

RESOLUTION NO. 5163

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, DISPOSE, OR LEASE CERTAIN REAL PROPERTY INTERESTS BY NEGOTIATED PURCHASE AND TO PAY ELIGIBLE RELOCATION AND RE-ESTABLISHMENT BENEFITS TO AFFECTED PARTIES AS NECESSARY FOR THE CONSTRUCTION AND OPERATION OF THE ALBANY WASTEWATER TREATMENT PLANT EXPANSION.

WHEREAS, the City of Albany operates and maintains a wastewater treatment plant and is subject to requirements established by the Oregon Department of Environmental Quality (DEQ); and

WHEREAS, the City has received Stipulated and Final Order No. WQ/M-WR-99-173 from DEQ requiring expansion of the Wastewater Treatment Plant to minimize wet weather overflows of sanitary sewage; and

WHEREAS, additional property adjacent to the wastewater treatment plant is needed for future expansion and relocation of facilities; and

WHEREAS, one of these properties is located at 405 Davidson Street NE, Albany, Oregon, Linn County Assessor's Tax Lot No. 05400, Map No. 11S03W05DB, as shown on Exhibit "A" and otherwise described as Lots 21 and 22, Block 26, of the Burkhart Park Addition to the City of Albany, Linn County, Oregon, together with that portion of the adjoining vacated alley that would attach thereto by Vacation Ordinance No. 2154; and

WHEREAS, the City has commissioned appraisals to determine the fair market value of the property shown on Exhibit "A," and the appraised fair market value for the property is \$87,000 (eighty-seven thousand dollars); and

WHEREAS the City has negotiated voluntary acquisition of the property for \$91,000 (ninety-one thousand dollars) to expedite acquisition and avoid condemnation costs; and

WHEREAS, the City is responsible to pay eligible relocation and re-establishment benefits to affected parties in accordance with *Uniform Relocation Assistance And Real Property Acquisition Policies Act of 1970 (Uniform Act)* and Oregon Revised Statutes 35.510; and

WHEREAS, estimated relocation, moving, and closing costs for the property shown in Exhibit "A" are \$12,000 (twelve thousand dollars); and

WHEREAS, the funds necessary to acquire the property and the funds necessary to pay eligible relocation and re-establishment costs shall be paid from the Sewer Fund.

NOW, THEREFORE, BE IT RESOLVED that;

SECTION 1. The City Council deems the expansion of the Wastewater Treatment Plant to be a public use for a public purpose. The Council deems it necessary and in the best interests of the citizens residing within the City of Albany's sewer service area to acquire the property identified herein as being necessary for the construction, operation, and maintenance of the Wastewater Treatment Plant.

SECTION 2. The City Manager is hereby authorized to execute such agreements as are customary and necessary for the acquisition, lease, or disposal of the real property interests described herein and shown on attached Exhibit "A," and for the payment of eligible relocation

and re-establishment costs, said property to be used for the expansion of the Wastewater Treatment Plant.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 13TH DAY OF JULY 2005.



Mayor

ATTEST:



City Clerk

