

RESOLUTION NO. 549

A RESOLUTION DECLARING A PUBLIC NECESSITY TO ACQUIRE REAL PROPERTY FOR PUBLIC STREET AND UTILITY RIGHT-OF-WAY PURPOSES

WHEREAS, under and by virtue of the laws of the State of Oregon, the City of Canby is duly authorized and empowered to locate, acquire, construct, operate and maintain streets as well as sanitary sewage collection and disposal systems as in the judgment of the City Council are necessary and proper for the area of the City, and

WHEREAS, under and by virtue of the laws of the State of Oregon, the City of Canby may acquire by purchase, gift, devise, condemnation proceedings or otherwise, such real property, interests therein and rights-of-way, either within or without the limits of the City as in the judgment of the Council are necessary or proper to exercise its powers, and

WHEREAS, for the public purpose of providing a right-of-way and sewage collection and disposal system to serve the City of Canby for the health, safety and general welfare of its residents, the Council plans to locate construct, operate, maintain and repair a street right-of-way with utility services both within and without the limits the City of Canby, now therefore

BE IT RESOLVED BY THE CANBY CITY COUNCIL AS FOLLOWS:

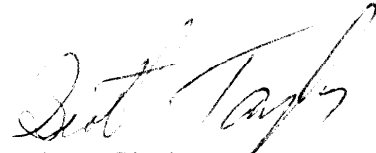
Section 1. The Canby City does hereby find and declare that there is needed and required for the location, construction, operation, maintenance, repair and improvement of the Canby streets and sewage collection and disposal systems the real property and interest therein, more particularly described in Exhibit "A" attached hereto and by reference incorporated herein.

Section 2. The location, construction, operation, maintenance, repair and improvement of the City of Canby streets and sewage collection and disposal systems for which the real property and interest therein described in Exhibit "A" is required and is being taken as necessary in the public interest and that the street and sewage collection and disposal system has been planned, designed, located and will be constructed in a manner that will be more compatible with the greatest public benefit and the least private injury or damage.

Section 3. The City of Canby and its Attorney be and they are hereby authorized to attempt to agree with the owners and other persons in interest in the real property and interest therein described in Exhibit "A" as to the compensation to be paid for the appropriation of the property, and in the event that no satisfactory agreement can be reached, then the Attorney for the City of Canby be and the same hereby is directed and authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire the real property and interest therein and that upon the filing of such proceedings, possession of the real property and interest therein may be taken immediately.

Section 4. Upon the trial or any suit or action instituted to acquire the real property or any interests therein, the Attorney acting for and on behalf of the City of Canby be and hereby is authorized to make such stipulation, agreement or admission as in his judgment may be for the best interest of the City of Canby.

ADOPTED this 18th day of August, 1993, by the Canby City Council.



Scott Taylor, Mayor

ATTEST:



Marilyn K. Perkett
City Recorder

Exhibit "A"

Legal Description: Faist TL 2000

 Part of the Southeast one-quarter of the Northwest one-quarter of Section 3, Township 4 South, Range 1 East of the W.M. more particularly described as follows:

Beginning at the northwest corner of the SE 1/4 of the NW 1/4 of said Section 3; thence S 88°47'05"E along the 1/16 Section line 45.00 feet; thence along a clockwise curve having a delta angle of 41°31'23", a radius of 176.62 feet; an arc length of 128.00 feet, and a chord bearing and distance of S 21°56'44" W 125.22 feet; thence N 0°53'17" E 117.11 feet to the point of beginning. Said parcel contains 3598 sq. ft. more or less.

