

RESOLUTION NO. 4400

A RESOLUTION DECLARING A NECESSITY THAT THE CITY ACQUIRE CERTAIN REAL PROPERTY LOCATED IN THE CITY OF ALBANY, LINN COUNTY, OREGON FOR THE PURPOSE OF CREATING A PUBLIC RIGHT-OF-WAY AND DECLARING AN EMERGENCY

WHEREAS, the City is attempting to negotiate a private purchase from the owners of real property as described in the attached legal descriptions, which by this reference are incorporated herein as Exhibits "1," "2," and "3," located in the city of Albany, Linn County, Oregon; and

WHEREAS, the property in question is necessary for the purpose of creating a public right-of-way in connection with the development of certain real property being used for commercial purposes.

NOW, THEREFORE, BE IT RESOLVED that the City of Albany be and are hereby authorized to continue to negotiate an agreement with the owners and other persons of interest in the real property described in Exhibits "1," "2," and "3," located in the city of Albany, Linn County, Oregon; and in the event that no satisfactory agreement can be reached, then 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 said real property and interest therein, and that upon the filing of such proceeding, possession of the real property and interest therein may be taken immediately. The subject property is necessary for creation of a public right-of-way in connection with the development of certain real property being used for commercial purposes, and the proposed use is located in a manner which will be most compatible with the greatest public good and the least private injury; and

BE IT FURTHER RESOLVED that immediate possession of the property is necessary and in the public interest.

Dated this 28th day of March 2001.


Mayor

ATTEST:


City Recorder

LEGAL DESCRIPTION EAST PARCEL:
(From Cellular One)

Beginning at a point that is North $02^{\circ} 52' 01''$ West 40.00 feet and North $88^{\circ} 18' 29''$ East 279.51 feet from the Northwest corner of Tract 14 of WAVERLY FRUIT FARM, as recorded in Linn County Oregon Surveyor's Records as County Survey File No. 4314-8, said Northwest corner also being South $1^{\circ} 39' 00''$ East 1701.48 feet and South $88^{\circ} 21' 00''$ West 627.00 feet from the Northeast corner Donation Land Claim No. 696, Claim No. 49 in Township 11 South, Range 3 West of the Willamette Meridian; run thence North $88^{\circ} 18' 29''$ East 265.06 feet to a point on the Westerly right of way line of Airport Road; thence along said right of way line South $1^{\circ} 35' 16''$ East 60.00; thence departing said right of way line South $88^{\circ} 18' 29''$ West 263.72 feet; thence North $2^{\circ} 52' 01''$ West 60.01 feet to the Point of Beginning, all in Albany, Linn County, Oregon.

Containing 0.35 acres more or less.

EXHIBIT I

MERVYN'S

RIGHT-OF-WAY DEDICATION

NEW COLLECTOR

COSTCO

CELLULAR ONE

AIRPORT RD.

DAKWOOD AVE.

East Parcel (Cellular One)



Engineering

roni nil

Ron Irish

Mar 28, 2001

The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchase or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.



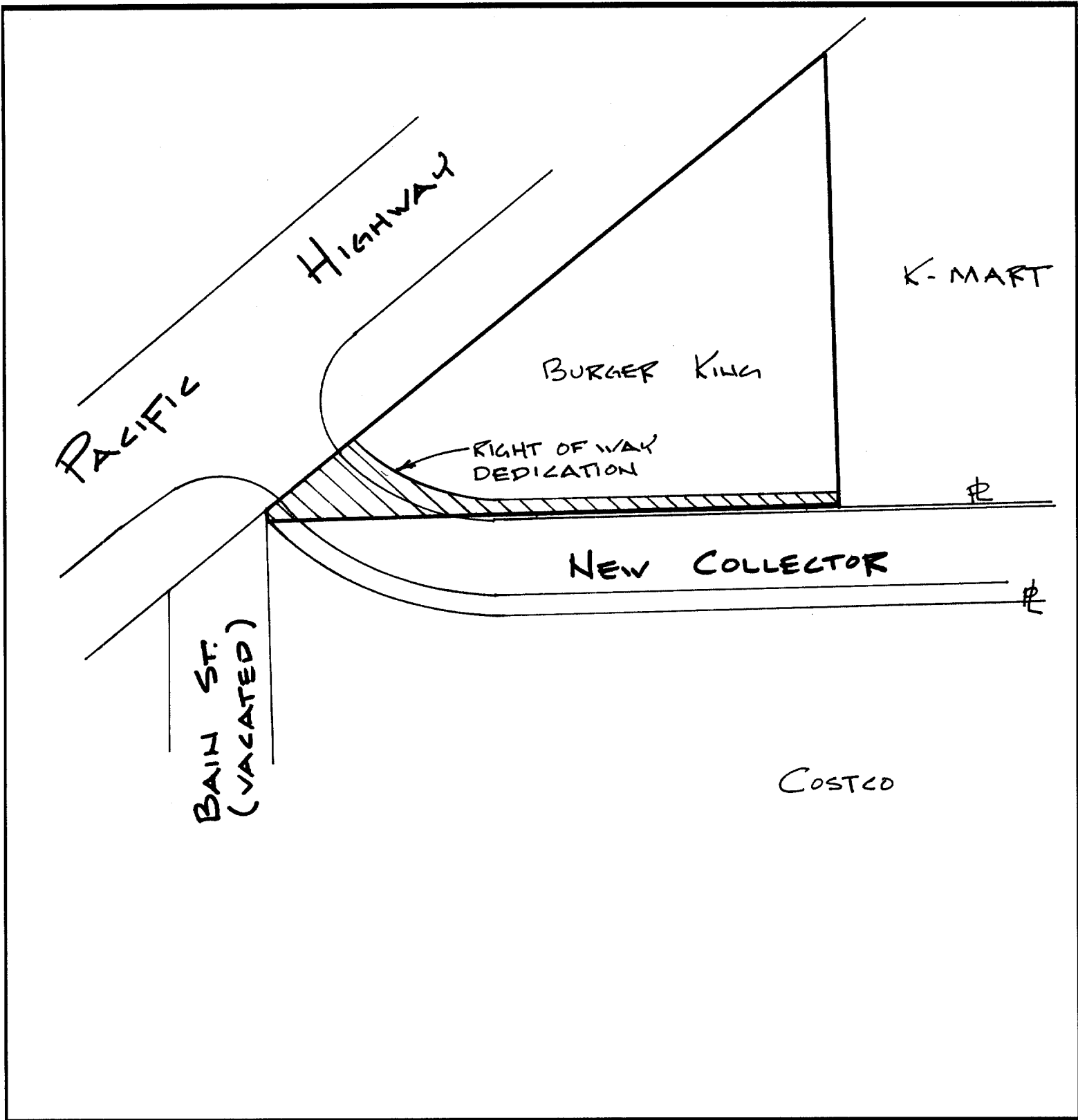
EXHIBIT 1

**LEGAL DESCRIPTION WEST PARCEL:
(Right of Way dedication from Burger King)**

Beginning at a point that is North 02° 52' 01" West 40.00 feet and North 88° 18' 29" East 279.51 feet from the Northwest corner of Tract 14 of WAVERLY FRUIT FARM, as recorded in Linn County Oregon Surveyor's Records as County Survey File No. 4314-B, said Northwest corner also being South 1° 39' 00" East 1701.48 feet and South 88° 21' 00" West 627.00 feet from the Northeast corner Donation Land Claim No. 696, Claim No. 49 in Township 11 South, Range 3 West of the Willamette Meridian; thence South 88° 18' 29" West 1001.30 feet to the True Point of Beginning; run thence South 88° 18' 29" West 321.82 feet to a point on a curve; thence along the arc of a 111.00 foot radius curve to the left, the chord of which bears North 25° 42' 58" West 1.84 feet, an arc distance of 1.84 feet to a point on the Southerly right of way line of Pacific Highway 99-East; thence along said right of way line North 49° 36' 04" East 74.91 feet to a point of curvature; thence departing said right of way line along the arc of a 115.00 foot radius curve to the left, the chord of which bears South 60° 29' 04" East 74.35 feet, and arc distance of 75.71 feet; thence North 88° 18' 29" East 200.52 feet; thence South 01° 41' 31" East 10.00 feet to the True Point of Beginning, all in Albany, Linn County, Oregon.

Containing 5025 square feet more or less.

EXHIBIT 2



West Parcel (Burger King)



	Engineering	Ron Irish		
	roni nil	Mar 28, 2001		<p>The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.</p>

EXHIBIT 2

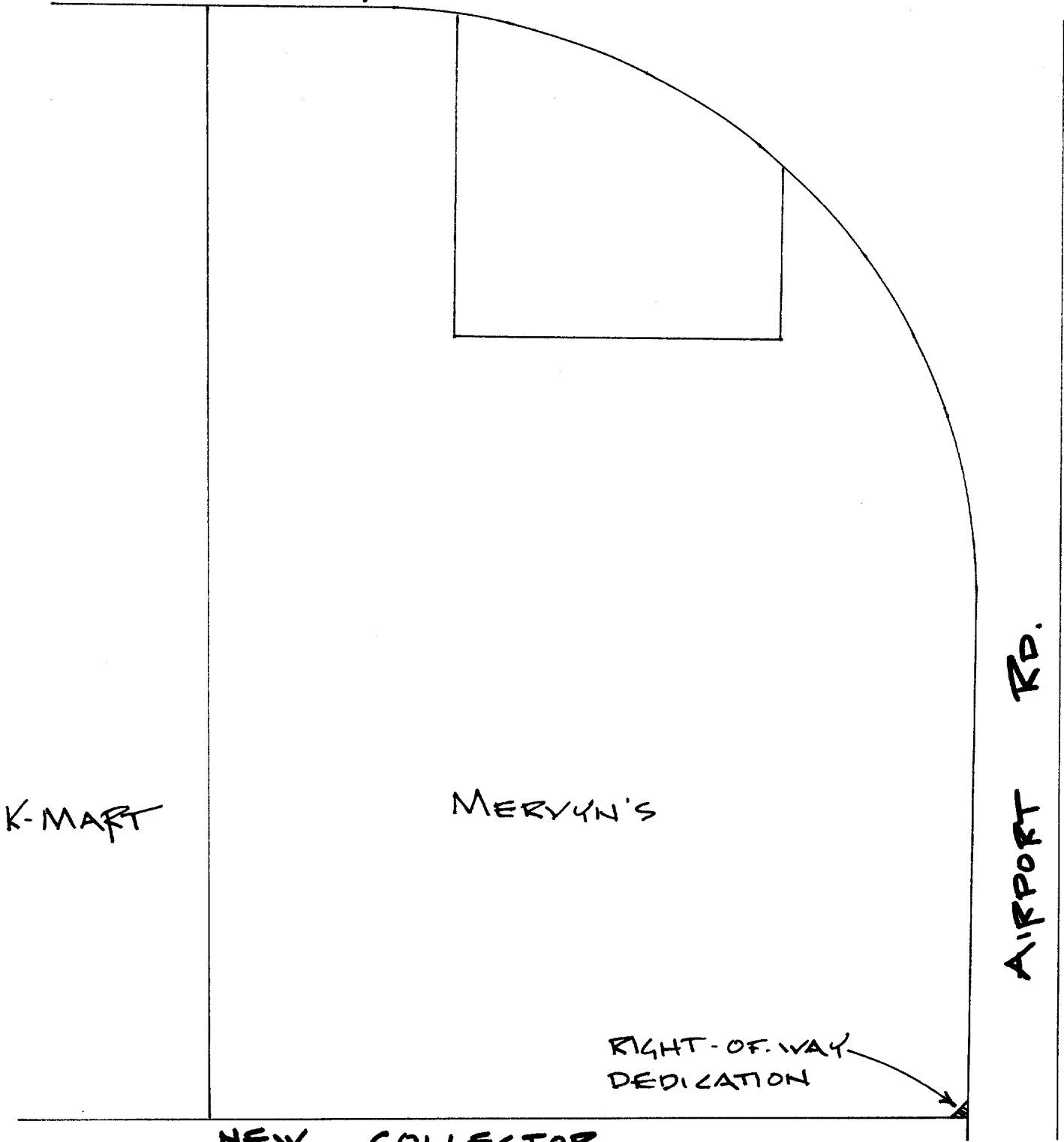
**LEGAL DESCRIPTION TRIANGLULAR PORTION:
(From Mervyns)**

Beginning at a point that is North $02^{\circ} 52' 01''$ West 40.00 feet and North $88^{\circ} 18' 29''$ East 279.51 feet from the Northwest corner of Tract 14 of WAVERLY FRUIT FARM, as recorded in Linn County Oregon Surveyor's Records as County Survey File No. 4314-B, said Northwest corner also being South $1^{\circ} 39' 00''$ East 1701.48 feet and South $88^{\circ} 21' 00''$ West 627.00 feet from the Northeast corner Donation Land Claim No. 696, Claim No. 49 in Township 11 South, Range 3 West of the Willamette Meridian; run thence North $88^{\circ} 18' 29''$ East 265.06 feet to a point on the Westerly right of way line of Airport Road and True Point of Beginning; run thence South $88^{\circ} 18' 29''$ West 10.00 feet; thence North $43^{\circ} 21' 37''$ East 14.16 feet to a point on the Westerly right of way line of Airport Road; thence along Westerly right of way line South $1^{\circ} 35' 16''$ East 10.00 feet to the True Point of Beginning, all in Albany, Linn County, Oregon.

Containing 50.00 square feet more or less.

EXHIBIT 3

AIRPORT RD.



NEW COLLECTOR

Triangular Portion (Mervyns)



Engineering

roni nil

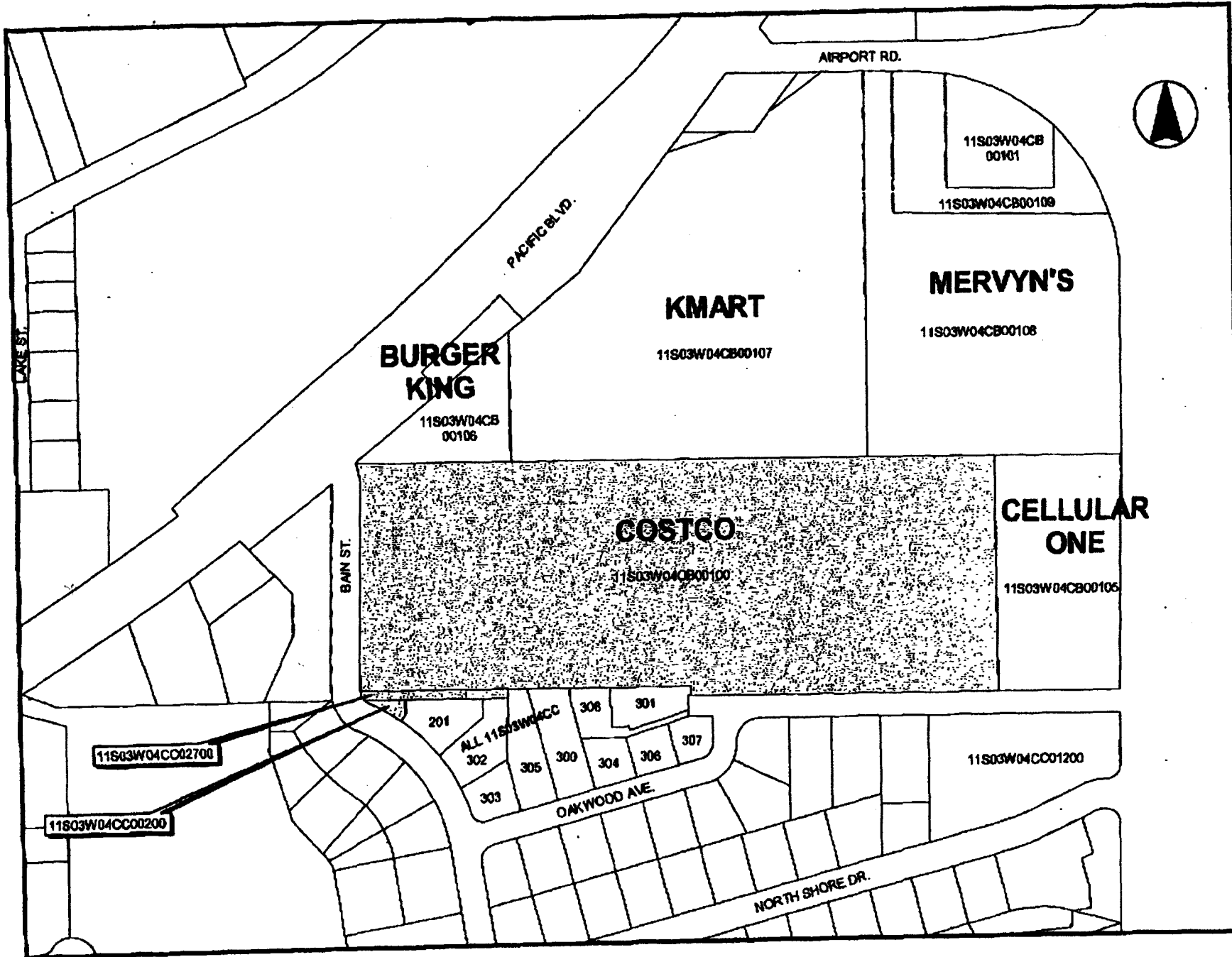
Ron Irish

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EXHIBIT 3



LOCATION MAP
 information only