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Chapter 2.32

PROPERTY CONDEMNATION

Sections:

2.32.010 Purpose.

2.32.020 Authority.

2.32.030 Procedure.

2.32.010 Purpose. The county is authorized and empowered to acquire, purchase, construct, maintain reservoirs, dams, water gates, canals, ditches, flumes, tunnels, pipelines or other means of securing, storing, and conveying water for irrigation, domestic water, drainage or any other beneficial use in order to prevent damage and destruction of life and property by floods, to improve the agricultural and other uses of lands, and to improve the public health, welfare and safety. (Ord. 78-2-1 §1, 1978)

2.32.020 Authority. For the purposes enumerated in Section 2.32.010 of this chapter, the county may condemn land and property or any right or interest therein. (Ord. 78-2-1 §2, 1978)

2.32.030 Procedure. The procedure to be used for the condemnation of such lands and property or any right or interest therein shall be the procedure provided by ORS Chapter 35 for the public condemnation of land or rights-of-way. (Ord. 78-2-1 §3, 1978)

Section 2.32.040 Prohibit Taking Property for Private Use. A recent decision of the United State Supreme Court, Kelo v. City of New London, Connecticut (04-108), may allow the use of eminent domain powers for the benefit of purely private entities despite the limitations on that power contained in the federal constitution. The Douglas County Board of Commissioners is opposed to such encroachments on the traditional rights of owners of real property. The Douglas County Board of Commissioners believes that the power of eminent domain should be used to acquire property only for public purposes, as traditionally has been the case in Oregon. (Ord 2005-10-01, Eff 2-1-06)