

RESOLUTION NO. 1092

A RESOLUTION DECLARING THE NECESSITY TO CONDEMN CERTAIN REAL PROPERTY FOR STREET IMPROVEMENTS ON NW SECOND STREET

WHEREAS, the City of Prineville has the responsibility of providing roads and street for commerce, convenience, and to adequately serve the traveling public; and

WHEREAS, the City wishes to construct certain street improvements known as the Second Street access along a portion of NW Second Street in Prineville, Oregon. Acquisition of certain real property described on Exhibit "A", attached hereto and by this reference incorporated herein, is necessary to carry out such street improvements.

WHEREAS, attempts to acquire the needed property by negotiation with the owner's of the property are in process, but not guaranteed.

WHEREAS, in order to ensure property acquisition for public improvements; the City must proceed with a resolution declaring the necessity to acquire right-of-way.

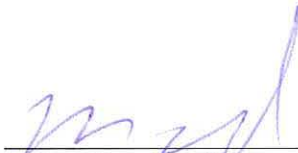
WHEREAS, ORS Chapter 35 empowers cities to acquire by condemnation real property whenever in the judgment of the city there is a public necessity for the proposed use of the property, the property is necessary for such proposed use and the proposed use planned for is located in a manner which will be most compatible with the greatest public good and the least private injury.

NOW, THEREFORE, IT IS HEREBY RESOLVED that:

1. The Prineville City Council hereby declares its intention to acquire by condemnation that certain real property described on Exhibit "A" for the purpose of constructing certain street improvements.
2. The City finds that there is a public necessity for the construction of such street improvements, that the property described on Exhibit "A" is necessary, and that the proposed street improvements are planned and located in a manner which will be most compatible with the greatest public good and the least private injury.

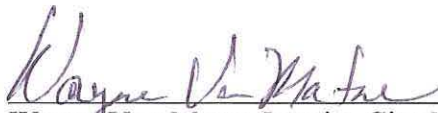
3. Oregon Department of Transportation and its attorneys, the Oregon Department of Justice ("DOJ"), be and they are hereby authorized to attempt to agree with the owners and other persons in interest in the real property and interest therein described in Exhibit "A" as to the compensation to be paid for the appropriation of the property and, in the event that no satisfactory agreement can be reached, then the DOJ 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 interest therein and that upon the filing of such proceeding, possession of the real property and interest therein may be taken immediately.

Passed by the Prineville City Council and signed by the Mayor this 10th day of February, 2009.



Mike Wendell, Mayor

ATTEST:



Wayne Van Matre, Interim City Manager / City Recorder

Parcel 1 – Fee

A parcel of land lying in the NE¼NW¼ of Sec. 6, Township 15 South, Range 16 East, W.M., Crook County, Oregon and being a portion of that property described in that Warranty Deed to Harris Gee recorded June 13, 2000 on MF 155954, Crook County Record of Deeds; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Northeasterly and Northerly side of center line of the relocated 2nd Street, which center line is described as follows:

Beginning at Engineer's center line Station "2ndSt" 10+00.00, said station being 909.04 feet South and 1,016.41 feet West of the North quarter corner of Section 6, Township 15 South, Range 16 East, W.M.; thence South 31° 28' 06" East 148.36 feet; thence on a 213.00 foot radius curve left (the long chord of which bears South 60° 39' 45" East 207.79 feet) 217.06 feet; thence South 89° 51' 24" East 773.30 feet to Engineer's center line Station "2ndSt" 21+38.71.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Easterly Side of Center Line
"2ndSt"10+00.00		"2ndSt"12+00.00	33.00
"2ndSt"12+00.00		"2ndSt"12+35.00	33.00 in a straight line to 50.00
"2ndSt"12+35.00		"2ndSt"14+20.00	50.00

TOGETHER with that portion of said property lying Southerly and Westerly of said "2ndSt" center line as described herein.

Bearings are based on the Oregon Coordinate System of 1983 (1991 adjustment), south zone, per CS 2298, Crook County survey records.

This parcel of land contains 5,757 square feet, more or less.

Parcel 2 – Permanent Easement for Electric Service Lines, Fixtures and Facilities

A parcel of land lying in the NE¼NW¼ of Sec. 6, Township 15 South, Range 16 East, W.M., Crook County, Oregon and being a portion of that property described in that Warranty Deed to Harris Gee recorded June 13, 2000 on MF 155954, Crook County Record of Deeds; the said parcel being that portion of said property included in a strip of land 5.00 feet in width, Northeasterly and adjoining the following described line:

Beginning at a point opposite and 33.00 feet Northeasterly of Engineer's Station "2ndSt" 10+00.00 on the center line of the relocated 2nd Street; thence Southeasterly in a straight

line to a point being opposite and 33.00 feet Northeasterly of Engineer's Station "2ndSt" 11+35.00; thence Southeasterly in a straight line to a point being opposite and 50.00 feet Northeasterly of Engineer's Station "2ndSt" 11+63.27 on said center line, which center line is described in Parcel 1.

EXCEPT that portion that lies within the exterior wall lines of the existing building.

This parcel contains 147 square feet, more or less, outside the existing right of way.

Parcel 3 – Temporary Easement for Work Area (3 years or duration of Project, whichever is sooner)

A parcel of land lying in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 6, Township 15 South, Range 16 East, W.M., Crook County, Oregon and being a portion of that property described in that Warranty Deed to Harris Gee recorded June 13, 2000 on MF 155954, Crook County Record of Deeds; the said parcel being that portion of said property lying between lines at right angles to the center line of the relocated 2nd Street at Engineers Stations "2ndSt" 12+90.00 and "2ndSt" 13+50.00 and included in a strip of land 60.00 feet in width lying Northerly of the center line of the relocated 2nd Street, which center line is described in Parcel 1.

EXCEPT therefrom Parcel 1.

This parcel contains 445 square feet, more or less, outside the existing right of way.