

HOUSE AMENDMENTS TO HOUSE BILL 3505

By COMMITTEE ON STATE AND FEDERAL AFFAIRS

July 28

1 Delete lines 5 through 20 of the printed bill and insert:

2 **“SECTION 2. (1) Except as otherwise provided in this section, a public body as defined in**
3 **ORS 174.109 may condemn property only if at the time the public body takes the property the**
4 **public body’s primary purpose is to allow the property to be owned and used by the public.**
5 **The public body’s primary purpose may not be the conveyance of the condemned property**
6 **or an interest in the condemned property to a private party.**

7 **“(2) Subsection (1) of this section does not apply to condemnation of:**

8 **“(a) Property located within a blighted area or slum area in which buildings and im-**
9 **provements are located that are detrimental to the safety, health and welfare of the com-**
10 **munity by reason of dilapidation, overcrowding, lack of ventilation, light and sanitary**
11 **facilities, deleterious land use or any combination of these factors;**

12 **“(b) Unimproved real property that constitutes a danger to the safety, health and welfare**
13 **of the community by reason of contamination or other condition of the property;**

14 **“(c) Unimproved land zoned on the effective date of this 2005 Act for industrial use;**

15 **“(d) Any timber, crops, top soil, gravel or fixtures to be removed from the property that**
16 **are a part of a condemnation authorized pursuant to ORS 366.320 or 366.340;**

17 **“(e) Property condemned pursuant to ORS 366.333;**

18 **“(f) Property condemned pursuant to ORS 366.335;**

19 **“(g) Property condemned pursuant to ORS 367.818; and**

20 **“(h) Property condemned pursuant to ORS 777.116 or 778.025.**

21 **“(3) A public body as defined in ORS 174.109 may at any time publish notice that the**
22 **public body intends to consider adoption of an urban renewal plan, as defined in ORS 457.010,**
23 **for one or more urban renewal areas, as defined in ORS 457.010. If the public body publishes**
24 **notice under this subsection, subsection (1) of this section does not apply to any property**
25 **that is within the urban renewal areas described in the notice and that is purchased after**
26 **the notice is published.**

27 **“(4) Subsection (1) of this section does not affect the ability of a public body as defined**
28 **in ORS 174.109 to make a conveyance of condemned property for the purpose of financing**
29 **acquisition of the property as long as at the time the public body takes the property the**
30 **public body’s primary purpose is to allow the property to be owned and used by the public.**

31 **“(5) A court shall independently determine whether a taking of property complies with**
32 **the requirements of this section and shall disregard any legislative findings or other legisla-**
33 **tive statements relating to the purpose of the taking, or relating to whether the taking is**
34 **subject to an exception provided by this section.**

35 **“SECTION 3. Section 2 of this 2005 Act applies only to condemnations for which an initial**

1 **written offer is made under ORS 35.346 on or after the effective date of this 2005 Act.”.**

2 In line 21, delete “3” and insert “4”.

3 _____