-3104

Requested Action:

Adopt a Resolution of Need authorizing the use of eminent domain for the acquisition of public road right of way easements for the Ehlen Road NE at Butteville Road NE Roundabout Project.

**Issue, Description
& Background:**

Marion County received an ARTS grant and congressionally-directed funds to construct a rural single lane roundabout at the intersection of Ehlen Rd NE and Butteville Rd NE.

Construction of the project will require the acquisition of real property in the form of temporary construction easements and permanent right of way easements to accommodate the corridor improvements. ODOT requires the execution of a Resolution of Condemnation (Resolution of Need) prior to the commencement of right-of-way negotiations. No condemnation proceedings are anticipated at this time.

Financial Impacts:

Adoption of the Resolution of Need does not financially impact the project.

**Impacts to Department
& External Agencies:**

Adoption of the Resolution of Condemnation does impact any other departments or external agencies.

List of attachments:

Resolution of Need with attached right-of-way exhibit

Presenter:

Ryan Crowther

**Department Head
Signature:**

Brian Nicholas

Digitally signed by Brian Nicholas
Date: 2025.10.07 11:59:14 -07'00'

BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON

In the matter of authorizing acquisition	)	
and eminent domain of certain real	)	Department of Public Works
properties for the Ehlen Road NE at	)	
Butteville Road NE Roundabout project	)	

RESOLUTION NO. _____

WHEREAS, Marion County is authorized by the provisions of ORS Chapters 203 and 368 to locate, acquire, construct, operate, and maintain county roads as its Board deems necessary; and

WHEREAS, Marion County is authorized by the provisions of ORS Chapters 203 and 368 to acquire by purchase, gift, devise, condemnation, or any other means, such real and personal property interests therein and rights-of-way either inside or outside the limits of the county, as in the judgment of its Board are necessary; and

WHEREAS, for the purpose of providing a county road system to serve local residents and businesses and for the health, safety, benefit, and general welfare of the public, Marion County plans to make necessary improvements to the intersection of Ehlen Road NE at Butteville Road NE to construct a rural single-lane roundabout; now, therefore,

BE IT RESOLVED by the Marion County Board of Commissioners follows:

- (1) The Board declares that it needs to improve the intersection of Ehlen Road NE at Butteville Road NE on real properties and interests therein, more particularly set forth in the attached Exhibit. The real properties and interests set forth in the Exhibit are reasonably necessary to protect the full use and enjoyment by the public and businesses of Ehlen Road NE and Butteville Road NE.
- (2) In order to proceed with the acquisition of the right-of-way for this project, which will be located and constructed in a manner most compatible with the greatest public benefit and the least private injury or damage, the real properties must be acquired without delay.
- (3) The County, its agents, and attorneys are authorized to attempt to reach agreement with the owners and other persons with interest in the real properties and interests therein, shown in the attached Exhibit, as to the compensation to be paid for the appropriation of the properties. In the event that no satisfactory agreement can be reached, the attorneys are authorized to commence Eminent Domain proceedings as prescribed in ORS 35.205 to 35.415 and prosecute to final determination such proceedings as may be necessary to acquire the real properties and interest therein and that upon the filing of such proceeding, possession of the real property and interest therein may be taken immediately.

- (4) Upon the trial of any suit or action instituted to acquire any of the real property or any interest therein, the attorneys acting for and on behalf of the county are authorized to make such stipulation, agreement, or admission as in their judgment may be for the best interest of the county.
- (5) In order to protect the health, safety, and welfare of the public, it is necessary that no undue delay be encountered in obtaining access to possession of the real property and interest therein shown in the attached Exhibit, in order to improve the intersection of Ehlen Road NE at Butteville Road NE; therein, this resolution shall be in force and effect immediately upon its passage by the Board.
- (6) This resolution is adopted by the Marion County Board of Commissioners on this _____ day of _____, 2025, and is entered in the minutes and records of the Board as of this date.

MARION COUNTY BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner

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CONDEMNATION RESOLUTION EXHIBIT

FEDERAL HIGHWAY
ADMINISTRATION
OREGON DIVISION



PRELIMINARY; NOT
FOR CONSTRUCTION

MARION COUNTY

EHLEN RD. NE AT
BUTTEVILLE RD. NE

DEPARTMENT OF PUBLIC WORKS

PROJECT NO.:	106065
ECMS NO.:	5762-24
FED. PROJ. NO.:	C047111
KEY NO.:	22727
SITE NO.:	96-050
HORIZ. DATUM:	OCRS SALEM
VERT. DATUM:	NAVD88, GEOID18
DESIGNED BY:	C. COSTIGAN
DRAWN BY:	D. ILIYN

TITLE:	ROW EXHIBIT
SHEET:	ROW 1

