

RESOLUTION NO. 3126

WHEREAS, under and by virtue of the laws of the State of Oregon, the City of Albany is duly authorized and empowered to locate, acquire, construct, reconstruct, alter, enlarge, renew, replace, operate and maintain such water reservoir system and facility as in the judgment of its City Council is necessary and proper for the area of the City; and

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

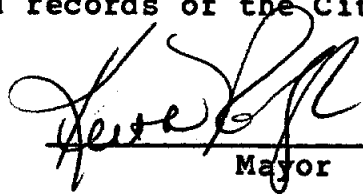
WHEREAS, for the purpose of providing water reservoir system and facility to serve the City for the health, safety, benefit and general welfare of the public, the City of Albany plans to locate, construct, operate, maintain and repair a water reservoir system and facility in the City of Albany, a portion of which is located in Benton County, Oregon.

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 the location, construction, operation, maintenance, repair and improvement of the City of Albany water reservoir system the real property and interest therein, more particularly set forth and described in Exhibit "1" attached hereto and by this reference incorporated herein.
2. The location, construction, operation, maintenance and repair and improvement of the City of Albany system and facility for which the real property and interest therein described in Exhibit "1" attached hereto and by reference incorporated herein is required and being taken as necessary in the public interest and that the water reservoir system and facility has been planned, designed, located and will be constructed in a manner that 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 owners and other persons in interest in the real property and interest therein described in the Exhibit "1" attached hereto and by this reference incorporated herein 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 the same hereby are directed and authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire the real property and interest therein and that upon the filing of such proceedings, possession of the real property and interest therein may be taken immediately.

4. 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 hereby are authorized to make such stipulation, agreement or admission as in their judgment may be for the best interest of the City of Albany.
5. In order to protect the health, safety and welfare of the public, an emergency exists and it is necessary that no undue delay be encountered in obtaining access to and possession of the real property and interest therein described in Exhibit "1" in order to establish and implement the water reservoir system and facility; and, therefore, this resolution shall be in force and effect from and after its passage by the City Council of the City of Albany.
6. This resolution is passed and adopted by the City Council of the City of Albany on this 8th day of January, 1992, and be and hereby is entered in full in the minutes and records of the City Council as of said date.



Mayor

ATTEST:



City Recorder

EXHIBIT "1"
Description of tax lots 10-4-36DB 500 and 506

Beginning at the Northwest corner of the John Q. Thornton Donation Land Claim Number 37, in Section 36, Township 10 South, Range 4 West, Willamette Meridian, City of Albany, Benton County, Oregon; thence on the north line of said Donation Land Claim, North 89° 56' 30" East 3,044.48 feet; thence leaving said north line, South 00° 08' 30" East 30.00 feet to the south right of way line of NW Gibson Hill Road, County Road Number 04910, said point being the TRUE POINT OF BEGINNING; thence South 00° 08' 30" East 393.01 feet; thence southeasterly on the arc of a 150.00 foot radius curve to the left (the long chord of which bears South 26° 35' 34" East 133.63 feet) 138.50 feet; thence South 00° 12' 30" East 237.50 feet, to the north line of that parcel of land described in M-30645, Benton County Deed Records; thence on said north line, South 89° 56' 00" West 475.80 feet, to the northwest corner of said parcel; thence on the west line of that parcel of land described as the second parcel in Book 155, Page 596, Benton County Deed Records, North 00° 08' 30" West 610.06 feet; thence North 89° 56' 30" East 95.98 feet; thence South 43° 34' 20" East 106.57 feet; thence South 88° 35' 10" East 106.80 feet; thence North 00° 08' 30" West 21.65 feet; thence North 89° 56' 30" East 110.00 feet; thence North 00° 08' 30" West 198.00 feet to the south right of way line of said NW Gibson Hill Road; thence on said south right of way line, North 89° 56' 30" East 30.00 feet to the True Point of Beginning.

Containing 5.891 acres, more or less.

North Line of
DLC No. 37

S 00° 08' 30" E
30.00'

True Point of
Beginning

N 89° 56' 30" E
3,044.48'

NW Gibson Hill Road

County Road Number 04910

N 89° 56' 30" E
30.00'

South R-O-W Line

10-4-36CA
Tax Lot 101

10-4-36DB
Tax Lot 501

10-4-36DB
Tax Lot 504

10-4-36DB
Tax Lot 505

10-4-36DB
Tax Lot 514

Point of Beginning
NW Corner of John
Q. Thornton DLC
Number 37, in
T. 11 S., R. 4 W., W.M.

10-4-36DB
Tax Lot 512

N 89° 56' 30" E
95.92'

S 45° 34' 20" E
106.57'

N 89° 56' 30" E
110.00'

10-4-36DB
Tax Lot 506

S 88° 35' 10" E
106.80'

N 00° 08' 30" W
21.65'

10-4-36CA
Tax Lot 100

10-4-36DB
Tax Lot 600

Fred J. Brassart
Jan A. Brassart
M-46089-83 BCDR
Shaded Area

Scale 1" = 100'

10-4-36CA
Tax Lot 800

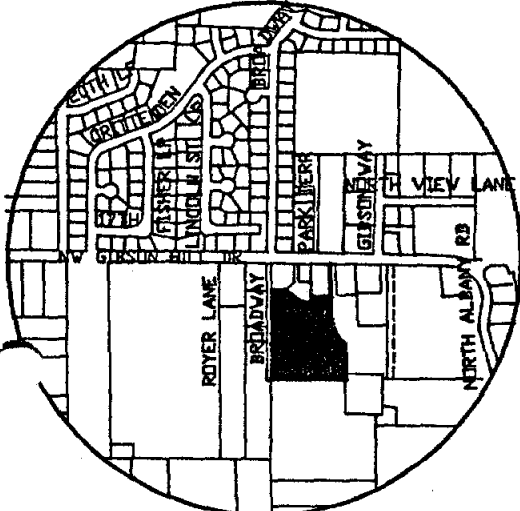
Broadway St. NW (pvt)

10-4-36DB
Tax Lot 500

R = 150.00'
L = 138.50'
S = 26° 35' 34" E
LC = 733.83'

10-4-36CA
Tax Lot 900
M-49707 BCDR

Vicinity Map
No Scale



CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION

Map for Exhibit 1
Description of 10-4-36DB
Tax Lot 500 & 506

58