

RESOLUTION NO. 514

A RESOLUTION INITIATING EMINENT DOMAIN PROCEEDINGS FOR ACQUISITION OF PROPERTY FOR EXPANSION AND IMPROVEMENT OF THE CITY OF STAYTON'S WASTEWATER TREATMENT PLANT AND RELATED PUBLIC IMPROVEMENTS UNDERTAKEN TO MEET PRESENT AND FUTURE CITY NEEDS FOR PUBLIC USE AND BENEFIT.

WHEREAS, under and by virtue of the laws of the State of Oregon, the City of Stayton is duly authorized and empowered to locate, acquire, construct, reconstruct, alter, enlarge, renew, replace, operate, and maintain wastewater treatment plant facilities and related public improvements as in the judgment of its council are necessary and proper for the city; and


WHEREAS, for the purpose of providing present and future public wastewater treatment needs to serve the city and for the health, benefit, and general welfare of the public, the city has planned to expand, locate, construct, operate, maintain, and repair its wastewater treatment plant and related public improvements; and

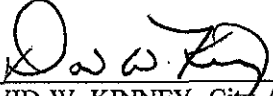
WHEREAS, under and by virtue of the laws of the State of Oregon, the city may acquire by purchase, gift, devise, condemnation proceedings, or otherwise, such real or personal property, interests therein, and rights-of-way, either within or without the limits of the city, as in the judgment of its council are necessary and proper in the exercise of its powers for accommodating said wastewater treatment facility;

NOW, THEREFORE, the Stayton City Council hereby resolves as follows:

1. The City of Stayton has found and declared that there is needed and required expansion, location, construction, operation, maintenance, repair, and improvement of its wastewater treatment plant and related public improvements, onto and including the real property and interests therein, more particularly set forth and described in Exhibit A attached hereto and by this reference incorporated herein.
2. The expansion, location, construction, operation, maintenance, repair, and improvement of the city's wastewater treatment plant and related public improvements for which the real property and interests therein, described in Exhibit A, is required and is being taken as necessary in the public interest and that the expansion 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 and its attorneys be and have been authorized to attempt to agree with the owners and other persons in interest of the real property and interests therein described in Exhibit A, herein, as to the compensation to be paid for the appropriation for the property, and, in the event that no satisfactory agreement can be reached with them, then the attorneys for the city 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 interests therein, and upon the filing of such proceeding, possession of the real property therein may be taken immediately.
4. Upon the trial of any suit or action instituted to acquire the real property or any interests therein, the attorneys acting for and on behalf of the city be and hereby are authorized to make such stipulation, agreement, or admission as in their judgment may be for the best interests of the city.
5. In order to further the health and welfare of the public, it is necessary that no undue delay be encountered in obtaining access to and possession of the real property and interests therein described in Exhibit A in order to establish and implement the expansion of its wastewater treatment plant and related public improvements, and therefore this resolution shall be in force and effect from and after its passage by the Stayton City Council.

This resolution is passed and adopted by the Stayton City Council of the City of Stayton this 6th day of July 1993, be and hereby is entered in full in the minutes and records of the city as of said date.

Date: July-8-1993 BY:   
WILLMER VAN VLEET, Mayor

Date: July 7, 1993 BY:   
DAVID W. KINNEY, City Administrator

LEGAL DESCRIPTION  
for  
Wastewater Treatment Plant Expansion  
(property owned by Laura B. Gilmour, Marie H. Smith, LeRoy H. Fery)

A tract of land located in the northwest and southwest quarters of Section 16, Township 9 South, Range 1 West of the Willamette Meridian, said tract being more particularly described as follows:

Beginning at a point on the south line of Ida Street, City of Stayton, Oregon, said point being North 89° 36' West 231 feet from the northeast corner of that tract of land conveyed to Fred C. Hottinger and Marie Hottinger by deed dated November 25, 1953, and recorded in Volume 457, Page 650 of the Deed Records of Marion County, Oregon and running thence South 00° 22' West, along the west line of the southeast quarter of Section 9 and the northeast quarter of Section 16, Township 9 South, Range 1 West of the Willamette Meridian, 2780.72 feet to the true point of beginning, said true point of beginning being on the east line of that tract of land conveyed to F. J. and L. Fery by deed recorded in Volume 436 Page 116 Deed Records of Marion County, Oregon, said line dividing said Section 16 into east and west halves; thence North 89° 38' West 300 feet; thence South 00° 22' West to the Santiam River; thence northeasterly, meandering along said river, to a point on the southerly extension of the beforesaid line dividing Section 16 into east and west halves; thence North 00° 22' West, along said dividing line, to the true point of beginning and containing 10.5 acres of land, more or less.