

RESOLUTION NO. 96-006

A RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY STAFF TO PROCEED WITH NEGOTIATIONS FOR ACQUISITION OF A PORTION OF THE REAL PROPERTY DESCRIBED AS ASSESSOR'S MAP NO. 1N 13 4AB, TAX LOT 400, FOR THE PURPOSE OF CONSTRUCTING A PORTION OF THE CHERRY HEIGHTS ROAD EXTENSION

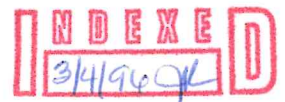
WHEREAS, ORS 223.105 provides that the City Council can initiate proceedings for the purpose of acquiring private property to allow for the extension of streets, and

WHEREAS, on August 14, 1995, the City Council adopted Resolution No. 95-057, creating a Local Improvement District for the project known as the Cherry Heights Extension; and

WHEREAS, the engineer's design for proposed extension of Cherry Heights Road indicates that a portion of the right-of-way needed to complete the extension is located upon a portion of the real property located on West Fifth Place, The Dalles, Oregon, and is identified as Assessor's Map No. 1N 14 4AB, Tax Lot 400; and

WHEREAS, for the purpose of completing the construction of the extension of Cherry Heights Road, it is necessary to acquire the above-described property to construct a public street; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THE DALLES AS FOLLOWS:



Section 1. The City Council does hereby find and declare there is needed and required for the location, construction, and maintenance of a public street, the real property and interests therein, identified as Assessor's Map No. 1N 13 4AB, Tax Lot 400, which is further described in the legal description attached as Exhibit "A", and by this reference incorporated herein.

Section 2. The location, construction, and maintenance of the proposed extension of Cherry Heights Road, for which the real property and interests described in Exhibit "A" are required, will be taken as necessary in the public interest, and the proposed street extension will be planned, designed, located, and constructed in a manner that will be most compatible with the greatest public benefit and the least private injury or damage.

Section 3. The City Manager, City Attorney, and other appropriate City staff members are authorized to institute negotiations to attempt to agree with the owners of the real property described in Exhibit "A", as to the compensation to be paid for the appropriation of the property. In the event no satisfactory agreement can be reached, the City Attorney is authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire the real property. Upon the filing of such a proceeding, possession of the real property may be taken immediately.

Section 4. Upon the trial of any suit or action instituted to acquire the real property, the City Attorney is authorized to

make such stipulation, agreement, or admission as in his judgment may be for the best interest of the City of The Dalles.

PASSED AND ADOPTED THIS 12TH DAY OF FEBRUARY, 1996.


Voting Yes, Councilmembers:	<u>Briggs, Davis, Hill, Koch, Van Cleave</u>
Voting No, Councilmembers:	<u>None</u>
Absent, Councilmembers:	<u>None</u>
Abstaining, Councilmembers:	<u>None</u>

AND APPROVED BY THE MAYOR THIS 12TH DAY OF FEBRUARY, 1996.



David R. Beckley, Mayor

Attest:



Julie Krueger, City Clerk CM

LEGAL DESCRIPTION

OF TAKING:

A parcel of land lying in the Northeast 1/4 of Section 4, Township 1 North, Range 13 East, Willamette Meridian, Wasco County, Oregon, being more particularly described as follows.

Beginning at the southeasterly corner of that part of Lot 3 lying northerly of the northerly right-of-way of a platted 25 foot right-of-way in Tifoon's Addition, said point being the Northwest corner of that tract of land recorded in Wasco County Microfilm No. 94-0809; thence South $34^{\circ}21'00''$ West along the East line of said Tifoon's Addition 29.83 feet to the South line of said 25 foot right-of-way; thence South $88^{\circ}43'00''$ East along the extended South right-of-way 256.17 feet, more or less, to the intersection with the easterly line of that tract of land described in Wasco County Microfilm No. 94-0808, also being the West line of that tract of land recorded in Wasco County Microfilm No. 91-0811; thence North $35^{\circ}21'15''$ East along the West line of said tract recorded in Wasco County Microfilm No. 91-0811 a distance of 30.18 feet to the Northeast corner of that tract of land recorded in Wasco County Microfilm No. 94-0809; thence West along the North line of said tract to the point of beginning.

Contains 0.15 acre, more or less.