

ORDINANCE NO. 2681

AN ORDINANCE DECLARING THE PUBLIC NECESSITY FOR AN EASEMENT; DIRECTING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS; APPOINTING THREE VIEWERS FOR SAID PROPERTY AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: That public necessity requires an easement over and upon the following described property for the purpose of constructing and maintaining a sewer line thereon, to-wit:

Book 155, Page 216, Deed Records, Linn County, Oregon.

Beginning at a point 66 feet, more or less, South of the Southeastern corner of Block 96 of Monteith's Southern Addition to the City of Albany, Linn County, Oregon, said point being the intersection of the Southern boundary line of the right-of-way of the Southern Pacific Company and the East line of the hereinafter named D.L.C. No. 64;

thence South $1^{\circ}30'$ East on the East boundary line of the D.L.C. of Thomas Monteith, Notification No. 690 and Claim No. 64 in T. 11 South, Range 3 West of the Willamette Meridian, Oregon, 1706.7 feet, more or less, to the Southeast corner of the aforesaid claim;

thence South $87^{\circ}15'$ West along the Southern boundary line of said Claim, being in the center of what is sometimes designated as Spruce Street, to the Eastern boundary line of Ferry Street, in the City of Albany, Linn County, Oregon;

thence Northerly along said Eastern boundary line of Ferry Street, a distance of 400 feet more or less, to the land of the Southern Pacific Company (or Oregon & California Railroad Company);

thence Northeasterly on a direct line along the Southern boundary line of said Railroad land to the place of beginning.

ALSO, beginning at the Southwest corner of A. Hackelman and wife D.L.C., Notification No. 699, Claim No. 62, in T. 11, South, Range 3 West of the Willamette Meridian, in Linn County, Oregon, and running thence North $88^{\circ}30'$ East 13.00 chains, more or less to the center of a county road running northwesterly;

thence North $47^{\circ}37'$ west along the center of said county road to the Western boundary line of A. Hackelman's Claim aforesaid;

thence South $1^{\circ}30'$ East along the Western boundary line of said claim 12.50 chains, more or less, to the place of beginning, containing 8.12 acres more or less,

together with all and singular the tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining, and also all our estate, right, title and interest in and to the same, including dower and claim of dower.

said easement more particularly described as a strip of land 30 feet to the west and 40 feet to the east on either side of the following line for purposes of construction and 5 feet on either side of the following line for purposes of maintenance, said line described as follows:

Beginning at a point, said point being 131.9 feet South and 21.3 feet West of the Southwest corner of Abraham Hackelman D.L.C. 62, said point also described as the intersection of a line that lies 25.0 feet Westerly and parallel to the Thomas Monteith D.L.C. and the North right-of-way line of Queen Avenue;

thence North $1^{\circ}38'10''$ West 797.4 feet, more or less, to a point, said course lies 25.0 feet Westerly and parallel to the East line of the Thomas Monteith D.L.C.;

thence North $43^{\circ}39'$ East 105 feet, more or less, to a point on the Westerly right-of-way line of Howard Drive.

Section 2: The City Attorney of the City of Albany is hereby

ORDINANCE NO. 2681, Continued

instructed and directed to institute an action at law under and pursuant to the terms of the statutes of the State of Oregon concerning condemnation proceedings against those persons claiming an interest in the above described property to acquire the necessary easements, as above described, over and upon the said property, and such other steps necessary to take immediate possession of the property.

Section 3: There is hereby appointed the following persons to act as viewers of the aforementioned property:

1. Roy Collins
2. Griff Cowgill
3. C. S. Emmons or Millard Willis

The said viewers are to view the aforementioned property and to report to the Albany City Council within thirty (30) days from the date hereof as to the value of the property and the rights and interests of the several people claiming and interest therein, and the value necessary for the security of these persons, under the terms of 223.025 ORS.

Section 4: Inasmuch as the passage of this Ordinance is necessary to the immediate preservation of the peace, health and safety of the citizens of the City of Albany, an emergency is hereby declared to exist and this Ordinance shall become immediately effective upon its passage by the Council and signing by the Mayor.

Passed by the Council: August 23, 1956

Approved by the Mayor: August 23, 1956



Mayor

ATTEST:



City Recorder