

ORDINANCE NO. 2420

AN ORDINANCE DECLARING PUBLIC NECESSITY FOR AN EASEMENT; DIRECTING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS THEREFORE; APPOINTING THREE VIEWERS FOR SAID PROPERTY; AND DECLARING AN EMERGENCY:

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

Section 1: That public necessity requires an easement over and upon the following described property for the purpose of constructing and maintaining a sewer line thereon, to-wit:

Wharf Lots Nos. 2, 3, 4 and 5 in the City of Albany, Linn County, Oregon, as shown by the plat of said city now on file with the Recorder of Conveyances, Linn County, Oregon.....

said easement more particularly described as follows:

A 40 foot easement which runs 20 feet on each side of the following described line: Beginning at a point on the eastern boundary line of and 91.77 feet North of the Southeast Corner of Wharf Lot No. 5 in the City of Albany, Linn County, Oregon, and running North 82 degrees 58' West, a distance of 96.67 feet; thence South 77 degrees 40' West, a distance of 175.95 feet to the East boundary line of Ferry Street.

Section 2: That public necessity requires an easement over and upon the following described property for the purpose of constructing and maintaining a sewer line thereon, to-wit:

Beginning at the southeast corner of Wharf Lot No. 1 in the City of Albany, Linn County, Oregon, and running westerly along the South boundary line of said Lot extended a distance of 110 feet: thence northerly parallel to the West line of Ferry Street, to the Willamette River: thence easterly along said River to the Northeast corner of said Wharf Lot No. 1: thence Southerly along the Easterly boundary line of said Wharf Lot No. 1 to the point of beginning.

said easement more particularly described as follows:

A 40' easement which runs 20' on either side of the following described line: Beginning at a point in the East line of Wharf Lot No. 1 in the City of Albany, Linn County, Oregon, which is 96.99 feet Northerly from the Southeast corner of said Wharf Lot No. 1; running thence North 76 degrees 01' West a distance of 118.83 feet more or less.

Section 3: That the City Attorney of the City of Albany is hereby directed to institute an action at law under and pursuant to the terms of the statutes of the state of Oregon concerning condemnation proceedings against those persons claiming an interest in the above described property to acquire the necessary easements, as above described, over and upon the said property.

Section 4: That there is hereby appointed the following persons to act as viewers of the aforementioned property; (1) O. R. Wiseman, (2) E. L. Barrett, (3) H. A. Lammers, that the said viewers are to view the aforementioned property and to report to the City council within thirty (30) days from the date hereof as to the value of the property and the rights and interests of the several people claiming an interest therein, and the value necessary for the security of those persons, under the terms of Sec. 12-305 O.C.L.A.

Section 5: In as much as the passage of this ordinance is necessary to the immediate preservation of the peace, health and safety of the citizens of the City of Albany, an emergency is hereby declared and this ordinance shall become immediately effective upon its passage by the council and signing by the Mayor.

Passed by the Council 10-22-52

Approved by the Mayor 10-22-52

ATTEST:

E. J. Fortman
Recorder

W. Bain
Mayor