

RESOLUTION NO. 91-O-503

A RESOLUTION AUTHORIZING CONDEMNATION OF REAL PROPERTY WITHIN THE CITY OF BROOKINGS, OREGON.

WHEREAS, by virtue of the laws of the State of Oregon, as set forth and defined in Oregon Revised Statutes, the City of Brookings, Oregon, a Municipal Corporation of the State of Oregon, is authorized and empowered to acquire by purchase, agreement, donation or by the exercise of the power of eminent domain, fee title to or any interest in private real property within or without the City limits, deemed necessary for sewer and/or water utility purposes as prescribed and more particularly set forth in ORS 223.005, 223.010, 223.020, 223.105, 224.020, 225.020 and 281.010; and

WHEREAS, by virtue of the laws of the State of Oregon and the Charter of the City of Brookings, granting to the City of Brookings the right and function to provide a sewer and water system to adequately and generally serve the inhabitants of the City of Brookings, the City of Brookings is planning for the construction of improvements for the purposes of the provision of water to and the treatment of sewage waste water from properties located within the City of Brookings and has made an engineering evaluation of locations required therefor; and

WHEREAS, for the accomplishment of the construction of such improvements for such purpose, to the end that human lives may be made more safe and that the environment be better protected, it is the judgment of the City of Brookings that a portion of the parcel of real property described below is necessary for the construction of such water and sewage waste water disposal system, hereinafter referred to as "the project".

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City of Brookings, Oregon, and the City of Brookings, Oregon, does hereby find and declare:

1. That for the accomplishment of the project there is needed and required a permanent easement on parcels of real property under the record ownership of Neilan D. and Alice Dodson, and more particularly described as:

A parcel of land located in the Northwest quarter of Section 36, Township 40 South, Range 14 West, Willamette Meridian, Curry County, Oregon, more particularly described as follows:

The Westerly 188.30 feet of the following described parcel: Beginning at the Northwest corner of the said tract, which corner is South 1,633.30 feet and East 1,055.80 feet from the Northwest Corner of the said Section 36; thence, N 70 degrees 10' E a distance of 328.30 feet; thence, S 18 degrees 50' E a distance of 15.00 feet; thence, S 71 degrees 10' W to a point which bears S 49 degrees 30' E from the point of beginning; thence, N 49 degrees 30' W to the point of beginning.

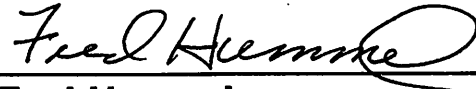
2. That the project for which the above described real property is required and for which it is being taken is necessary and the project is located in a manner which will be most compatible with the greatest public good and the least private injury.

3. That the City Manager is directed to attempt to agree with the respective owners and other persons in interest as to the compensation to be paid for the property, and in the event that no satisfactory agreement can be reached, the City Manager is authorized and directed to request legal counsel (City Attorney) for the City of Brookings to commence and prosecute to final determination such proceedings as may be necessary to acquire title to the real property declared herein to be needed and required.

4. That upon the trial of any suit or action instituted under the provisions of paragraph 3 above, the City of Brookings' legal counsel is authorized to make such stipulation, agreement or admission as its judgment may be in the best interests of the City of Brookings.

5. This Resolution be entered in full in the minutes and records of the City of Brookings, Oregon.

Passed by the Council and signed by the Mayor this 21st
day of _____ February _____, 1991.



Fred Hummel
Mayor

Attest:



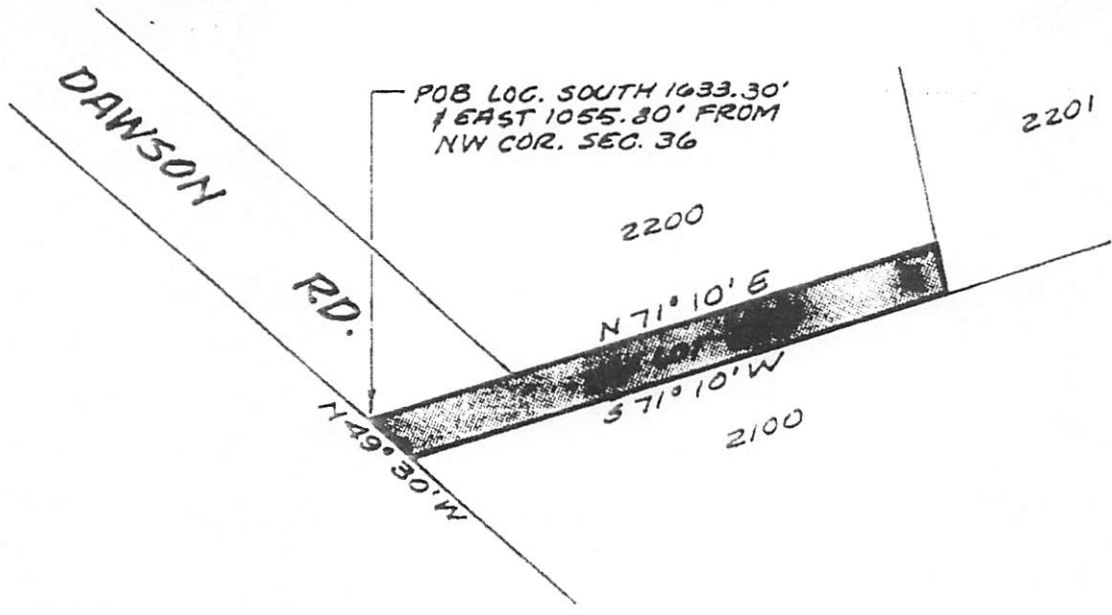
Beverly S. Shields
City Recorder

LOCATION MAP

POR. NW 1/4 SEC. 36,
T. 40 S., R. 14 W., W.M.
CITY OF BROOKINGS
CURRY COUNTY, OREGON

N

SCALE
1" = 60'



TAX LOT 2299
TAX MAP 40 14 36 B

OWNERS:
NEILAN D. & ALICE DODSON



ENGINEERS & PLANNERS
375 PARK AVE./COOS BAY, OR 97420
19 N W. FIFTH ST./PORTLAND OR 97209

BROOKINGS, OR 97415
BR. 12, PAGE 551