

RESOLUTION NO. 5461

A RESOLUTION DECLARING A NECESSITY THAT THE CITY ACQUIRE CERTAIN REAL PROPERTY LOCATED IN THE CITY OF ALBANY, BENTON COUNTY, OREGON FOR THE PURPOSE OF CREATING A PUBLIC RIGHT-OF-WAY

WHEREAS, the City is unable to locate and determine the owner of real property as described in the attached legal descriptions, which by this reference is incorporated herein as Exhibit A, and shown on the attached maps, which by this reference is incorporated herein as Exhibit B, located in the city of Albany, Benton County, Oregon; and

WHEREAS, the City has been unable to negotiate a private purchase from the owners of real property due to the inability to locate the true owners; and

WHEREAS, a Litigation Guarantee Title Report issued by First American Title Insurance Company of Oregon on October 5, 2005, shows title to the property in question as vested in the heirs and devisees of P.R. and Mary Williamson; and

WHEREAS, the property in question consists of a 965-foot long strip varying in width from 15 to 21 feet and was created in the 1890s when P.R. and Mary Williamson sold property to the north of the strip and south of the strip to different parties. From that time, the strip has functioned as a shared driveway between several properties; and

WHEREAS, the property lies within the planned Dover Lane alignment west of Crocker Lane and is part of the City of Albany's transportation master plan extending Dover Lane to become a local network street connecting Scenic Drive with Crocker Lane; and

WHEREAS, the property in question is necessary for creation of a public right-of-way in accordance with the City of Albany's transportation master plan and will join property already dedicated to the public which currently lies along the Dover Lane right-of-way.

NOW, THEREFORE, BE IT RESOLVED that the City of Albany is hereby authorized to continue to negotiate an agreement with the owners and other persons of interest in the real property described in Exhibit A, located in the city of Albany, Benton County, Oregon; and in the event that no satisfactory agreement can be reached, then the City of Albany be and the same hereby are directed and authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire said 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. The subject property is necessary for creation of a public right-of-way in connection with the development of certain real property, and the proposed use is located in a manner which will be most compatible with the greatest public good and the least private injury.

DATED AND EFFECTIVE THIS 25TH DAY OF JULY 2007.


Council President

ATTEST:


City Clerk

Exhibit "A"

Real property in the County of Benton, State of Oregon, described as follows:

PARCEL I

A PORTION OF LAND IN SECTION 36, TOWNSHIP 10 SOUTH, RANGE 4 WEST, OF THE WILLAMETTE MERIDIAN, CITY OF ALBANY, BENTON COUNTY, OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 4.76 CHAINS EAST, 58.6 CHAINS SOUTH TO A 1 ¼" IRON PIPE, 433.33 FEET SOUTH 00°17'59" EAST TO A ¾" IRON PIPE, AND 30.00 FEET SOUTH 00°17'59" EAST FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 10 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 89°44'15" EAST 468.92 FEET TO A POINT SOUTH 30.00 FEET FROM A 7/8" IRON ROD AT THE SOUTHEAST CORNER OF LAND DESCRIBED IN DEED M- 199976-95 AS RECORDED IN BENTON COUNTY DEED RECORDS; THENCE SOUTH 89°51'59" EAST 168.48 FEET TO A POINT NORTH 00°08'01" EAST 16.50 FEET FROM A ¾" IRON ROD AT THE NORTHEAST CORNER OF LAND DESCRIBED IN DEED M-206861-95 AS RECORDED IN BENTON COUNTY DEED RECORDS; THENCE SOUTH 00°08'01" WEST 16.50 FEET TO SAID ¾" IRON ROD AT THE NORTHEAST CORNER OF LAND DESCRIBED IN SAID DEED M-206861-95; THENCE SOUTH 89°48'20" WEST 539.40 FEET TO A 5/8" IRON ROD AT THE NORTHWEST CORNER OF LAND DESCRIBED IN SAID DEED M-206861-95; THENCE NORTH 89°09'23" WEST 5.58 FEET TO A 5/8" IRON ROD; THENCE SOUTH 89°55'56" WEST 92.13 FEET TO A POINT; THENCE NORTH 00°17'59" WEST 20.90 FEET TO THE POINT OF BEGINNING.

PARCEL II

A PORTION OF LAND IN SECTION 36, TOWNSHIP 10 SOUTH, RANGE 4 WEST, OF THE WILLAMETTE MERIDIAN, CITY OF ALBANY, BENTON COUNTY, OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

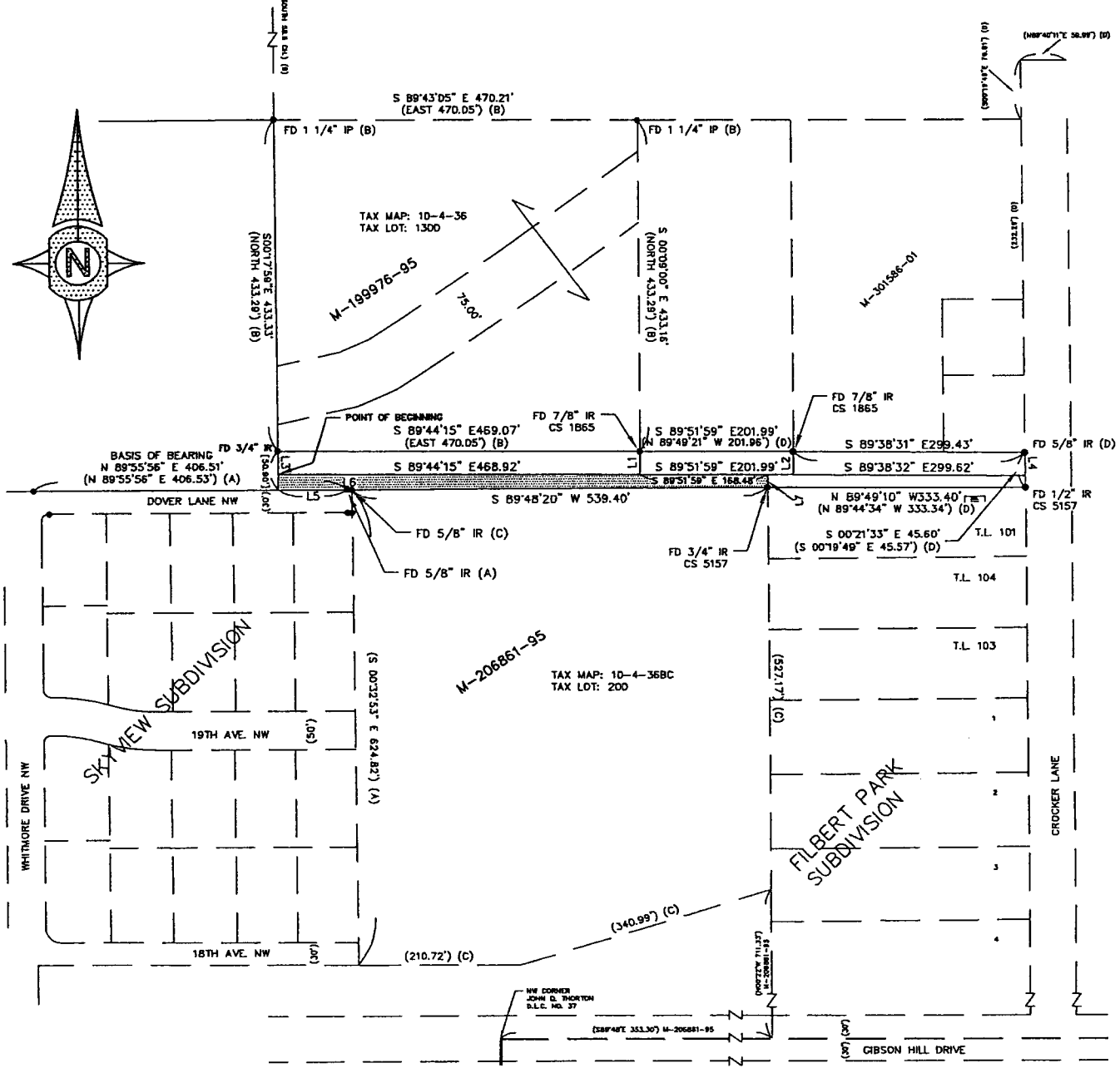
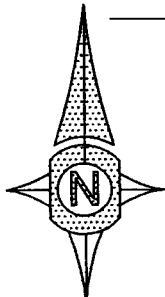
BEGINNING AT A POINT 4.76 CHAINS EAST, 58.6 CHAINS SOUTH TO A 1 ¼" IRON PIPE, 433.33 FEET SOUTH 00°17'59" EAST TO A ¾" IRON PIPE, 30.00 FEET SOUTH 00°17'59" EAST AND 468.92 FEET SOUTH 89°44'15" EAST, AND 168.46 FEET SOUTH 89°51'59" EAST FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 10 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 89°51'59" EAST 33.51 FEET TO A POINT SOUTH 30.00 FEET FROM A 7/8" IRON ROD AT THE SOUTHWEST CORNER OF PARCEL 3 OF PARTITION PLAT 2002-02; THENCE SOUTH 89°38'32" EAST 299.62 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF CROCKER LANE WHICH IS SOUTH 00°21'33" EAST 30.00 FEET FROM A 5/8" IRON ROD AT THE SOUTHEAST CORNER OF PARCEL 1 OF PARTITION PLAT 2002-02; THENCE SOUTH 00°21'33" EAST 15.60 FEET TO A ½" IRON ROD; THENCE NORTH 89°49'10" WEST 333.40 FEET TO A ¾" IRON ROD AT THE NORTHEAST CORNER OF LAND DESCRIBED IN DEED M-206861-95 AS RECORDED IN BENTON COUNTY DEED RECORDS; THENCE NORTH 00°08'01" EAST 16.50 FEET TO THE POINT OF BEGINNING.

Tax Parcel Number:

EXHIBIT B (WEST PORTION)

SEC. 36, T. 10 S., R. 4 W., W.M.
CITY OF ALBANY, BENTON COUNTY, OREGON

SCALE: 1"=200' SEPTEMBER 29, 2005



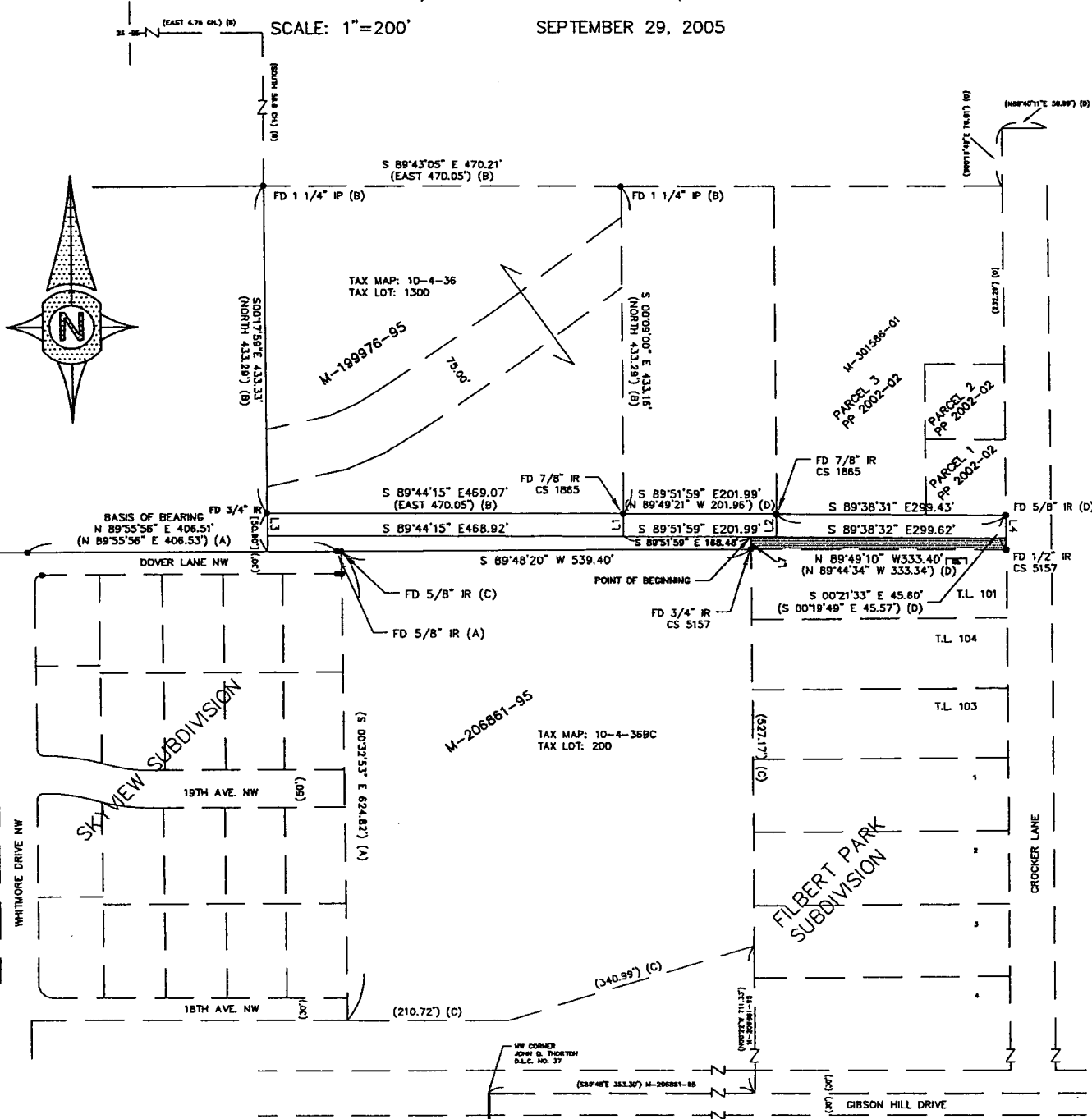
- LEGEND**
- MONUMENT FOUND AS NOTED
 - FD FOUND
 - C.S. COUNTY SURVEY
 - () DATA OF RECORD
 - [] REFERENCE SURVEY: C.S.
 - [] CALCULATED DATA
 - IR IRON ROD
 - IP IRON PIPE

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°00'00"E	30.00'
L2	S00°00'00"E	30.00'
L3	S00°17'59"E	30.00'
L4	S00°21'33"E	30.00'
L5	S89°55'56"W	92.13'
L6	N89°09'23"W	5.58'
L7	S00°08'01"W	16.50'

EXHIBIT B (EAST PORTION)

SEC. 36, T. 10 S., R. 4 W., W.M.
CITY OF ALBANY, BENTON COUNTY, OREGON

SCALE: 1"=200' SEPTEMBER 29, 2005



- LEGEND**
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L5	S89°55'56"W	92.13'
L6	N89°09'23"W	5.58'
L7	S00°08'01"W	16.50'