

CITY OF MILWAUKIE
RESOLUTION NO. 52-1995

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE,
OREGON, DECLARING THE NEED TO ACQUIRE PROPERTY FOR THE PURPOSE
OF ASSEMBLING LOTS FOR RIVERFRONT IMPROVEMENTS.**

WHEREAS, the Milwaukie City Charter grants the City authority to acquire land for public purposes; and

WHEREAS, the City of Milwaukie is authorized by ORS 226.320 to purchase, acquire, take, use, enter upon and appropriate land and property within or without its corporate limits for the purpose of establishing or enlarging public recreation and accommodation facilities including parks, public squares, playgrounds, or comfort stations; and "

WHEREAS, for the public purposes of improving the riverfront area within the City of Milwaukie for the health, safety, benefit and general welfare of the public, the City Council has deemed necessary the acquisition of certain properties;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE that

1. The City of Milwaukie City Council does hereby find and declare that there is needed and required for construction, operation, maintenance, repair and improvement of the riverfront area, property located in the City of Milwaukie, Clackamas County, Oregon as described in Exhibit "A" attached hereto and incorporated herein by this reference; and

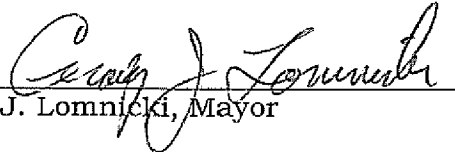
2. The improvement of the riverfront area for which the real property and interest are described herein are required and are being taken as necessary in the public interest and the improvements to said property will be planned, designed, located and will be constructed in a manner that will be most compatible with the greatest public benefit and the least private injury or damage; and

3. The Milwaukie City Manager and the City's attorneys are authorized to attempt to agree with the owners and other persons in interest in the real property described herein 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 attorneys for the City of Milwaukie 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; and

4. In any negotiations regarding the acquisition of the real property and interest therein as described above, the City Manager is authorized to attempt to agree with the property owners on compensation for the property, such compensation not to exceed the value established by the City's authorized appraisal of the property and interest therein.

Introduced and adopted by the City Council on this 5th day of December 1995.

CITY OF MILWAUKIE

By 
Craig J. Lomnicki, Mayor

ATTEST:


Pat DuVal, City Recorder

APPROVED AS TO FORM:


O'Donnell, Ramis, Crew, & Corrigan

LEGAL DESCRIPTION

A tract of land situated in the Donation Land Claim of Lot Whitcomb, et ux, in Section 35, Township 1 South, Range 1 East, of the Willamette Meridian, in the City of Milwaukie, County of Clackamas and State of Oregon, described as follows:

Beginning at a point on the Westerly side line of the East Portland Oregon City Highway as the same is duly located and established along Front Street in the Town of Milwaukie, Oregon, which point is North $9^{\circ} 20'$ West 128.10 feet distant and South $80^{\circ} 40'$ West 80.00 feet distant from the Southwest corner of Block 28, Milwaukie, according to the official plat thereof; running thence North $09^{\circ} 20'$ West tracing the Westerly side line of the said East Portland-Oregon City Highway 86.9 feet to a point; thence at right angles to said Highway South $80^{\circ} 40'$ West 49.60 feet to the Easterly line of the right of way of the Portland Railway Light and Power Company; thence along the Easterly line of said right of way South $14^{\circ} 24'$ East 6.00 feet to an angle point thereof; thence along the Southerly side of said right of way South $75^{\circ} 36'$ West 7.50 feet to an angle point in said right of way; thence along the Easterly side of said right of way South $14^{\circ} 24'$ East 81.47 feet; thence North $80^{\circ} 40'$ East 49.65 feet to the point of beginning.