

WHEREAS, by virtue of the laws of the state of Oregon and the City of Lebanon, the City of Lebanon is duly authorized and empowered to locate, acquire, construct, alter, enlarge, renew, replace, operate and/or maintain such traffic control facilities as the City Council deems it necessary and proper for the safe passage of vehicular, pedestrian and railroad traffic in the City; and

WHEREAS, by virtue of the laws of the state of Oregon and the City of Lebanon, the City of Lebanon may acquire by purchase, gift, devise, condemnation proceedings or otherwise, such real and personal property, interests therein, easements and rights-of-way, either within or without the limits of the City as the City Council deems necessary or appropriate to exercise its power; and

WHEREAS, for the purpose of providing safety for vehicular, pedestrian and railroad traffic, it is necessary to install a cantilever-type traffic control device as described in attached Exhibit "A"; and

WHEREAS, the Public Utility Commission of the state of Oregon has ordered that the railroad crossing at this location be signalized; now, therefore,

BE IT RESOLVED by the City of Lebanon as follows:

Section 1. The City of Lebanon does hereby find and declare that there is needed and required for the location, construction, operation, maintenance, and repair of the traffic control device described herein, that certain real property more particularly set forth and described in attached Exhibit "B", incorporated herein by reference.

Section 2. The location, construction, operation, maintenance and repair of the said traffic control device for which the real property and interest therein described in Exhibit "B" is required, is being taken as necessary in the public interests and will be constructed, operated, maintained and repaired in such a manner that will be most compatible with the greatest public benefit and the least private injury or damage.

Section 3. The City Administrator or his designate and the City Attorney be, and they hereby are, authorized and directed to attempt to agree with the owners and other persons with interest in the real property described in Exhibit "B" 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 City Attorney is hereby authorized and directed to commence and prosecute to final determination such proceedings as may be necessary to acquire the real property and interest therein described in attached Exhibit "B", and that upon the filing of such proceeding, possession of the real property and interest therein may be taken immediately.

Section 4. Upon the trial of any suit or action instituted to acquire the real property or any interests therein, the attorney or attorneys acting for and on behalf of the City of Lebanon are hereby authorized to make such stipulation, agreement or admission as in their judgment may be for the best interests of the City of Lebanon.

Section 5. In order to protect the health, safety and welfare of the public, an emergency exists and it is necessary that no undue delay be encountered in obtaining access to and possession of the real property and interest therein described in Exhibit "B" in order to accomplish the purposes set forth herein, this Resolution shall be in force and effect from and after its passage and approval.

Passed by a vote of 6 for and 0 against and approved by the Mayor this 8<sup>th</sup> day of June, 1988.

  
\_\_\_\_\_  
Mayor

ATTEST:

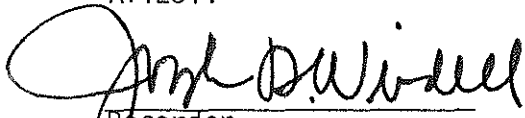
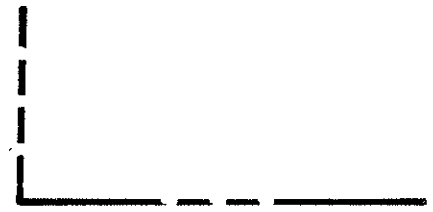
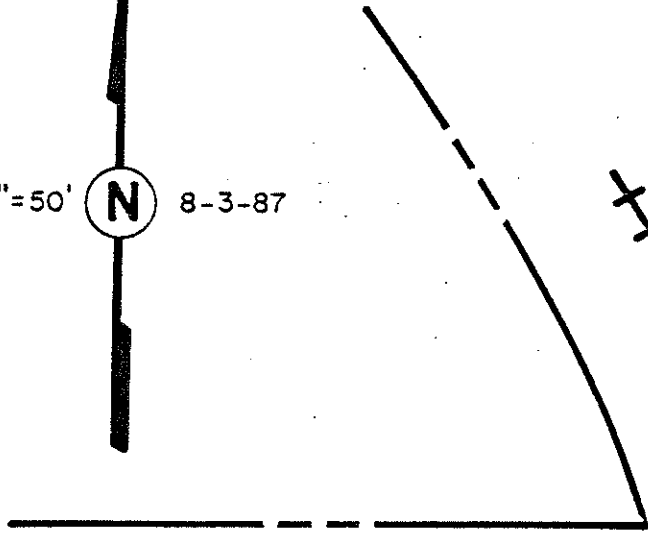
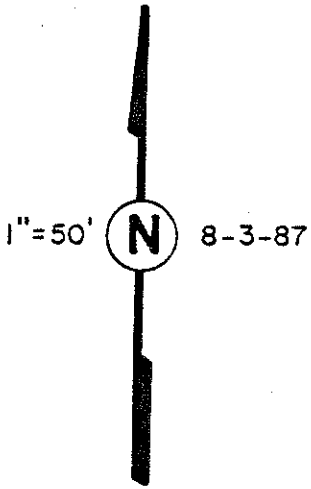
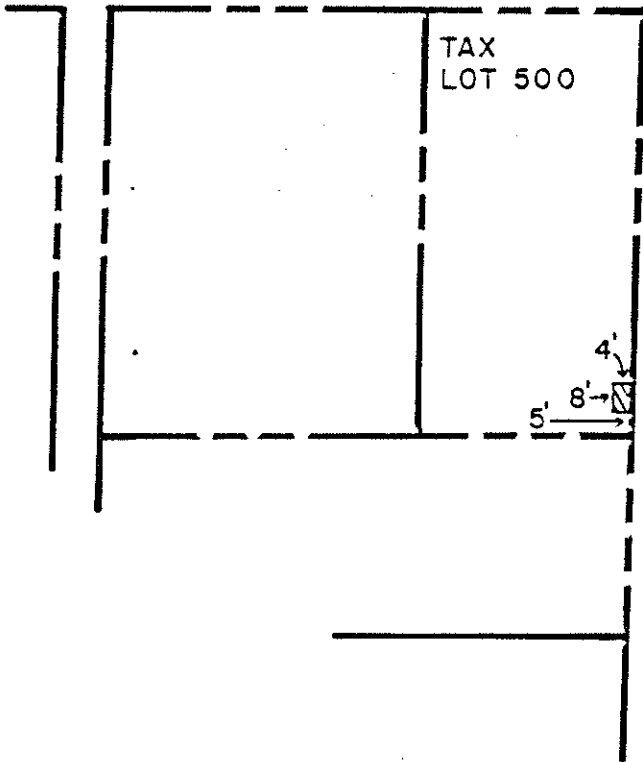
  
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Recorder

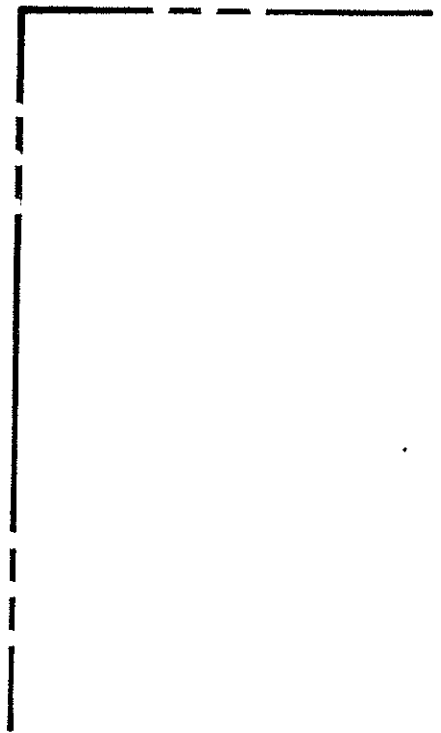
EXHIBIT - A



ELMORE ST.



WILLIAMS ST.



PERPETUAL UTILITY EASEMENT

FOR VALUE RECEIVED, in the amount of \_\_\_\_\_, the undersigned Grantor, STEPHEN C. RICHARDSON, does hereby grant to the City of Lebanon, a Municipal Corporation, the grantee, a perpetual utility easement over, under and upon a portion of land described as follows:

Beginning at a point on the Westerly right-of-way line of Williams Street, which point is described as being 104 feet South and 20 feet West of the original Northeast corner of "Queen Anne Addition" to the City of Lebanon, Linn County, Oregon; thence West leaving said right-of-way a distance of 4 feet, thence North a distance of 8 feet, thence East to said right-of-way a distance of 4 feet, thence South along said right-of-way a distance of 8 feet to the point of beginning.

TO HAVE AND TO HOLD such easement unto the public forever.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1988.

SIGNED: X \_\_\_\_\_ .

STATE OF OREGON            )  
  ) ss  
County of ✓ \_\_\_\_\_ )

Before me, the undersigned, a Notary Public in and for said County and State, on this ✓ \_\_\_\_\_ day of ✓ \_\_\_\_\_, 1988, personally appeared  
✓ \_\_\_\_\_, to me known to be the identical person who executed the foregoing instrument and acknowledged to me that ✓ \_\_\_\_\_ executed the same as ✓ \_\_\_\_\_ free and voluntary act and deed for the purposes set forth.

GIVEN under my hand and seal the day and year last above written.

X \_\_\_\_\_

Notary Public State of Oregon

My Commission Expires ✓ \_\_\_\_\_