

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, and/or maintain public streets within the City of Lebanon as the City Council deems it necessary and proper for the safety of vehicular and pedestrian traffic; 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 ways, 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 relocating and providing safety for vehicular and pedestrian traffic, it is necessary to relocate Market Street, a public city street located within the City of Lebanon, or a portion thereof, as described in attached Exhibit "A", incorporated herein by reference;

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 safety of the citizens of the City of Lebanon and vehicular and pedestrian traffic thereof, that Market Street, a public city street located within the City of Lebanon, and a portion thereof, be relocated to include a parcel of real property, described in Exhibit "A", incorporated herein by reference.

Section 2. The relocation, construction, operation, and maintenance of the relocated portion of Market Street for which the real property and interest therein described in Exhibit "A"

is required, is being taken as necessary in the public interest and will be constructed, 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 owner and other persons with interest in said real property 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 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 "A", 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 interest 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 "A" 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 the Council of the City of Lebanon by a vote of
4 for and 0 against, and approved by the Mayor
this 11th day of September, 1991.



MAYOR

ATTEST:



City Recorder

EXHIBIT "A"

Beginning at a brass screw in a concrete curb on the Southwesterly right-of-way line of the South Santiam Highway (US No. 20) marking the Northeast corner of that tract of land conveyed to Mabel E. Lott by deed recorded February 4, 1975, in Microfilm Volume 102, Page 236, Records for Linn County, Oregon, which is 50.00 feet South $47^{\circ}40'23''$ East from the Northwest corner of Lot 10, HORN SUBDIVISION situated in Township 12 South, Range 2 West of the Willamette Meridian in Linn County, Oregon; thence South $47^{\circ}40'23''$ East along said right-of-way line, a distance of 79.99 feet; thence Westerly along the arc of a 20.00 foot wide radius curve to the left (the chord of which bears South $87^{\circ}20'16''$ West 28.28 feet) a distance of 31.41 feet; thence South $42^{\circ}20'56''$ West 79.44 feet; thence Southwesterly along the arc of a 290.00 foot radius curve to the right (the chord of which bears South $44^{\circ}24'26''$ West 20.83 feet) a distance of 20.84 feet to a point on the boundary of said Lott tract; thence North $47^{\circ}31'46''$ West along said Lott boundary line, 59.25 feet to an angle point in said boundary line; thence North $42^{\circ}20'56''$ East 120.11 feet to the point of beginning.