

RESOLUTION NO. 4022

A RESOLUTION DECLARING IT A NECESSITY THAT THE CITY OF ALBANY ACQUIRE A PARCEL OF LAND LOCATED NEAR THE INTERSECTION OF GIBSON HILL DRIVE AND SCENIC DRIVE FOR THE CONSTRUCTION OF A WATER PUMP STATION.

WHEREAS, the City has attempted to negotiate a private purchase of a site in North Albany, Oregon, generally located near the intersection of Gibson Hill Drive and Scenic Drive for construction of a water pump station; and

WHEREAS, the aforesaid property is owned by the Restated Marie Richter Revocable Trust, subject however, to an unrecorded land sale contract dated February 14, 1996, between the Restated Marie Richter Revocable Trust and Gary A. Rodgers and Julia H. Rodgers; and

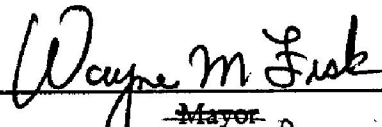
WHEREAS, the City, through extended negotiations, has been able to agree with the owners, in general terms, upon the fair market value of the property in question but, has been unable to conclude a purchase due to differences existing between said owners; and

WHEREAS, the property in question is necessary for the construction of a water pump station.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany, through condemnation, acquire the site described in Exhibit "A" attached hereto, and by this reference incorporated herein, through condemnation for the construction of a water pump station and related municipal facilities. The subject property is necessary for the orderly and cost effective expansion of municipal water facilities for the City of Albany and its water customers. The subject property is necessary for the proposed use, and the proposed use and improvement is planned and located in a manner that would be most compatible with the greatest public good, and the least private injury.

BE IT FURTHER RESOLVED, that immediate possession of the property is necessary and in the public interest in order to allow for necessary improvements to the City of Albany's water distribution facilities.

DATED THIS 23rd DAY OF SEPTEMBER, 1998.



~~Mayor~~
Council President

ATTEST:




City Recorder

EXHIBIT "A"

Legal Description of the Portion of Land the City Intends to Acquire

A portion of that tract of land purchased by Gary A. and Julie H. Rodgers per M 209488-96, Benton County Deed Records, lying in the Southeast Quarter of Section 35, T 10 S, R 4 W, Willamette Meridian, Benton County, Oregon, being more particularly described as follows:

Beginning at a 5/8" iron rod on the west line of Parcel 2 of said Rodgers deed also being the southwest corner of that tract of land purchased by Gary A. Jarschke and Diana M. Hancock per M-219008-96, said Deed Records lying on the easterly right-of-way line of County Road Number 14410 (Scenic Drive NW) S 0o04'13"E 339.58 feet, S 33o42'11"E 36.13 feet and S 0o05'25"E 126.18 feet from a brass capped monument at the Center Quarter corner of said Section 35; thence leaving said right-of-way line along the south line of said Jarschke/Hancock deed S 89o49'41"E 142.46 feet to a 5/8" iron rod at the southeast corner thereof to the TRUE POINT OF BEGINNING; thence along the east line of said Jarschke/Hancock deed N 0o04'13"W 126.19 feet to a POINT on the south right-of-way line of County Road Number 14400 (Gibson Hill Road NW) at the northeast corner thereof; thence along said right-of-way line S 89o50'00"E 245.88 feet to a 5/8" iron rod at the northeast corner of said Parcel 3 of the Rodgers deed; thence leaving said right-of-way line along the west line thereof S 0o07'38"E 126.20 feet to a 5/8" rebar with a red plastic cap stamped "Northstar PLS 1823"; thence N 89o50'00"W 246.00 feet to the true point of beginning.