

A RESOLUTION FOR THE ACQUISITION OF) RESOLUTION NO. 5
REAL PROPERTY BY CONDEMNATION BY) For 1996
THE CITY OF LEBANON, AND DECLARING)
AN EMERGENCY.)

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, roads, and water and storm systems within the City of Lebanon as the City Council deems it necessary and proper for the safety of vehicular and pedestrian traffic and the preservation and mitigation of State designated wetlands areas; 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, interest 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 constructing streets, roadways, water and storm systems, and providing safety for vehicular and pedestrian traffic, and to preserve, protect, relocate, and mitigate against the loss of State designated wetlands areas, and for the health, safety, benefit, and general welfare of the public, the City of Lebanon plans to locate, construct, operate, and maintain certain streets and roadways and their systems in Lebanon, Linn County, Oregon;

NOW, THEREFORE, BE IT RESOLVED by the City of Lebanon as follows:

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, for the preservation and

mitigation for State designated wetlands areas, for the water and storm systems, and for vehicular and pedestrian traffic thereof, and for the location, construction, operation, maintenance, repair, and improvement of the Hansard Avenue infrastructure improvements, Lebanon Project No. 94705, the real property and interests therein, more particularly set forth and described in Exhibits "A" through "F" attached hereto and by reference incorporated herein.


2. The location, construction, maintenance, repair, and improvement of the Hansard area infrastructure improvements project for which the real property and interest therein described in Exhibits "A" through "F", attached hereto and by reference incorporated herein, is required and is being taken as necessary in the public interest, and that the Hansard area infrastructure improvements, including the street system, and water and storm system, has been planned, designed, located, and will be constructed in a manner that will be most compatible with the greatest public benefit and the least private injury or damage.

3. The City of Lebanon, through its 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 an interest in said real property described in Exhibits "A" through "F" as to the compensation to be paid for the appropriation of the property, and, in the event that no satisfactory agreement can or has been 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 Exhibits "A" through "F", and that upon the filing of such proceeding, possession of the real property and interest therein may be taken immediately.

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.

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 Exhibits "A" through "F" 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 5 for and 0 against, and approved by the Mayor this 13th day of March, 1996.


MAYOR

ATTEST:

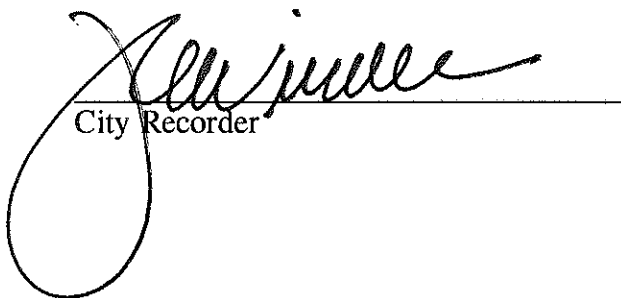

City Recorder

EXHIBIT "A"

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER (1/4) OF SECTION 10, TOWNSHIP 12 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN LINN COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WHICH BEARS NORTH 89° 32' 27" EAST 1255.75 FEET AND NORTH 0° 32' 13" WEST 30.00 FEET FROM THE SOUTHWEST CORNER OF THE MORGAN KEES DONATION LAND CLAIM NO. 43; THENCE NORTH 0° 32' 13" WEST 443.96 FEET; THENCE NORTH 89° 23' 18" EAST 7.00 FEET; THENCE NORTH 0° 32' 13" WEST 12.22 FEET TO A POINT ON A 125.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE 196.07 FEET NORTHEASTERLY ALONG THE ARC OF SAID CURVE (LONG CHORD BEARS NORTH 44° 23' 59" EAST 176.58 FEET); THENCE NORTH 89° 20' 11" EAST 159.57 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO ENTEK MANUFACTURING, INC., IN LINN COUNTY RECORDS VOLUME 430, PAGE 595; THENCE NORTH 0° 39' 48" WEST ALONG THE WEST LINE OF SAID TRACT 60.00 FEET; THENCE SOUTH 89° 20' 11" WEST, LEAVING SAID WEST LINE OF SAID TRACT, 358.16 FEET; THENCE SOUTH 0° 32' 13" EAST 556.73 FEET TO A POINT ON A 75.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHWESTERLY 117.91 FEET ALONG THE ARC OF SAID CURVE (LONG CHORD BEARS SOUTH 44° 44' 55" WEST 70.75 FEET) TO A POINT WHICH IS 39.00 FEET NORTH OF THE CENTERLINE OF TANGENT STREET (U.S. HIGHWAY 34); THENCE SOUTH 89° 32' 27" WEST PARALLEL TO SAID CENTERLINE 779.69 FEET; THENCE SOUTH 22° 57' 24" EAST 9.74 FEET TO A POINT WHICH IS 30.00 FEET NORTH OF SAID CENTERLINE; THENCE NORTH 89° 31' 47" EAST 918.07 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.689 ACRES OF LAND MORE OR LESS. THE BASIS OF BEARINGS FOR THE ABOVE DESCRIPTION IS FROM LINN COUNTY SURVEY NO. 21373 .

EXHIBIT "B"

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER (1/4) OF SECTION 10, TOWNSHIP 12 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN LINN COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH BEARS NORTH 82° 52' 40" EAST 336.12 FEET FROM THE SOUTHWEST CORNER OF THE MORGAN KEES DONATION LAND CLAIM NO. 43, SAID POINT ALSO BEING 39.00 FEET NORTH OF THE CENTERLINE OF TANGENT STREET (U.S. HIGHWAY 34); THENCE NORTH 22° 57' 24" WEST 16.24 FEET; THENCE NORTH 89° 32' 27" EAST, PARALLEL WITH THE CENTERLINE OF TANGENT STREET, 785.91 FEET TO A POINT ON A 60.00 FOOT CURVE TO THE LEFT; THENCE 94.33 FEET NORTHWESTERLY ALONG THE ARC OF SAID CURVE (LONG CHORD BEARS NORTH 44° 30' 07" EAST 84.91 FEET) TO A POINT THAT BEARS WEST 52.00 FEET FROM THE CENTERLINE OF 12TH STREET; THENCE NORTH 0° 32' 13" WEST PARALLEL TO SAID CENTERLINE 556.73 FEET; THENCE NORTH 89° 27' 47" EAST 15.00 FEET TO THE WESTERLY RIGHT-OF-WAY OF 12TH STREET; THENCE SOUTH 0° 32' 13" EAST ALONG SAID RIGHT-OF-WAY 556.73 FEET TO A POINT ON THE ARC OF A 75.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE 117.91 FEET SOUTHWESTERLY ALONG THE ARC OF SAID CURVE (LONG CHORD BEARS SOUTH 44° 30' 07" WEST 106.14 FEET) TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF THE AFOREMENTIONED TANGENT STREET (39.00 FEET NORTH OF THE CENTERLINE); THENCE SOUTH 89° 32' 37" WEST ALONG SAID RIGHT-OF-WAY LINE 779.69 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.498 ACRES (21,685 SQUARE FEET) OF LAND, MORE OR LESS. THE BASIS OF BEARINGS FOR THE ABOVE DESCRIPTION IS FROM LINN COUNTY SURVEY NO. 21373.

EXHIBIT "C"

A PARCEL OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER (1/4) OF SECTION 3, TOWNSHIP 12 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, AND WITHIN THE WILLIAM B. GORE DONATION LAND CLAIM NO. 38, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH BEARS NORTH 89° 55' 00" EAST 2430.66 FEET FROM THE NORTHWEST CORNER OF THE MORGAN KEES DONATION LAND CLAIM NO. 43 SAID POINT ALSO BEING ON THE SOUTH LINE OF THE WILLIAM B. GORE DONATION LAND CLAIM NO. 38 AND THE WESTERLY RIGHT-OF-WAY LINE OF HANSARD AVENUE; THENCE SOUTH 89° 55' 00" WEST LEAVING SAID RIGHT-OF-WAY AND ALONG SAID SOUTH DONATION LAND CLAIM LINE 469.23 FEET; THENCE NORTH 0° 27' 06" WEST LEAVING SAID DONATION LAND CLAIM LINE 165.00 FEET; THENCE NORTH 89° 55' 00" EAST 190.00 FEET; THENCE SOUTH 0° 27' 06" EAST 105.00 FEET TO A POINT WHICH IS 60.00 FEET NORTH OF THE AFOREMENTIONED DONATION LAND CLAIM LINE; THENCE NORTH 89° 55' 00" EAST PARALLEL TO SAID CLAIM LINE 303.95 TO THE MOST EASTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN LINN COUNTY RECORDS VOLUME 694 PAGE 624; THENCE SOUTH 0° 36' 04" EAST 34.79 FEET TO THE NORTHEAST CORNER OF THE NORTH TERMINUS OF THE HANSARD AVENUE RIGHT-OF-WAY; THENCE SOUTH 89° 55' 00" WEST 50.00 FEET TO THE NORTHWEST CORNER OF THE NORTH TERMINUS OF SAID RIGHT-OF-WAY; THENCE SOUTH 0° 54' 08" EAST ALONG THE WEST LINE OF SAID RIGHT-OF-WAY 25.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.11 ACRES (48,333 SQUARE FEET) OF LAND, MORE OR LESS. THE BASIS OF BEARINGS FOR THE ABOVE DESCRIPTION IS FROM LINN COUNTY SURVEY NO. 17384.

EXHIBIT "D"

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER (1/4) OF SECTION 3, TOWNSHIP 12 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN LINN COUNTY, OREGON, 130.00 FEET IN WIDTH MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH BEARS NORTH 89° 55' 07" EAST 3135.66 FEET (47.51 CHAINS) FROM THE NORTHWEST CORNER OF THE MORGAN KEES DONATION LAND CLAIM NO. 43, SAID POINT ALSO BEING ON THE NORTH LINE OF SAID CLAIM; THENCE NORTH 89° 54' 47" EAST ALONG SAID CLAIM LINE 452.82 FEET TO THE SOUTHWEST CORNER OF THE WEST ONE-HALF (1/2) OF THE WILLIAM B. GORE DONATION LAND CLAIM NO. 38; THENCE SOUTH 89° 55' 25" EAST ALONG SAID CLAIM LINE 1228.43 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF U.S. HIGHWAY NO. 20; THENCE SOUTH 16° 40' 24" EAST ALONG SAID RIGHT-OF-WAY 118.34 FEET TO A POINT ON A 20.00 FOOT RADIUS CURVE TO THE LEFT; THENCE 31.42 FEET ALONG THE ARC OF SAID CURVE (LONG CHORD BEARS NORTH 61° 40' 27" WEST 28.28 FEET); THENCE SOUTH 73° 19' 34" WEST 50.00 FEET TO A POINT ON A 369.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE WESTERLY 107.88 FEET ALONG THE ARC OF SAID CURVE (LONG CHORD BEARS SOUTH 81° 42' 04" WEST 107.49 FEET); THENCE NORTH 89° 55' 25" WEST 1083.19 FEET; THENCE SOUTH 89° 54' 47" WEST 452.20 FEET; THENCE NORTH 0° 16' 48" WEST 130.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.020 ACRES OF LAND, MORE OR LESS. THE BASIS OF BEARINGS FOR THE ABOVE DESCRIPTION IS FROM LINN COUNTY SURVEY NO. 21373.

EXHIBIT "E"

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER (1/4) OF SECTION 3, TOWNSHIP 12 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH BEARS SOUTH 85° 13' 22" EAST 1236.97 FEET FROM THE SOUTHEAST CORNER OF THE WEST ONE-HALF (1/2) OF THE WILLIAM B. GORE DONATION LAND CLAIM NO. 38; THENCE NORTH 73° 19' 34" EAST 5.00 FEET TO A POINT ON THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY 31.69 FEET ALONG THE ARC OF SAID CURVE (LONG CHORD BEARS SOUTH 61° 41' 27" EAST 28.28 FEET) TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 20; THENCE SOUTH 16° 40' 25" EAST, ALONG SAID RIGHT-OF-WAY, 1394.88 FEET TO A POINT ON A 48.52 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHWESTERLY LEAVING SAID RIGHT-OF-WAY 50.67 FEET ALONG THE ARC OF SAID CURVE (LONG CHORD BEARS SOUTH 14° 25' 47" WEST 48.40 FEET); THENCE NORTH 16° 40' 25" WEST 1456.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.827 ACRES (36,025 SQUARE FEET) OF LAND, MORE OR LESS. THE BASIS OF BEARINGS FOR THE ABOVE DESCRIPTION IS FROM LINN COUNTY SURVEY NO. 21373.

EXHIBIT "F"

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER (1/4) OF SECTION 3, TOWNSHIP 12 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH BEARS NORTH 89° 55' 07" EAST 3135.66 FEET FROM THE NORTHWEST CORNER OF THE MORGAN KEES DONATION LAND CLAIM NO. 43, SAID POINT ALSO BEING ON THE NORTH LINE OF SAID CLAIM; THENCE SOUTH 00° 16' 48" EAST 130.00 FEET; THENCE SOUTH 89° 54' 47" WEST 626.24 FEET TO A POINT ON A 20.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 31.69 FEET (LONG CHORD BEARS SOUTH 44° 31' 26" WEST 28.48 FEET) TO A POINT THAT IS 32.17 FEET EAST OF THE CENTERLINE OF HANSARD AVENUE; THENCE SOUTH 00° 51' 55" EAST, PARALLEL TO THE CENTERLINE OF SAID AVENUE 182.68 FEET; THENCE SOUTH 89° 54' 47" WEST 7.17 FEET; THENCE NORTH 00° 51' 53" WEST PARALLEL TO THE AFOREMENTIONED CENTERLINE 332.97 FEET TO A POINT ON THE AFOREMENTIONED CLAIM LINE; THENCE NORTH 89° 54' 47" EAST ALONG SAID CLAIM LINE 655.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.99 ACRES (86,608 SQUARE FEET) OF LAND MORE OR LESS. THE BASIS OF BEARINGS FOR THE ABOVE DESCRIPTION IS FROM LINN COUNTY SURVEY NO. 21373 .