

TITLE: AN ORDINANCE DECLARING THE PUBLIC NECESSITY FOR AN EASEMENT FOR A SEWER, DIRECTING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS AND APPOINTING THREE VIEWERS FOR THE SAID PROPERTY AND DECLARING AN EMERGENCY.

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

Section 1: DESCRIPTION OF REAL PROPERTY

Public necessity requires an easement for a sewer over the following described property:

20 feet along the North line of the following described property for the purpose of construction and 8 feet thereafter for the purpose of maintenance, said property being described as follows:

Beginning at the Southeast corner of St. James Park Addition, said point being South 89°46' East 530.65 feet from the Northwest corner of the South ½ of Donation Land Claim No. 50, Linn County, Oregon; thence North 1°10' West 498.42 feet; thence South 67°40' East 219.99 feet; thence South 61°18' East 70.6 feet; thence South 1°10' East 426.7 feet; thence South 72°39' West 273.8 feet; thence North 1°10' West 129 feet to the point of beginning EXCEPT that portion located in public highway, also being known by tax lot number 11 3W 8BA 7000.

Section 2: OWNERS OF REAL PROPERTY

The owners of record of the property are George Walker and Bess Walker.

Section 3: CONDEMNATION PROCEEDINGS

The City Attorney of the City of Albany is hereby instructed and directed to institute action at law under and pursuant to the terms of the statutes of the State of Oregon concerning condemnation proceedings against those persons named above and all other persons claiming an interest in the said property to acquire the said property for sewer purposes.

Section 4: VIEWERS APPOINTED

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

1. Ray Archer
2. Juston Ransom
3. Herbert Hubert

Said viewers are to view the aforementioned property and report to the City Council of the City of Albany within thirty (30) days from the date hereof as to the value of the property and the rights and interests of the persons claiming an interest therein and the value necessary for the security of those persons under the provisions of ORS 223.025.

Section 5: EMERGENCY CLAUSE

Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health and safety of the citizens of the City of Albany, Oregon, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council: April 22, 1970

Approved by the Mayor: April 22, 1970

Russell W. Driff
Mayor

Effective Date: April 22, 1970

ATTEST:

Ernest L. Adams
City Recorder

REPORT OF VIEWERS APPOINTED PURSUANT TO

Ordinance No. 3479

COMES NOW Justin Ransom, Ray Archer and Herbert Hubert,
viewers appointed to view certain property described in Ordinance No. 3479,
which property consists of a strip of land 20 feet in width for the purpose of
construction and 8 feet in width for the purpose of maintenance of a sewer
easement, and pursuant to Section 4 of the above mentioned Ordinance, we
the undersigned viewers, did view the property carefully by an inspection of
the premises and determined that the overall damage for the taking of the
easement for sewer purposes is the sum of \$250⁰⁰.

DATED this 22 day of April, 1970.

Justin Ransom
Ray Archer
Herbert S. Hubert