

A RESOLUTION FOR THE ACQUISITION OF) RESOLUTION NO. 28
REAL PROPERTY BY CONDEMNATION BY) For 1997
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, utilities and roads within the City of Lebanon as the City Council deems it necessary and proper for the safety of vehicular and pedestrian traffic and the flow of public utilities; 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, and providing safety for vehicular and pedestrian traffic, and to protect the transportation and flow of public utilities 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 including the construction and placement of public utilities and fire hydrants 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 prevention of fire disasters, for the free flow of public utilities, and for vehicular and pedestrian traffic thereof,

and for the location, construction, operation, maintenance, repair, and improvement of the fire prevention system for the benefit of the citizens of the City of Lebanon, certain perpetual and permanent easements and rights-of-way, including the right to enter upon the real property and to maintain and repair public utilities for the purpose of conveying public utilities services therefore, together with the right to excavate and refill ditches and/or trenches for the location of the said public utilities and the further right to remove trees, bushes, undergrowth and other obstructions interfering with the location and maintenance of the said public utilities for the benefit of the City of Lebanon, more particularly set forth and described in Exhibit "A" attached hereto and by reference incorporated herein.

2. The location, construction, maintenance, repair, and improvement of the public utility system for which the real property and interest therein described in Exhibit "A", attached hereto and by reference incorporated herein, is required and is being taken as necessary in the public interest, and that the public utility improvements, including the fire prevention and public utility 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 Exhibit "A" 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 Exhibit "A",

and that upon the filing of such proceeding, possession of the real property and interest therein may be taken immediately.

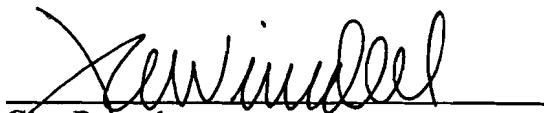
4. Upon the trial of any suit or action instituted to acquire the real property or any interest therein, the attorney or attorneys acting for and on behalf of the City of Lebanon are hereby authorized to make such stipulation, agreement, or admission as in their judgment may be for the best interests 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 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 6 for and 0 against, and approved by the Mayor this 9th day of July, 1997.


MAYOR

ATTEST:


City Recorder

The following parcel being a portion of that property as recorded on Microfilm No. 589-857, Deed Records, Linn County, Oregon and being described as follows:

Beginning in the center of the Airport Road which is North $0^{\circ} 11'$ West, 24.52 feet and North $88^{\circ} 32'$ East, 426 feet from the southeast corner of the Simon A. Nickerson Donation Land Claim No. 68, Township 12 South, Range 2 West of the Willamette Meridian, Linn County, Oregon, said point being the northeast corner of that certain tract conveyed by L.E. Arnold and wife to Garland C. Smith and wife by deed recorded May 31, 1951 in Book 221, page 362, Deed Records; thence, South $0^{\circ} 11'$ East a distance of 30.00 feet to a point on the south right-of-way line of Airport Road which is the True Point of Beginning; thence, North $88^{\circ} 32'$ East along said right-of-way line a distance of 66.5 feet; thence, South $0^{\circ} 11'$ East a distance of 7.00 feet; thence South $88^{\circ} 32'$ West a distance of 66.5 feet; thence, North $0^{\circ} 11'$ West a distance of 7.00 feet to the true point of beginning.

Containing 465.38 square feet, more or less.

EXHIBIT A
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AIRPORT RD.

