

**A RESOLUTION FOR THE ACQUISITION OF
REAL PROPERTY BY CONDEMNATION BY
THE CITY OF LEBANON, AND DECLARING
AN EMERGENCY.**

) **RESOLUTION NO. 33**
) **For 1998**
)
)

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

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 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 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. 94705-24, File No. 2500HR2, known as the Hansard Area Improvements Phase II, the real property and interests therein, 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 Hansard area infrastructure improvements project 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 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 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

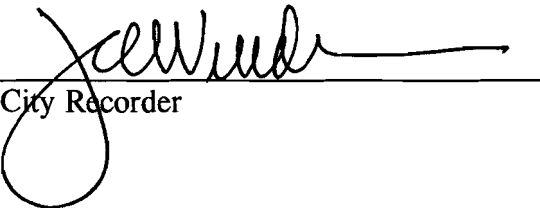
hereby authorized to make such stipulation, agreement, or admission as in their judgment may be for the best interests of the City of Lebanon.

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.

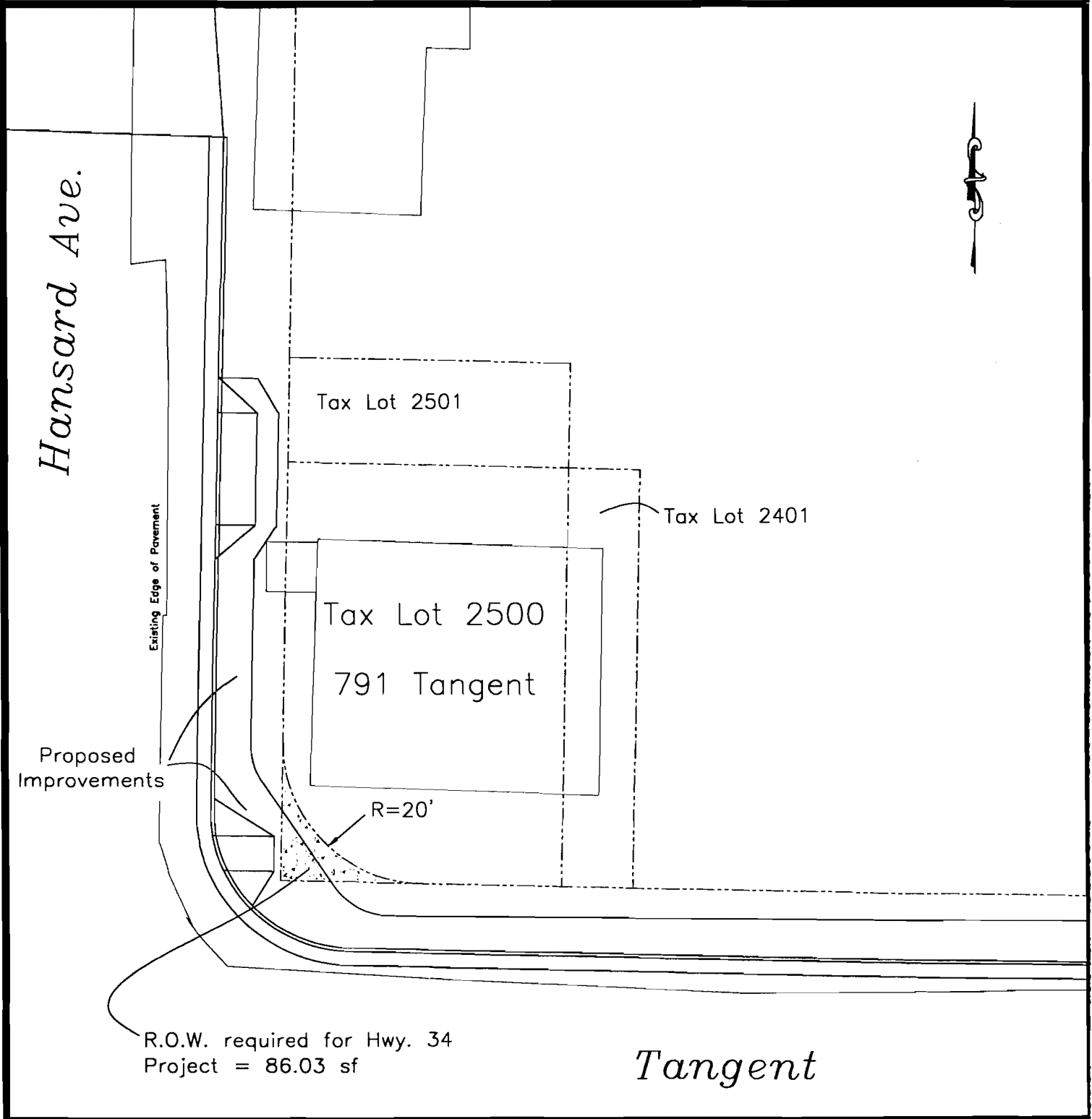
Passed by the Council of the City of Lebanon by a vote of 5 for and 0 against, and approved by the Mayor this 9th day of December, 1998.


MAYOR

ATTEST:


City Recorder

Proposed Right-of-Way 791 Tangent Street



Hansard Ave.

Tax Lot 2501

Tax Lot 2401

Tax Lot 2500

791 Tangent

R=20'

Proposed Improvements

Existing Edge of Pavement

R.O.W. required for Hwy. 34
Project = 86.03 sf

Tangent

**OFFICE OF THE CITY ATTORNEY
CITY OF LEBANON**

*80 E. Maple St.
Lebanon, OR 97355
(541) 451-7419*

**To: Joseph A. Windell
City Administrator**

December 1, 1998

**From: Thomas A. McHill
City Attorney**



Re: Hansard Avenue Improvement Project

Our negotiations on the procurement of a parcel of property located at the intersection of Tangent and Hansard have somewhat broken down. We have been able to enter upon the property for purposes of construction by the courtesy of the property owner by way of an entry permit. Since we have permission to be on the property, we felt that time would not be a problem in working out the compensation issues.

Now, however, staff has discovered that the subject property has been listed for sale. While we know of no pending sales activity on the property, we feel that it is prudent to be prepared to file a condemnation proceeding to keep the compensation issues moving.

Therefore, I have prepared the enclosed resolution for purposes of asking Council's authorization to proceed on this matter, including filing our condemnation complaint, if necessary. We have already provided the property owner with the "20 day offer" that is required by the statute. While we still maintain hope that this matter can be resolved short of litigation, we ask the Council's endorsement so that we may move quickly, if necessary.