

House Bill 3464

Sponsored by Representative CLEM; Representatives BARNHART, KOMP (at the request of Oregon Farm Bureau)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Limits authority of city to condemn property outside urban growth boundary of city.

A BILL FOR AN ACT

1
2 Relating to condemnation authority; creating new provisions; and amending ORS 223.005, 223.010,
3 223.020 and 226.320.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 223.005 is amended to read:

6 223.005. Any incorporated city may:

7 (1) Appropriate any private real property[,] **within the urban growth boundary of the city,**
8 **including** water, watercourse and riparian rights to any [*public or municipal use or for the*] **mu-**
9 **nicipal purpose of** general benefit and use [*of*] **to** the people of the city, including but not limited
10 to appropriation for an aviation field, park, city hall, city buildings, jail, or to protect the city from
11 overflow by freshets.

12 (2) Appropriate any real property, water, watercourse and water and riparian rights, including
13 power sites, to any public or municipal use or for the general benefit and use of the people within
14 or without the city, and **within or without the urban growth boundary of the city** to build dams,
15 reservoirs and conduits for the purpose of storing and using water [*to aid in*] **for domestic pur-**
16 **poses, including the purpose of** developing the necessary power to generate electricity for the use
17 and benefit of the people within or without the city.

18 (3) Condemn for its use private **real** property for the purpose of erecting and maintaining elec-
19 tric lines thereon for the purpose of generating and conveying power to light and heat the city, and
20 to be used and sold by the city for manufacturing, transportation, domestic and other purposes, ei-
21 ther within or without the [*corporate limits*] **urban growth boundary** of the city, and for the pur-
22 pose of constructing electrical systems for municipal uses.

23 **SECTION 2.** ORS 223.010 is amended to read:

24 223.010. [*For the purposes of*] **In the process of appropriating real property pursuant to ORS**
25 **223.005, a city may enter upon, survey and examine property in the manner provided by ORS 35.220**
26 **and may select any such property or rights for the** [*purpose of constructing any ditch, drain, dam,*
27 *dike, canal, flume, sewer, reservoir, septic tank, filter bed, sewer form or purifying plant or laying or*
28 *constructing and maintaining any pipe, sewer, drain, aqueduct, dam, dike, canal, flume, reservoir, septic*
29 *tank, filter bed, sewer form or purifying plant or other plant, building or electric lines or system for*
30 *municipal uses, including but not limited to, aviation fields, parks, city hall, city buildings, jails, docks,*
31 *piers, slips, shore and terminal structures] **purposes described in ORS 223.005.***

32 **SECTION 3.** ORS 223.020 is amended to read:

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 223.020. (1) **Subject to approval by the county**, appropriation of **real property by a city** under
2 ORS 223.005 may extend beyond the [*corporate limits*] **urban growth boundary** of the city to or
3 along and including any lake, spring, stream or power site.

4 (2) **A county may approve the appropriation of real property outside the urban growth**
5 **boundary of a city under ORS 223.005 only if the property is necessary to provide for a mu-**
6 **nicipal purpose.**

7 (3) **To establish that a municipal purpose is necessary, a city must demonstrate that**
8 **there is not an alternative process or property inside the urban growth boundary that will**
9 **satisfy the municipal purpose.**

10 **SECTION 4.** ORS 226.320 is amended to read:

11 226.320. Whenever the municipal authorities determine by ordinance to do so, the city may
12 purchase, acquire, take, use, enter upon and appropriate land and property within [*or without its*
13 *corporate limits*] **the urban growth boundary of the city** for the purpose of:

14 (1) Public squares, parks, memorial monuments or buildings, pioneer memorials, pioneer muse-
15 ums, memorials and monuments to United States war veterans, sites or buildings for meeting places
16 for such war veterans, auto campgrounds, playgrounds or comfort stations.

17 (2) Enlarging any public square, park, auto campground, playground or comfort station.

18 **SECTION 5.** **The amendments to ORS 223.005, 223.010, 223.020 and 226.320 by sections 1**
19 **to 4 of this 2007 Act apply to an appropriation of real property that becomes effective on or**
20 **after the effective date of this 2007 Act.**

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