

**Date:** December 10, 2025

**To:** Board of Directors

**From:** Sam Desue, Jr.



**Subject:** **RESOLUTION 25-12-56 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING THE ACQUISITION BY PURCHASE OR EXERCISE OF THE POWER OF EMINENT DOMAIN CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR THE CONSTRUCTION OF THE OREGON CITY TRANSIT CENTER IMPROVEMENT PROJECT**

**1. Purpose of Item**

This Resolution requests the TriMet Board of Directors (Board) authorize the General Manager or his designee to acquire certain real property interests necessary for the construction of the Oregon City Transit Project by purchase or by the power of eminent domain.

**2. Type of Agenda Item (*Procurement: check appropriate box*)**

- ☐ Initial Contract
- ☐ Contract Modification
- ☒ Other Authorization to Acquire Real Property by Purchase or Eminent Domain

**3. Reason for Board Action**

Chapter 267 of the Oregon Revised Statutes (ORS) authorizes TriMet to acquire property by purchase or eminent domain, and ORS 35.235 requires the Board to declare the necessity and purpose for which it is required.

**4. Type of Action (*Procurement: check appropriate box*)**

- ☒ Resolution
- ☐ Ordinance 1<sup>st</sup> Reading
- ☐ Ordinance 2<sup>nd</sup> Reading
- ☐ Other \_\_\_\_\_

**5. Background**

The Oregon City Transit Center (OCTC) is located at 1035 Main Street, in downtown Oregon City. The transit center serves seven TriMet bus lines, as well as Canby Area Transit service to Woodburn.

As part of TriMet's Layovers and Transit Centers Program, the OCTC Improvement Project (Project) will, among other things, update, reconfigure, and increase capacity of the bus layover facilities at the OCTC. This includes providing improved operator break and layover

spaces, more efficient layover pull-in and pull out, and additional space required for service upgrades.

For the construction phase of this Project, TriMet must acquire property interests. Care has been taken to design the Project to have the least possible impact on private property. In this case, TriMet needs to acquire two temporary construction easements to be used for construction staging and parking by TriMet and our contractor. The two temporary construction easements, which are further described and depicted in Exhibits A and B to this Resolution (Properties), need to be acquired from the following property owners, who are identified based on the information reasonably available to TriMet at this time:

1. Brett C. Sibert, Co-Trustee of the Samuel L. Sibert Descendant's Trust, U/T/A dated April 10, 2008 and Brett C. Sibert as Co-trustee The Casey M. Sibert Descendant's Trust U/T/A dated April 10, 2008, Thomas E. Busch, Jr, Margaret G. Busch, Mary E. Beko, Carolyn A. Scrutton, Jeanne M. Eisele, James H. Busch, Robert G. Orth and Dorothy Ann Orth as Trustee of the Robert G. Orth Trust, executed the 7 day of May, 1993 and Dorothy Ann Orth and Robert G. Orth, as trustees of the Dorothy Ann Orth Trust, Executed the 7 day of May, 1993, temporary construction easement acquisition of approximately 351 square feet (Exhibit A).
2. Tim Guynes, Trustee of the Gary A. Merrill Special Needs Trust and Tim Guynes and Patti Guynes, as tenants by the entirety, and Wendy Sue Yeager, temporary construction easement acquisition of approximately 125 square feet (Exhibit B).

After approval of the Resolution, TriMet staff will make formal written offers to purchase the temporary construction easements based on independent appraisals. TriMet will then attempt to negotiate a purchase price with each owner. If an agreement cannot be reached following a reasonable period of negotiation, TriMet will be able to proceed with condemnation of these temporary construction easements. Staff anticipates that negotiated settlements are likely in this matter.

#### **6. Financial/Budget Impact**

The acquisition of the necessary Properties is a Project cost, and is included in the Project budget. This project is funded with 59% Federal (Community Project Grant) and 41% General Funds.

#### **7. Impact if Not Approved**

This Resolution is required in order for TriMet to acquire the Properties, which is necessary to construct the Project. Passage of this Resolution will allow TriMet to make formal written offers to purchase the Properties, based on values to be determined by independent appraisals. TriMet will then attempt to agree with the property owners to acquire the identified property interests and will initiate condemnation proceedings only if necessary. It is important that TriMet have the authority to condemn the Properties if required, because condemnation is the only means by which the agency can be assured that the necessary Properties can be acquired to construct the Project.

## **RESOLUTION NO. 25-12-56**

### **RESOLUTION NO. 25-12-56 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING THE ACQUISITION BY PURCHASE OR EXERCISE OF THE POWER OF EMINENT DOMAIN CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR THE CONSTRUCTION OF THE OREGON CITY TRANSIT CENTER IMPROVEMENT PROJECT**

**WHEREAS**, the Oregon City Transit Center Improvement Project (Project) will update, reconfigure and increase capacity of the bus layover facilities at TriMet's Oregon City Transit Center. The Project will include, among other things, improved operator break and layover spaces, more efficient layover pull-in and pull out, and additional space required for service upgrades; and

**WHEREAS**, pursuant to ORS 267.200(2) and ORS 267.225(2), TriMet is authorized and empowered to acquire by condemnation, purchase, lease, devise, gift, or voluntary grant real and personal property or any interest therein, located within the TriMet District for the purpose of providing or operating a mass transit system and aiding in the objects of the District; and

**WHEREAS**, TriMet has identified certain real property interests that are necessary to acquire for the construction of the Project; and

**WHEREAS**, after its Board first declares by Resolution the necessity of the acquisition of real property and the purpose for which it is required, TriMet is required by ORS 35.235 to attempt to agree with the owner of said real property interests the compensation to be paid therefor, and the damages, if any, for the taking thereof; and

**WHEREAS**, before TriMet exercises the right to purchase, acquire, enter upon or appropriate any land or property for establishing, laying out, widening, enlarging or extending roads, streets or highways, ORS 35.610 requires TriMet to describe the land to be purchased, acquired, entered upon, or appropriated, and to further determine that the appropriation of such land is reasonably necessary to protect the full use and enjoyment by the public of the road, street or highway;

### **NOW, THEREFORE, BE IT RESOLVED:**

1. That the Board hereby declares that the acquisition of certain real property interests, as described generally in Exhibits A and B, which are attached hereto and made a part hereof as if fully set forth herein, are necessary for the construction of the Project.
2. That the construction and continued operation of the Project is necessary for the public interest and that the Project was planned, designed, located, and will be constructed in a manner that is most compatible with the greatest public good and the least private injury.
3. That the appropriation of the real property interests are reasonably necessary to protect the full use and enjoyment by the public of the road, street or highway adjoining the property.

4. That the General Manager or his designee is authorized and directed to attempt to make agreements with the owners of the real property and any other persons in interest as to the compensation to be paid for the real property interests identified in the attached Exhibits A and B, and damages, if any, for the acquisition thereof, and is authorized to make binding offers for such compensation.
5. That the Board hereby ratifies any offers to purchase any and all rights, title, and interest that have been previously made in connection with the Project.
6. That in the event no satisfactory agreement for TriMet's acquisition of the identified real property interests can be reached, TriMet is authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire the real property interests; and TriMet is further authorized to make such stipulations, agreements, or admissions in the course of such proceedings as may be in TriMet's best interests.
7. That there is hereby authorized the creation of a fund in the amount estimated to be the just compensation for the real property interests identified in Exhibits A and B, which to obtain possession of the property may be deposited with the clerk of the Court in which such legal proceedings are commenced, for the use by the defendants in such proceedings.
8. That the General Manager or his designee is authorized to execute the necessary documents on behalf of the Board in a form approved by TriMet's General Counsel.

Dated: December 10, 2025

Attest:

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Presiding Officer

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Recording Secretary

Approved as to Legal Sufficiency:



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