



City of Independence

City Council Meeting
Monday, July 28, 2025 @ 5:30 PM
Civic Center - Council Chambers

(see agenda footer for meeting attendance information)

1. **Call to Order**
2. **Roll Call**
3. **Executive Session, 3rd Floor Conference Room**
Pursuant to ORS 192.660(2)(h) & ORS 192.660(2)(e) To consult with legal counsel concerning the legal rights and duties of the public body with regard to current or potential litigation and to conduct deliberations with persons designated by the governing body to negotiate real property transactions.
4. **Reconvene into Special Session**
Immediately following the executive session
5. **New Business**
 - 5.1. Authorization to settle litigation
6. **Adjournment**

Meeting Attendance Information:

The City Council will hold this meeting in-person in City Hall Council Chambers, via video conference (Zoom) or by phone. Meetings are also live-streamed on the City's YouTube channel at: <https://www.youtube.com/c/CityofIndependenceOR>.

- To attend in person, the City Hall address is 555 S. Main St.
- For Zoom login:
<https://us06web.zoom.us/j/81578451664?pwd=uvhckaEbG5A4l6CLY8MVlnK5YHm3lW.1>
- To participate in the meeting **by phone, dial US: +1-253-215-8782** and enter **Webinar ID: 815 7845 1664** and **Passcode: 323309**

Written comments are also welcome and may be delivered to City Hall or emailed to CouncilComments@ci.independence.or.us no later than 4:00 pm the day of the meeting.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 72 hours in advance of the meeting to Myra Russell, City Recorder, 503-838-1212/TTY: 800-735-2900.



CITY OF INDEPENDENCE MEMORANDUM

TO: Mayor and City Council
FROM: City Manager Kenna West
MEETING DATE: July 28, 2025
SUBJECT: Adoption of Resolution No. 25-1637

☐ Information Only

☒ Action Requested

Statement of Issue:

Adoption of Resolution No. 25-1637, authorizing the City Manager to Approve and Execute a Settlement in Condemnation Litigation (Polk County Case No. 24CV25299)

Background:

On January 23, 2024, the City Council adopted Resolution No. 24-2596 authorizing the acquisition of certain property for the purpose of construction of a water treatment plant, including authorization for the City Manager to exercise the power of eminent domain. Pursuant to that authority, the City initiated legal action in the Circuit Court of the State of Oregon for Polk County, Case No. 24CV25299, asserting a claim for condemnation of the subject property.

Discussion

The parties to the condemnation case entered into mediation on July 23, 2025. A tentative settlement agreement was entered into on that date. On July 28, 2025, the City Council met in Executive Session pursuant to ORS 192.660(2)(h) (consultation with legal counsel regarding litigation) and ORS 192.660(2)(e) (real property transactions) to consider and discuss the litigation and proposed terms of settlement.

In order to proceed with settlement, the City Manager must receive authorization to finalize, approve, and execute the settlement agreement and to make any payments or take any related actions necessary to fully effectuate the terms of the settlement. Resolution No. 25-1637 provides the City Manager with that authority.

Motion: I move to adopt Resolution No. 25-1637.

Attachment: Resolution No. 25-1637.

Prepared by Kenna West, City Manager

**BEFORE THE CITY COUNCIL OF THE CITY OF INDEPENDENCE,
COUNTY OF POLK, STATE OF OREGON**

A Resolution Authorizing the City Manager to]
Approve and Execute a Settlement in Condemnation]
Litigation Case No. 24CV25299]

RESOLUTION NO. 25-1637

WHEREAS, on January 23, 2024, the City Council of the City of Independence adopted Resolution No. 24-2596, authorizing the acquisition of certain property for the purpose of constructing a water treatment plant, including the authorization for the City Manager to exercise power of eminent domain; and

WHEREAS, pursuant to that authority, the City initiated a legal action in the Circuit Court of the State of Oregon for Polk County, Case No. 24CV25299, asserting a claim for condemnation of the subject property; and

WHEREAS, The parties entered into mediation on July 23, 2025, resulting in a tentative settlement of the matter; and

WHEREAS, on July 28, 2025, the City Council met in Executive Session pursuant to ORS 192.660(2)(h) (consultation with legal counsel regarding litigation) and ORS 192.660(2)(e) (real property transactions) to consider and discuss the property condemnation action including litigation and proposed terms of settlement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, OREGON AS FOLLOWS:

Section 1. The City Manager is authorized to finalize, approve, and execute a settlement agreement in Case No. 24CV25299 as she deems appropriate and in the best interest of the City, including the authority to make any payments or take any related actions necessary to fully effectuate the terms of the settlement.

Section 2. This Resolution shall take effect immediately upon adoption by the City Council.

ADOPTED by the City Council of the City of Independence, Oregon, this _____ day of July 2025:

CITY OF INDEPENDENCE, OREGON by:

KATE SCHWARZLER, MAYOR

ATTEST:

Myra Russell, City Recorder