

AN ORDINANCE, PROVIDING FOR THE INSTITUTING OF A PROCEEDING FOR THE CONDEMNATION OF CERTAIN REAL PROPERTY, REQUIRED BY PUBLIC NECESSITY, FOR A PORTION OF A RIGHT OF WAY FOR A PUBLIC THOROUGHFARE, TO BE DESIGNATED PROUTY AVENUE, AS PARTICULARLY DESCRIBED IN THE ORDINANCE, SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF WARRENTON, APPOINTING THREE DISINTERESTED PERSONS AS VIEWERS, AND DECLARING AN EMERGENCY.

WHEREAS, the Common Council did, on the 13th day of December, 1921, enter into a written contract with Prouty Lumber and Box Co., a corporation, wherein the City of Warrenton leased to said corporation, for a period of 50 years from that date, a certain 20-acre tract of land, to be used as a site for a saw-mill and (or) Box factory, or other industrial purposes, a copy of which contract, wherein said 20-acre tract of land is particularly described, being on file in the office of the Auditor and Police Judge of said City, which is hereby referred to and made a part of this ordinance; that in such contract, the City of Warrenton obligated itself to open up and improve, and have in readiness for travel, within 90 days from the date of the execution of said contract, a public thoroughfare, such the Council proposes to make, under the name of Prouty Avenue, along the courses and distances hereinafter described; that at the request of the Council, the City Engineer has prepared and filed with the Auditor and Police Judge a white print, showing said proposed thoroughfare, including a temporary 30-foot roadway connecting with said proposed Prouty Avenue, which white print is hereby referred to and made a part hereof; and

WHEREAS, the Council finds that the public necessity requires that a right of way for said proposed Prouty Avenue and said proposed 30-foot temporary roadway connecting therewith, be procured and said proposed public thoroughfare be opened up, established and improved at the earliest practicable moment; and

WHEREAS, portions of said right of way for the said proposed public thoroughfare, as planned by the Council and laid out by the City Engineer, crosses a portion of the land owned and held by the Estate of D. K. Warren, deceased, and the heirs of such deceased; and

WHEREAS, the City authorities have endeavored to procure, by an amicable agreement, such parts of said right of way as cross the lands of the estate of D. K. Warren, deceased, but have been unable to effect such an agreement, and the Council finds there is nothing left for it to do but to immediately proceed to obtain such parts of said right of way by a condemnation proceeding, as provided by law, and that the public necessity and public interest of the City and its inhabitants demand such a course of procedure: Now, therefore,

THE CITY OF WARRENTON DOES ORDAIN, as follows:

Section 1. That the public necessity requires that the Common Council of the City of Warrenton procure, by condemnation, the hereinafter described right of way, or so much thereof as passes over lands owned by the Estate of D. K. Warren, deceased, the heirs of such deceased or their successors in interest, for a proposed public thoroughfare, hereinafter particularly described, and that the City Attorney of Warrenton be, and he hereby is, authorized and directed to institute a suit or action for the condemnation of said property required for said proposed public thoroughfare.

Section 2. That L. L. Paget, A. J. Peterson & C. C. Hagmair with

Willis Mudd & Thomas Jewett as alternates be, and they hereby are, appointed as viewers of said property proposed to be taken by condemnation, as afore-

said, and they shall, within 30 days from the beginning of said action, view such property and make a report to the Council of the value of the property and of the rights and interest of the several parties or persons having interests therein.

Section 3. That the property necessary to take by said condemnation proceeding, for said proposed temporary 30-foot roadway, and said Prouty Avenue, is particularly described as follows, to-wit:

A strip of land thirty feet wide, being fifteen feet on each side of a center line described as follows:

Beginning at a point on the North line of First Street, in the City of Warrenton, Oregon, 76.33 feet Westerly from the intersection of said North line of First Street with the pierhead line on the West bank of the Skipanon River, as adopted by the Common Council of said City; thence North 44° East parallel with and 67.5 feet distant westerly, measured at right angles from the said pierhead line on the West bank of Skipanon River, 1130 feet, more or less, to a point; thence along a curve to the left having a radius of 359.3 feet (16° C) 156.9 feet, to a point which is 2717.6 feet South 19° West from the Northwest corner of the 50-acre tract of land owned by the City of Warrenton, said Northwest corner being S. $78^{\circ} 45'$ E. 1117.75 feet distant from the quarter corner between Sections 15 and 16, Township 8, North of Range 10, W.W.M., containing 0.89 acres, more or less; and

A strip of land one hundred feet wide, being fifty feet on each side of a center line described as follows:

Beginning at a point on the Southerly side of Madison Avenue, in said City, which is South 19° West 2143.1 feet from the Northwest corner of the 50-acre tract of land owned by the said City of Warrenton, said Northwest corner being S. $78^{\circ} 45'$ E. 1117.75 feet distant from the quarter corner between Sections 15 and 16, Township 8, North of Range 10, W. W. M.; thence South 19° West 574.5 ^{1/2} feet, more or less, to a point which is South 19° West 2717.6 feet from the Northwest corner of said 50-acre tract of land, containing 1.32 acres, more or less; and

A parcel of land adjoining on the West the 50-acre tract of land owned by the City of Warrenton, and described as follows:

Beginning at the Northwest corner of said 50-acre tract of land, which corner bears S. $78^{\circ} 45'$ E. 1117.75 feet distant from the quarter corner between Sections 15 and 16, Township 8, North of Range 10, W. W. M.; thence South 19° West, parallel with, and 60 feet distant Westerly from, the Westerly boundary of said 50-acre tract of land 2072.8 feet, more or less, to the Northerly line of Madison Avenue in said City; thence S. $65^{\circ} 44\frac{1}{2}'$ E. along the Northerly line of said Madison Avenue 120.5 feet to a point; thence North 19° East 100.4 feet to a point on the Southerly line of said 50-acre tract; thence N. $65^{\circ} 44\frac{1}{2}'$ W. along the Southerly line of said 50-acre tract 60.25 feet to the Southwest corner thereof; thence N. 19° E. 1972.4 feet, along the Westerly line of said 50-acre tract, to the point of beginning, containing 2.99 acres, more or less.

Section 4. That the enactment of this ordinance at this time, and the taking effect of the same forthwith, is necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Warrenton.

Passed by the Council and approved by the Mayor on this 16th day of January, A. D. 1922.

Attest:

John Evenden
Auditor and Police Judge.

F. M. Warren
Mayor.