

RESOLUTION INITIATING CONDEMNATION OF  
EASEMENT FOR DRAPERVILLE SANITARY SEWER

RESOLUTION NO. 2339

WHEREAS, under and by virtue of the laws of the State of Oregon, the City of Albany is duly authorized and empowered to located, acquire, construct, reconstruct, alter, enlarge, renew, replace, operate and maintain sewage collection and disposal systems and facilities as in the judgment of the City is necessary and proper for the City and adjoining areas, and,

WHEREAS, under and by virtue of the laws of the State of Oregon, the City of Albany may acquire by purchase, condemnation proceedings or otherwise, such real and personal property, interest therein and rights of way, either within or without the limits of the City as in the judgment of the City Council that are deemed necessary or proper to exercise its powers, and,

WHEREAS, for the purpose of providing a sewage collection and disposal system and facility to serve the City and to serve an area commonly referred to as the Draperville District and for the health, safety, benefit and general welfare of the citizens of the City of Albany and citizens of the Draperville area, the City plans to construct, operate, maintain and repair a sewage collection and disposal system in an area immediately adjacent to the City limits and extending northeasterly to the Draperville area, now, therefore,

BE IT RESOLVED BY THE CITY OF ALBANY as follows:

1. The City of Albany does hereby find and declare that there is needed and required for location, construction, operation, maintenance, repair and improvement of the City of Albany a sanitary sewage system, certain real property and interest therein

more particularly set forth and described as follows:

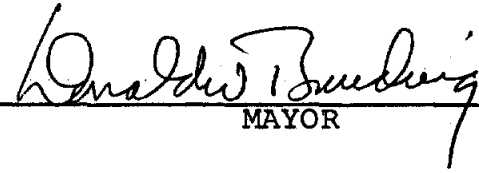
Beginning at a point which is 1980 feet South 3746.16 feet West of the Northeast corner of R. Houston Donation Land Claim No. 38 in Township 11 South, Range 3 West, W.M., Linn County, Oregon; thence North 373.56 feet; thence West 20.00 feet; thence South 373.56 feet; thence East 20.00 feet to the point of beginning.

2. The location, construction, operation, maintenance, repair and improvement of the City of Albany sewage collection system and facility for which the real property and interest therein described above is required and is being taken as necessary in the public interest at the sanitary system and facility has been planned, designed and located will be constructed in a manner which will be most compatible with the greatest public benefit and the least private injury or damage.


3. The City of Albany and its attorneys be and they are hereby authorized to attempt to agree with the owner and other persons of interest in the real property interest therein described above as to the compensation to be paid for the appropriation of the property, and, in the event that no satisfactory agreement can be reached, then the attorneys for the City of Albany be and they are hereby directed and authorized to commence and prosecute the final determination of such proceedings as may be necessary to acquire the real property and interest therein and that upon the filing of such proceeding, possession of the real property and interest therein may be taken immediately.

4. That upon the trial of any suit or action instituted to acquire the real property or any interest therein, the attorneys acting for and on behalf of the City of Albany be, and are hereby authorized to make such stipulation, agreement, or admission as in their judgment may be for the best interest of the City of Albany.

This Resolution is passed and adopted by the City Council  
of the City of Albany this 14th day of July, 1982.

  
MAYOR

Attest:

  
City Recorder