

**RESOLUTION NO. 2222**  
**September 2022**

**EUGENE WATER & ELECTRIC BOARD**  
**A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY RIGHTS**  
**ALONG THE LEABURG CANAL**

**WHEREAS**, the above entitled matter came before the Board of Commissioners of the Eugene Water & Electric Board (“EWEB”) at its regular meeting on September 6, 2022; and

**WHEREAS**, EWEB will need to acquire property rights for certain properties along the Leaburg Canal, whether it be Temporary Construction Easements, Permanent Easements, or Fee Ownership, in anticipation of future construction activities; and

**WHEREAS**, these property right acquisitions will ease construction access and allow design flexibility when making potential alterations to critical portions of the Leaburg Canal under a variety of canal modification scenarios; and

**WHEREAS**, the Board has considered the proposed framework governing the property acquisitions along the Leaburg Canal during Executive Session on August 2<sup>nd</sup>, 2022; and

**WHEREAS**, EWEB has authority under Section 44 of the Eugene Charter and ORS 225.020 to acquire real property; 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 customer owners, now or hereafter existing, that fee title to certain properties, as well as necessary rights-of-way and easements, be acquired to implement the Owner’s Dam Safety Program; and

**WHEREAS**, the Board determines that the proposed acquisition of certain properties identified by EWEB’s Generation Division is appropriate and compatible with the greatest public benefit and mitigation of private impact, and being fully advised,

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners, that EWEB shall in good faith attempt to acquire fee title on a fair and reasonable basis in accordance with the applicable Oregon Revised Statutes for the properties identified by EWEB’s Generation Division. EWEB Staff and Counsel are authorized to complete negotiations with the property owners for the purchase of needed properties along the Leaburg Canal in accordance with the guidance provided by the Board during Executive Session. The General Manager is authorized to execute all documents to complete the acquisition of fee title for individual properties identified for purchase by EWEB’s Generation Department without necessity of further Board approval. In the event EWEB seeks to invoke the right of eminent domain for the acquisition of property rights deemed necessary for “the project” and determined to be for the public good, a separate Board Resolution will be required.

Dated this 6th day of September 2022.

THE CITY OF EUGENE, OREGON  
Acting by and through the  
Eugene Water & Electric Board

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President

I, ANNE M. KAH, the duly appointed, qualified and acting Assistant Secretary of the Eugene Water & Electric Board, do hereby certify that the above is true and exact copy of the Resolution adopted by the Board in its September 6, 2022 Regular Board Meeting.

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Assistant Secretary