MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: 12/2/2026

Department: Public Works

Title: Ehlen @ Butteville Roundabout - Resolution of Need for Condemnation (Taxlot 041W170000300)

Management Update/Work Session Date: 10/13/26 **Audio/Visual aids** ☐

Time Required: 5 min **Contact:** Jill Ogden **Phone:** 3152

Requested Action:
Adopt a new Resolution of Need for Condemnation specific to taxlot 041W170000300, the real property of Dieterle Family Trust and Dieterle Disclaimer Credit Shelter Trust, as shown in the attached survey descriptions and exhibits.

Issue, Description & Background:
Marion County has received federal funds to construct a roundabout at the intersection of Ehlen Road and Butteville Road. The project demands the acquisition of permanent right-of-way (ROW) easements and temporary construction easements to accommodate construction. Marion County issued a written offer to the owner of taxlot 041W170000300 on August 10, 2026. The 40-day offer period ended on September 19, 2026 and, despite many attempts to discuss the offer with the owner's legal representative, no responses have been received. The Board previously adopted a project-wide Resolution of Need for all ROW acquisition required for the project; however, a property-specific Resolution of Need is required to accurately reflect the acquisition limits, which have been adjusted since the first resolution was adopted.

Financial Impacts:
There is no financial impact associated with adopting this resolution.

Impacts to Department & External Agencies:
The adoption of this resolution does not directly impact any other Marion County departments or external agencies.

List of attachments:
Resolution of Need for Condemnation

Presenter:
Ryan Crowther

Department Head Signature:
BNicholas
Digitally signed by BNicholas
Date: 2026.11.10 08:29:46 -08'00'

BEFORE THE BOARD OF COMMISSIONERS

FOR MARION COUNTY, OREGON

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

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 _____, 2026, and is entered in the minutes and records of the Board as of this date.

MARION COUNTY BOARD OF COMMISSIONERS

_____
Chair

_____
Commissioner

_____
Commissioner

PERMANENT RIGHT OF WAY EASEMENT

GRANTOR: DIETERLE FAMILY TRUST AND DIETERLE DISCLAIMER CREDIT SHELTER TRUST
GRANTEE: MARION COUNTY
TAX LOT: 041W170000300

A PERMANENT RIGHT OF WAY EASEMENT OVER AND ACROSS A PORTION OF THAT PROPERTY DESCRIBED IN REEL 4726 PAGE 94, MARION COUNTY DEED RECORDS, LOCATED IN THE NW 1/4 OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, MARION COUNTY, OREGON, SAID EASEMENT BEING THAT PORTION OF SAID PROPERTY INCLUDED IN A STRIP OF LAND VARIABLE IN WIDTH, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT ENGINEER'S CENTERLINE STATION 85+89.60 FOR BUTTEVILLE ROAD (MARKET ROAD NO. 65) PER MARION COUNTY SURVEY RECORD 40321, BEING NORTH 79°27'21" WEST 3,746.15 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 17;
THENCE SOUTH 07°00'09" WEST 1,311.97 FEET TO ENGINEER'S CENTERLINE STATION 99+01.56, TERMINUS OF HEREIN DESCRIBED CENTERLINE.

THE WIDTH OF THE STRIP OF LAND REFERRED TO ABOVE IS AS FOLLOWS:

STATION	LEFT OF CENTERLINE
93+43.18 TO 93+98.07	263.87 FEET IN A STRAIGHT LINE TO 159.94 FEET
93+98.07 TO 94+84.99	159.94 FEET IN A STRAIGHT LINE TO 82.08 FEET
94+84.99 TO 97+60.57	82.08 FEET IN A STRAIGHT LINE TO 30.00 FEET

SAVE AND EXCEPT PORTION LYING WITHIN THE EXISTING RIGHT OF WAY

CONTAINING 20,176 SQUARE FEET / 0.46 ACRES MORE OR LESS

BASIS OF BEARING PER MARION COUNTY SURVEY RECORD 40321

SEE EXHIBIT 'B' FOR DETAILED MAP

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MAY 26, 2015
SAMANTHA KAY TANNER
90079PLS

RENEWS 6/30/2026

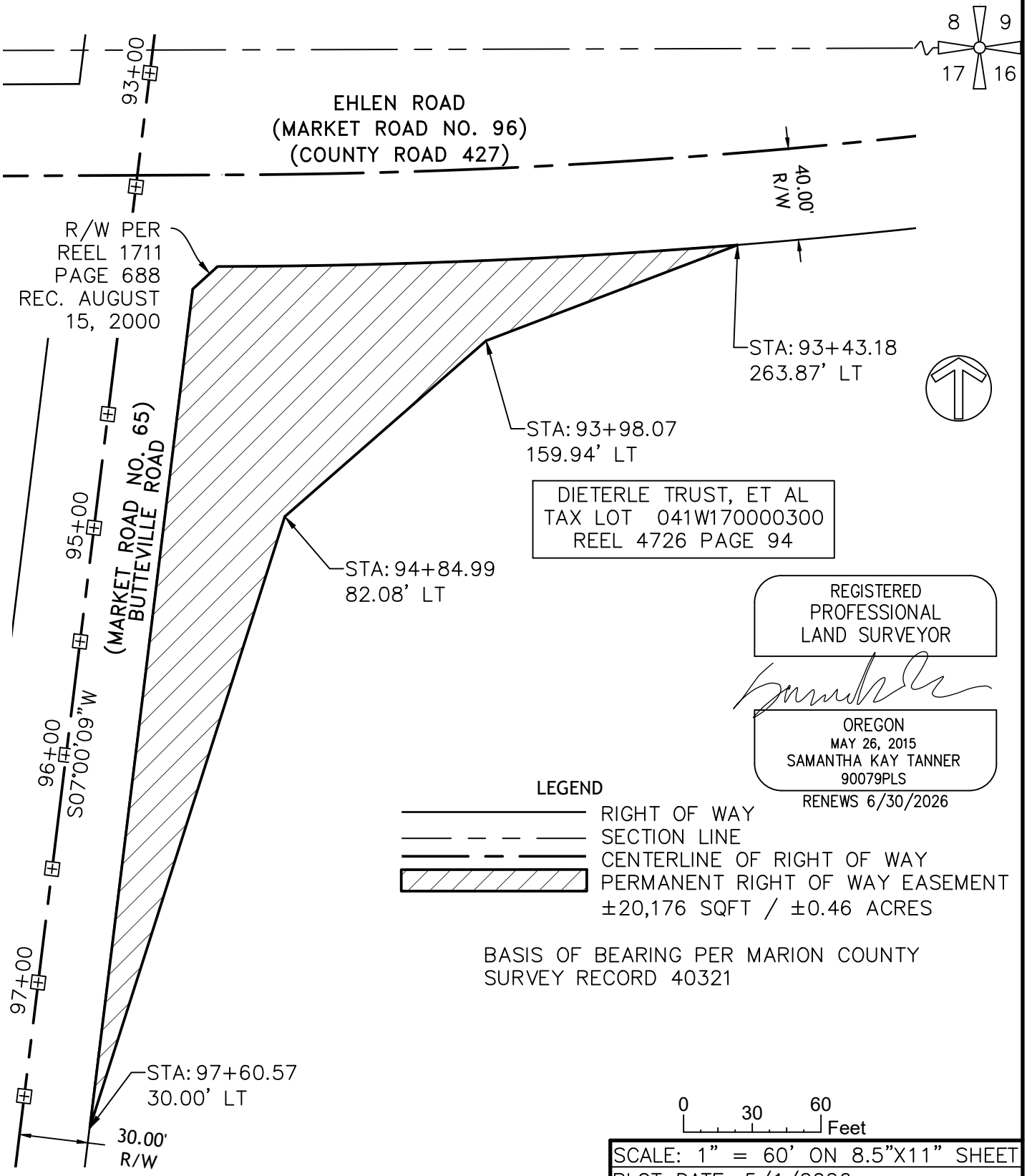
45th PARALLEL GEOMATICS, LLC
408 CASCADE AVE #1863
HOOD RIVER, OREGON 97031

MARION COUNTY PROJECT NO.	106065
PLOT DATE:	5/1/2026
FILE NAME:	24025 EXH.DWG

EXHIBIT 'A'

LOCATED IN THE NW 1/4 OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, MARION COUNTY, STATE OF OREGON

MARION COUNTY PUBLIC WORKS



SCALE: 1" = 60' ON 8.5"X11" SHEET
PLOT DATE: 5/1/2026
FILE NAME: 24025 EXH.DWG

PERMANENT RIGHT OF WAY EASEMENT EXHIBIT 'B'

LOCATED IN THE NW 1/4 OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, MARION COUNTY, STATE OF OREGON

MARION COUNTY PUBLIC WORKS
PROJECT NO. 106065

TEMPORARY CONSTRUCTION EASEMENT

GRANTOR: DIETERLE FAMILY TRUST AND DIETERLE DISCLAIMER CREDIT SHELTER TRUST
GRANTEE: MARION COUNTY
TAX LOT: 041W170000300

A TEMPORARY CONSTRUCTION EASEMENT OVER AND ACROSS A PORTION OF THAT PROPERTY DESCRIBED IN REEL 4726 PAGE 94, MARION COUNTY DEED RECORDS, LOCATED IN THE NW 1/4 OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, MARION COUNTY, OREGON, SAID EASEMENT BEING THAT PORTION OF SAID PROPERTY INCLUDED IN A STRIP OF LAND VARIABLE IN WIDTH, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT ENGINEER'S CENTERLINE STATION 85+89.60 FOR BUTTEVILLE ROAD (MARKET ROAD NO. 65) PER MARION COUNTY SURVEY RECORD 40321, BEING NORTH 79°27'21" WEST 3,746.15 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 17;
THENCE SOUTH 07°00'09" WEST 1,311.97 FEET TO ENGINEER'S CENTERLINE STATION 99+01.56, TERMINUS OF HEREIN DESCRIBED CENTERLINE.

THE WIDTH OF THE STRIP OF LAND REFERRED TO ABOVE IS AS FOLLOWS:

STATION	LEFT OF CENTERLINE
92+55.28 TO 93+08.61	641.71 FEET IN A STRAIGHT LINE TO 557.52 FEET
93+08.61 TO 94+96.00	557.52 FEET IN A STRAIGHT LINE TO 296.63 FEET
94+96.00 TO 95+49.86	296.63 FEET IN A STRAIGHT LINE TO 184.83 FEET
95+49.86 TO 95+90.43	184.83 FEET IN A STRAIGHT LINE TO 62.16 FEET

EXCEPTING THEREFROM THE WIDTH OF THE STRIP OF LAND FOR PERMANENT RIGHT OF WAY EASEMENT THAT LIES NORTH AND WEST OF THE FOLLOWING DESCRIBED LINE:

STATION	LEFT OF CENTERLINE
93+43.18 TO 93+98.07	263.87 FEET IN A STRAIGHT LINE TO 159.94 FEET
93+98.07 TO 94+84.99	159.94 FEET IN A STRAIGHT LINE TO 82.08 FEET
94+84.99 TO 97+60.57	82.08 FEET IN A STRAIGHT LINE TO 30.00 FEET

SAVE AND EXCEPT PORTION LYING WITHIN THE EXISTING RIGHT OF WAY

CONTAINING, 60,702 SQUARE FEET / 1.39 ACRES MORE OR LESS.

BASIS OF BEARING PER MARION COUNTY SURVEY RECORD 40321

SEE EXHIBIT 'B' FOR DETAILED MAP

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
MAY 26, 2015
SAMANTHA KAY TANNER
90079PLS
RENEWS 6/30/2026

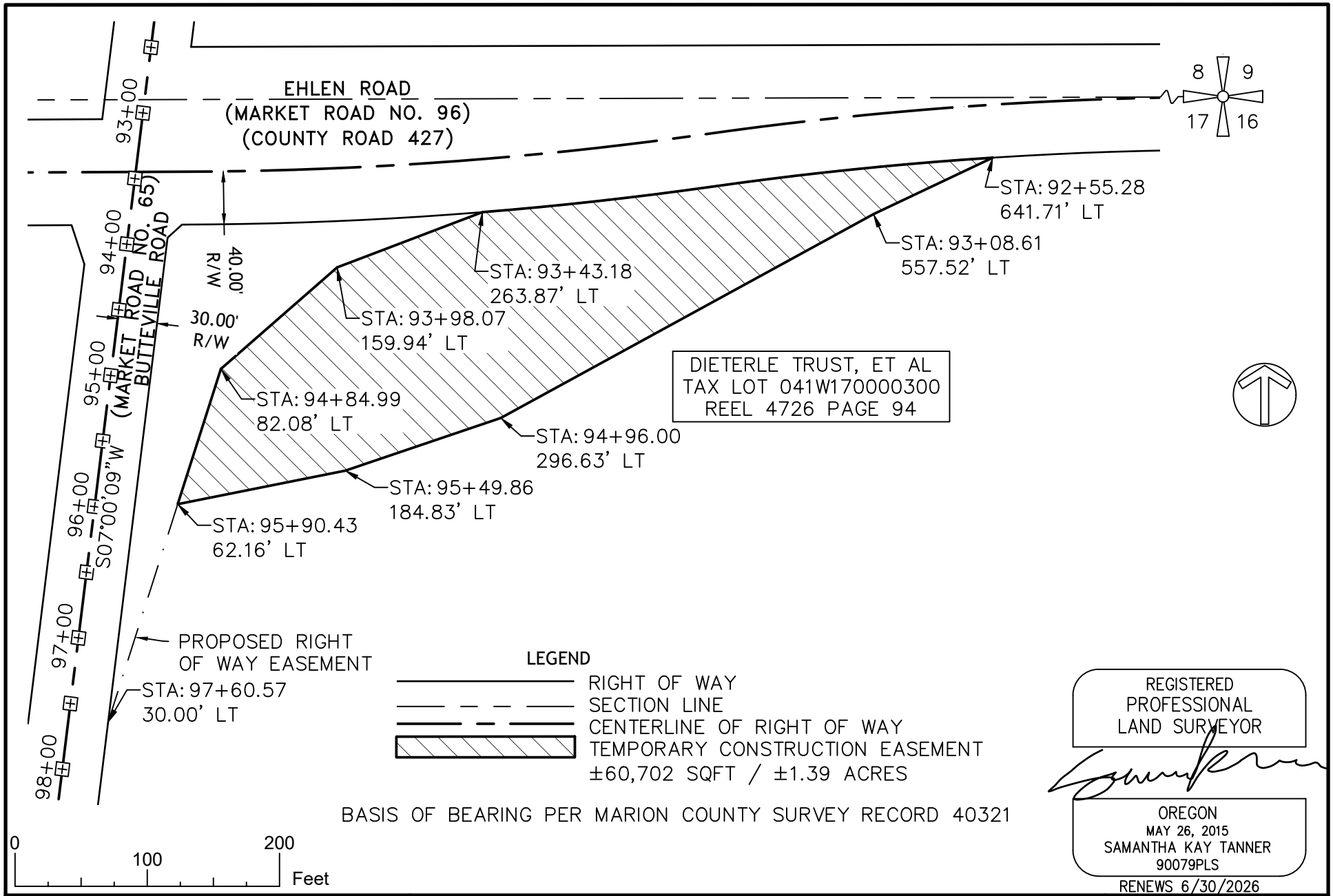
45th PARALLEL GEOMATICS, LLC
408 CASCADE AVE #1863
HOOD RIVER, OREGON 97031

MARION COUNTY PROJECT NO. 106065
PLOT DATE: 5/1/2026
FILE NAME: 24025 EXH.DWG

EXHIBIT 'A'

LOCATED IN THE NW 1/4 OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, MARION COUNTY, STATE OF OREGON

MARION COUNTY PUBLIC WORKS



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MAY 26, 2015
SAMANTHA KAY TANNER
90079PLS

RENEWS 6/30/2026

SCALE: 1" = 100' ON 8.5"X11" SHEET PLOT DATE: 5/1/2026 FILE NAME: 24025 EXH.DWG	**TEMPORARY CONSTRUCTION EASEMENT EXHIBIT 'B'** LOCATED IN THE NW 1/4 OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, MARION COUNTY, OREGON	**MARION COUNTY PUBLIC WORKS** PROJECT NO. 106065