

RESOLUTION NO. 343

A RESOLUTION DECLARING THE NECESSITY FOR THE ACQUISITION FOR PUBLIC USE AND BENEFIT OF THE GARY IHLE AND TIMOTHY M. IHLE PROPERTY FOR ACCESS TO AND FOR THE CONSTRUCTION AND OPERATION OF THE AURORA WASTEWATER TREATMENT PLANT; PURSUANT TO SECTION 2, CONDEMNATION, OF ARTICLE IX OF THE CHARTER OF THE CITY OF AURORA, AND OREGON REVISED STATUTES CHAPTER 35 AND CHAPTER 281.

WHEREAS, the City Council of the City of Aurora has established that the AURORA WASTEWATER TREATMENT PLANT PROJECT ("Project") is necessary for the public health, public safety and the general welfare of the citizens of the City of Aurora by the findings adopted in the 1997 Aurora Wastewater Facilities Plan and by voter approval for the funding necessary for the construction and operation of the Project.

WHEREAS, the City Council of the City of Aurora finds that the property owned by Gary Ihle and Timothy M. Ihle ("Ihle"), legally described below, is necessary for the Project.

WHEREAS, the City Council of the City of Aurora finds that a portion of the Project is planned and located on the Ihle property in such a manner that will be most compatible with the greatest public good and the least private injury.

WHEREAS, the City Council of the City of Aurora finds that in order to complete the Project within the scheduled time frame, the City needs to submit to and obtain from Marion County land-use application approval for siting the Wastewater Treatment Facility on a portion of the Ihle property.

WHEREAS, the City Council of the City of Aurora finds that the City's acquisition agent, Right-of-Way Associates, Inc. has attempted to agree with Ihle regarding compensation and damages, has offered to purchase the Ihle property and has attempted to obtain Ihle's signature on the required land use application form.

WHEREAS, the City Council of the City of Aurora finds that Right-of-Way Associates' efforts has been unsuccessful to date and further finds that Ihle's continuing delay may adversely affect the successful completion of the Project.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA,
OREGON, THAT:

Section 1: Pursuant to its authority under Section 2, CONDEMNATION, of Article IX of the Charter of the City of Aurora, and Oregon Revised Statutes Chapter 35 and Chapter 281, and pursuant to the recitals noted above (which are incorporated herein in their entirety by this reference), the City Council hereby declares the City's necessity for acquiring for public use and benefit the GARY IHLE and TIMOTHY M. IHLE property, legally described in the attached Exhibit A (which is incorporated herein by this reference) for access to and for the construction and operation of the AURORA WASTEWATER TREATMENT PLANT.

Section 2: The City Council adopts this resolution to comply with the requirements of Section 2, CONDEMNATION, of Article IX of the Charter of the City of Aurora and ORS 35.205 through ORS 35.415.

INTRODUCED AND ADOPTED this 23rd day of February, 1999.

CITY OF AURORA, OREGON

BY: *Heather Wechter*
HEATHER WECHTER
COUNCIL PRESIDENT
ACTING MAYOR

ATTEST:

BY: *Melody Thompson*
MELODY THOMPSON
CITY RECORDER

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EXHIBIT A

LEGAL DESCRIPTION
PORTION OF GARY IHLE AND TIMOTHY M. IHLE PROPERTY
REQUIRED FOR ACCESS TO AND CONSTRUCTION AND OPERATION OF
THE AURORA WASTEWATER TREATMENT PLANT
February 18, 1999

A tract of land lying within HURST'S GARDEN TRACTS, a duly platted and recorded subdivision located in Marion County, State of Oregon, being more particularly described as follows:

That portion of Lot 13 of HURST'S GARDEN TRACTS lying southeasterly of the centerline of Mill Creek between said centerline of the creek and the existing Southern Pacific Railroad right-of-way.

Subject to the rights of the public in and to that portion of the tract herein described lying within the limits of roads, streets and highways.