

RESOLUTION 988

A RESOLUTION AUTHORIZING CONDEMNATION OF PROPERTIES OWNED BY EULA L. SHRUM, and LEROY W. AND KATHY M. GRAY.

RECITALS:

A. Pursuant to the laws of the State of Oregon, the City of Prineville is duly authorized and empowered to locate, acquire, construct, reconstruct, alter, enlarge, renew, replace, operate and maintain a sanitary sewer system and facilities as is in the judgment of the City of Prineville are necessary or expedient.

B. Pursuant to the laws of the state of Oregon, the City of Prineville may acquire, by condemnation, private property deemed necessary for rights of way for sewer purposes.

C. To serve the City of Prineville and for the health, safety, benefit, and general welfare of the public, the City of Prineville plans to expand the City of Prineville's sewage collection and disposal system and facility.

BASED UPON THE ABOVE RECITALS, THE CITY OF PRINEVILLE RESOLVES AS FOLLOWS:

1, The City of Prineville does hereby find and declare that there is needed and required for the location, construction, operation, maintenance, repair, expansion and improvement of the City of Prineville Sanitary Sewer System and Facility:

Parcel 1, a 20 foot strip of real property owned by Eula L. Shrum, said 20 foot strip being located in the southerly portion of the Shrum's property described on Crook County Tax Assessor's Map 14-16-32CB Tax lot 1400, and more particularly described at Exhibit A and depicted on Exhibit A attached hereto and by this reference made a part hereof.

Parcel 2, a 20 foot strip of real property owned by Eula L. Shrum, said 20 foot strip being located in the southerly portion of the Shrum's property described on Crook County Tax Assessor's Map 14-16-32CA Tax lot 1114, and more particularly described at Exhibit B and depicted on Exhibit B attached hereto and by this reference made a part hereof.

Parcel 3, A 20 foot strip of real property owned by Leroy W. and Kathy M. Gray, said 20 foot strip being located in the northerly portion of the Gray's property described on Crook County Tax Assessor's Map 14-16-32BD Tax lot 1700, and more particularly described at Exhibit C and depicted on Exhibit C attached hereto and by this reference made a part hereof.


2. The location, construction, operation, maintenance, repair,

expansion and improvement of the City of Prineville Sanitary Sewer System and Facility for which the real property and interest therein described in Exhibits A through C are required and are being taken as necessary in the public interest in that the expansion of the sewer system and facility has been 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.


3. The City of Prineville through its employees and agents are hereby authorized to attempt to agree with the owners and other persons in interest therein described on Exhibit's A through C or substantially in conformance with, 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 attorney for the City of Prineville be and the same hereby is directed and authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire the real property and interest ant that upon the filing of such proceeding, possession of the real property and interest therein may be taken immediately.

4. This Resolution is effective immediately upon its passage.

PASSED AND ADOPTED THIS 14th DAY OF December, 2004.


STEPHEN P. UFFELMAN, Mayor

ATTEST:



Robb Corbett, City Recorder

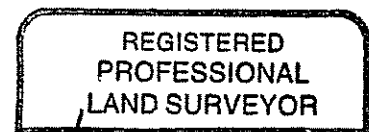
Armstrong Surveying & Engineering, Inc.

378 NE Second Street – Prineville, Oregon 97754-(541) 447-7791 – fax: (541) 416-1602

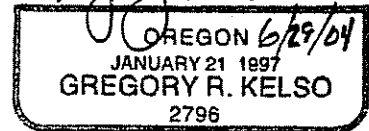
SEWER LINE EASEMENT LOCATED ACROSS A PORTION OF THE NE1/4 SW1/4
OF SECTION 32, T.14S., R.16E., W.M., CITY OF PRINEVILLE, CROOK COUNTY,
OREGON
W.O. 04-2912

Legal Description – Shrum 14-16-32CA-1114

An easement for underground sanitary sewer line purposes across a portion of the Northeast one-quarter Southwest one-quarter (NE1/4 SW1/4) of Section 32, Township 14 South, Range 16 East, W.M., City of Prineville, Crook County, Oregon, being twenty (20) feet in width, ten (10) feet each side of the following described centerline: Beginning at the Center 1/4 corner of said Section 32, thence North 89°35'45" West along the East – West centerline of said Section 32 a distance of 940.54 feet to the Northeast corner of that parcel of land conveyed to Eula L. Shrum in Deeds MF 119378, Records of Crook County, Oregon, thence North 89°35'45" West along the North line of said Shrum parcel a distance of 471.31 feet to the Northeast corner of Parcel 2 of Partition Plat No. 1993-17, Records of Crook County, Oregon; thence South 00°00'14" West along said East line a distance of 291.69 feet to the True Point of Beginning of this centerline description; thence North 68°35'37" East along said centerline a distance of 408.03 feet; thence North 65°53'49" East along said centerline a distance of 99.87 feet to the East line of said Shrum parcel and the terminus of this centerline description, from which point the Northeast corner of said parcel conveyed to Shrum in Deeds MF 119378 bears North 00°09'30" East a distance of 98.65 feet. The sidelines of said easement are extended or shortened at the True Point of Beginning and at the terminus to intersection with the West line and East line of said parcel conveyed to Shrum in Deeds MF 119378.



Gregory R. Kelso



RENEWS 6/30/05

*SEWER LINE EASEMENT LOCATED ACROSS
A PORTION OF THE NE1/4 SW1/4 OF SECTION 32,
T.14S., R.16E., W.M., CITY OF PRINEVILLE,
CROOK COUNTY, OREGON
W.O. 04-2912*

PREPARED FOR

ELKHORN DEVELOPMENT, LLC
549 SW MILLVIEW WAY, SUITE 100
BEND, OR 97702

PREPARED BY

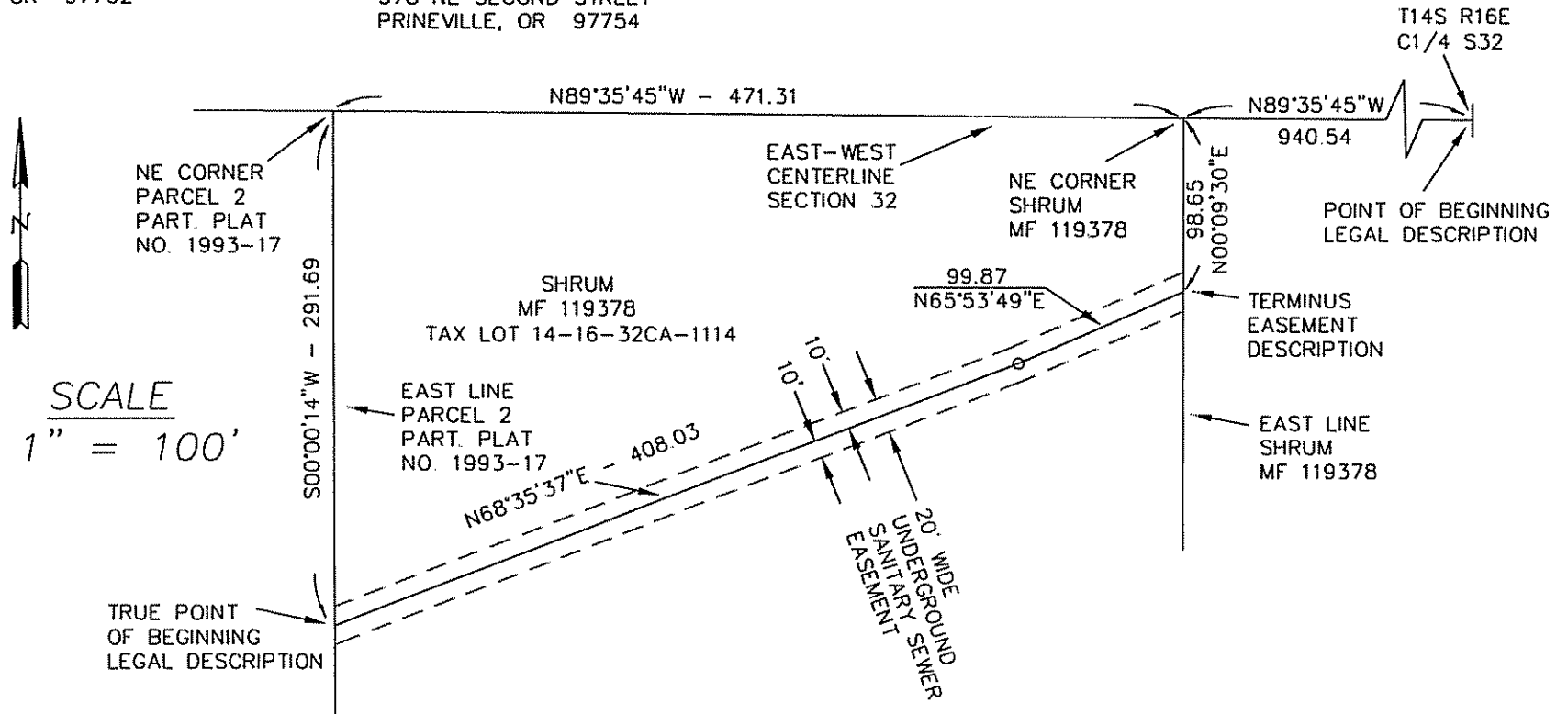
ARMSTRONG SURVEYING
& ENGINEERING, INC.
378 NE SECOND STREET
PRINEVILLE, OR 97754

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gregory R. Kelso

OREGON 9/29/04
JANUARY 21 1997
GREGORY R. KELSO
2796

RENEWS 6/30/05



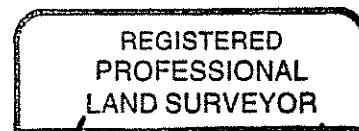
Armstrong Surveying & Engineering, Inc.

378 NE Second Street – Prineville, Oregon 97754-(541) 447-7791 – fax: (541) 416-1602

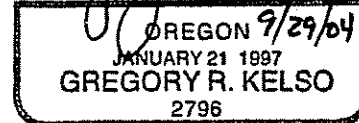
SEWER LINE EASEMENT LOCATED ACROSS A PORTION OF THE NW1/4
SW1/4 OF SECTION 32, T.14S., R.16E., W.M., CITY OF PRINEVILLE, CROOK
COUNTY, OREGON
W.O. 04-2912

Legal Description – Shrum 14-16-32CB-1400

An easement for underground sanitary sewer line purposes across a portion of the Northwest one-quarter Southwest one-quarter (NW1/4 SW1/4) of Section 32, Township 14 South, Range 16 East, W.M., City of Prineville, Crook County, Oregon, being twenty (20) feet in width, ten (10) feet each side of the following described centerline: Beginning at the Center 1/4 corner of said Section 32, thence North 89°35'45" West along the East – West centerline of said Section 32 a distance of 1411.85 feet to the Northeast corner of Parcel 2 of Partition plat No. 1993-17, Records of Crook County, Oregon; thence South 00°00'14" West along the East line of said Parcel 2 a distance of 291.69 feet to the True Point of Beginning of this centerline description; thence South 68°35'38" West along said centerline a distance of 10.18 feet; thence South 77°07'27" West along said centerline a distance of 384.81 feet to the South line of said Parcel 2 and the terminus of this centerline description, from which point the Center 1/4 corner of said Section 32 bears North 78°19'32" East a distance of 1834.39 feet. The sidelines of said easement are extended or shortened at the True Point of Beginning and at the terminus to intersection with the East line and South line of said Parcel 2 of Partition Plat No. 1993-17.



Gregory R. Kelso



RENEWS 6/30/05

*SEWER LINE EASEMENT LOCATED ACROSS
 A PORTION OF THE NW1/4 SW1/4 OF SECTION 32,
 T.14S., R.16E., W.M., CITY OF PRINEVILLE,
 CROOK COUNTY, OREGON
 W.O. 04-2912*

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

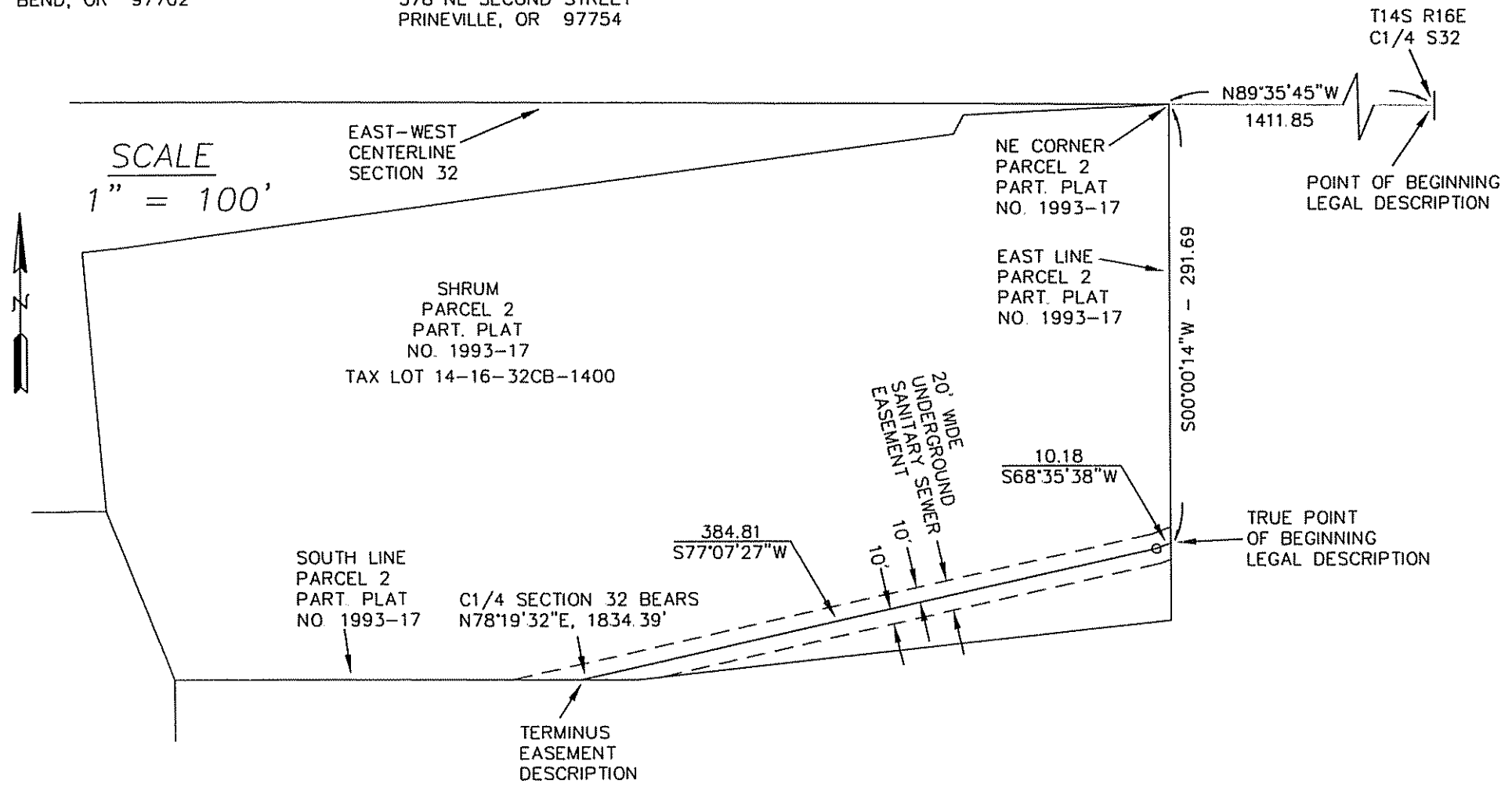
Gregory R. Kelso

OREGON 9/29/04
 JANUARY 21 1997
 GREGORY R. KELSO
 2796

RENEWS 6/30/05

PREPARED FOR
 ELKHORN DEVELOPMENT, LLC
 549 SW MILLVIEW WAY, SUITE 100
 BEND, OR 97702

PREPARED BY
 ARMSTRONG SURVEYING
 & ENGINEERING, INC.
 378 NE SECOND STREET
 PRINEVILLE, OR 97754



Armstrong Surveying & Engineering, Inc.

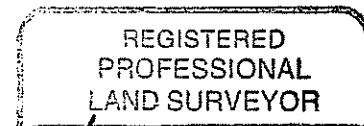
378 NE Second Street – Prineville, Oregon 97754-(541) 447-7791 – fax: (541) 416-1602

SEWER LINE EASEMENT LOCATED ACROSS A PORTION OF THE SE1/4 NW1/4
OF SECTION 32, T.14S., R.16E., W.M., CITY OF PRINEVILLE, CROOK COUNTY,
OREGON

W.O. 04-2912

Legal Description – Gray 14-16-32BD-1700

An easement for underground sanitary sewer line purposes across a portion of the Southeast one-quarter Northwest one-quarter (SE1/4 NW1/4) of Section 32, Township 14 South, Range 16 East, W.M., City of Prineville, Crook County, Oregon, being twenty (20) feet in width, ten (10) feet each side of the following described centerline: Beginning at the Center 1/4 corner of said Section 32, thence North 89°28'07" West along the East – West centerline of said Section 32 a distance of 24.90 feet to the Southeast corner of that parcel of land conveyed to Leroy W. Gray and Kathy M. Gray in Deeds MF 84641, Records of Crook County, Oregon; thence North 01°12'08" East along the East line of said Gray Parcel a distance of 208.51 feet; thence North 01°20'38" East along said East line a distance of 126.48 feet; thence North 01°15'34" East along said East line a distance of 153.51 feet to the True Point of Beginning of this centerline description; thence South 50°57'54" West along said centerline a distance of 395.25 feet; thence South 58°29'35" West along said centerline a distance of 386.13 feet; thence South 65°53'49" West along said centerline a distance of 80.29 feet to the South line of said Gray parcel conveyed in Deeds MF 84641 and the terminus of this centerline description, from which point the Southeast corner of said Gray parcel conveyed in Deeds MF 84641 bears South 89°36'02" East a distance of 698.81 feet. The sidelines of said easement are extended or shortened at the True Point of Beginning and at the terminus to intersection with the East line and South line of said Gray parcel conveyed in Deeds MF 84641.



Gregory R. Kelso
OREGON 9/29/04
JANUARY 21 1997
GREGORY R. KELSO
2796
RENEWS 6/30/05

*SEWER LINE EASEMENT LOCATED ACROSS
A PORTION OF THE SE1/4 NW1/4 OF SECTION 32,
T.14S., R.16E., W.M., CITY OF PRINEVILLE,
CROOK COUNTY, OREGON
W.O. 04-2912*

PREPARED FOR
ELKHORN DEVELOPMENT, LLC
549 SW MILLVIEW WAY, SUITE 100
BEND, OR 97702

PREPARED BY
ARMSTRONG SURVEYING
& ENGINEERING, INC.
378 NE SECOND STREET
PRINEVILLE, OR 97754

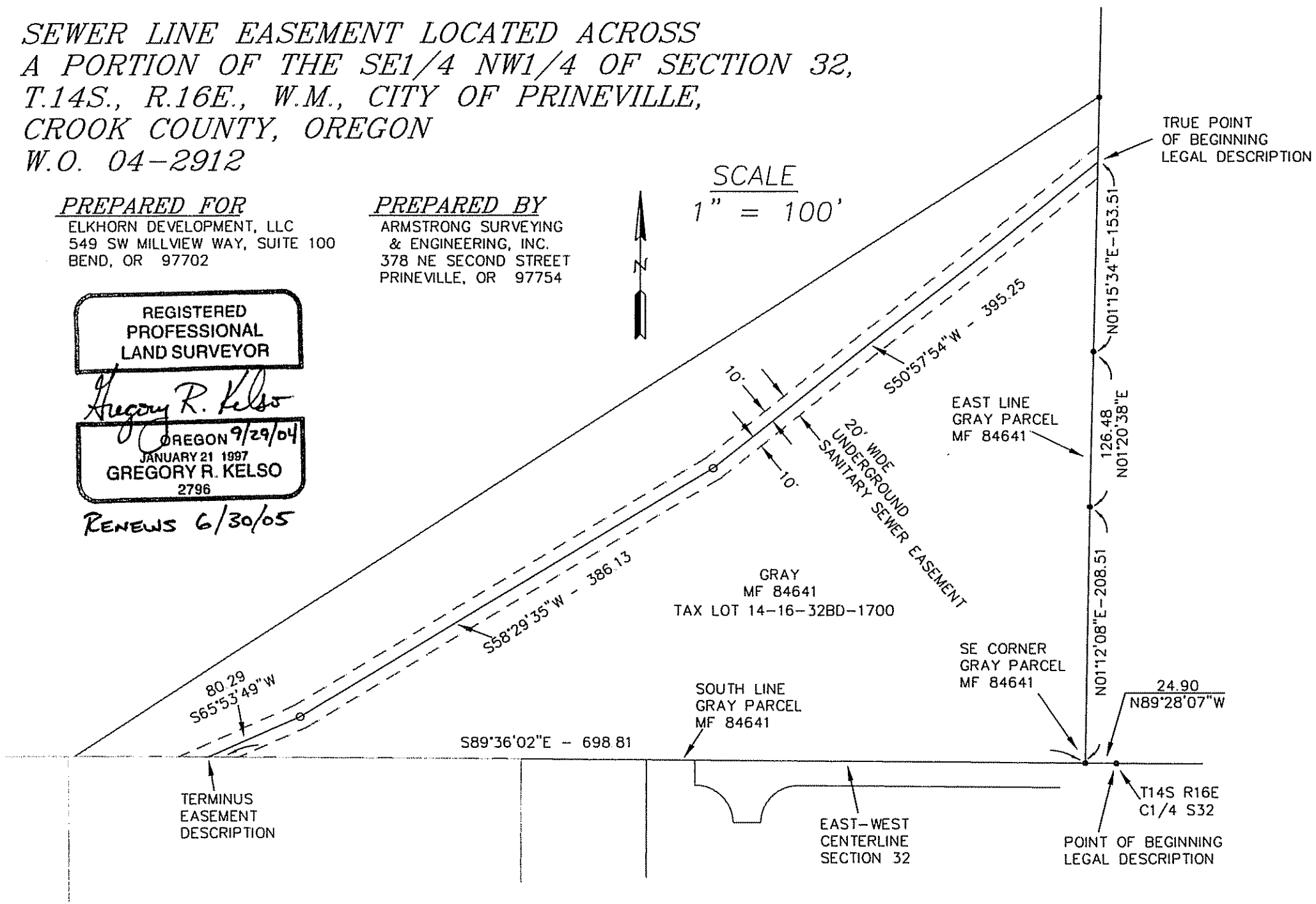
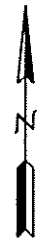
SCALE
1" = 100'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gregory R. Kelso

OREGON 9/29/04
JANUARY 21 1997
GREGORY R. KELSO
2796

RENEWS 6/30/05



TERMINUS
EASEMENT
DESCRIPTION

EAST-WEST
CENTERLINE
SECTION 32

T14S R16E
C1/4 S32

POINT OF BEGINNING
LEGAL DESCRIPTION

TRUE POINT OF BEGINNING
LEGAL DESCRIPTION