

RESOLUTION NO. XXXI

A RESOLUTION DETERMINING THE NEED OF PRIVATE PROPERTY FOR CONSTRUCTION OF A SANITARY SEWER LINE AND AUTHORIZING CONDEMNATION PROCEEDINGS FOR A PERMANENT EASEMENT.

WHEREAS, the Common Council for the City of Wilsonville, a municipal corporation of Clackamas and Washington Counties, Oregon, has determined that the real property hereinafter described is necessary for the public use, to-wit: For the purpose of a permanent easement for the purpose of constructing, installing, operating and maintaining a City sanitary sewer line; and

WHEREAS, Anselm H. Berger and Mary Ann Berger, husband and wife, are the owners in fee simple of the property which is needed by the City for said easement, and Bernard C. Bruenderman and Bonnie Lou Bruenderman, husband and wife, are the contract purchasers of said property; and

WHEREAS, negotiations have been conducted with the contract purchasers, i.e., Bernard C. Bruenderman and Bonnie Lou Bruenderman, husband and wife, for the purchase of the said easement; and

WHEREAS, the parties have failed to agree upon a price to be paid by the City of Wilsonville for said easement; and

WHEREAS, it is necessary that the said City secure a permanent interest by way of easement in, on, over and across the following described real property for the public use as aforesaid; now, therefore,

BE IT RESOLVED by the Wilsonville City Council that its attorney, Wade P. Bettis, practicing at Canby, Oregon, be and he is hereby authorized to commence and institute the proper proceedings for condemnation of a permanent easement for the purpose of constructing, installing, operating and maintaining by the City of Wilsonville a sanitary sewer line for the City's public use in, on, over and across the following described real property, the owners of which are Anselm H. Berger and Mary Ann Berger, husband and wife, and the contract purchasers of which are Bernard C. Bruenderman and Bonnie Lou Bruenderman, husband and wife:

IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON:
The North 40 feet of the following described property
to be cut off by a line drawn parallel with the north
line thereof, more particularly described as follows:


Beginning at the southwest corner of Lot 1, Block "I"
WILSONVILLE; thence Easterly along the south line of
Lot 1, and along the south line of Lot 6, Block "I" and
said line extended a distance of 411 feet to a point;
thence Southerly along the east line of the property
devised to the use of Kate Wolbert during her lifetime as
described in Volume 9, page 62, Record of Wills, a distance
of 351 feet; thence Westerly a distance of about 340 feet
to the east line of Boones Ferry Road; thence Northerly
along the east line of said road to the point of beginning,

EXCEPT from the above described tract a 30 foot strip
lying northerly of and adjacent to the southerly line
of the above described tract as described in Book 507,
page 159, Deed Records.

Adopted by the Wilsonville City Council at a regular meeting
thereof on the 24th day of April, 1972, and filed with the City
Recorder this 24 day of April, 1972.


PHILLIP R. BALSIGER - Mayor

ATTEST:


MARJORIE A. HINTZ - City Recorder