RESOLUTION NO. XXVIII

WHEREAS, the City of Canby, a municipal corporation of Clackamas County, Oregon, has for the past many years been maintaining and using grade crossings at Elm, Ivy and Grant Streets over and across the property of the Southern Pacific Company, a corporation of the State of Delaware; and such use has been with the knowledge and consent of the Southern Pacific Company but no formal written agreement pertaining to such use has heretofore been made between said parties, and

WHEREAS, the City of Canby has applied to the Southern Pacific Company for permission to install and maintain a pedestrian grade crossing across the railroad tracks at Elm Street, and the S outhern Pacific Company has prepared and tendered to the City a formal agreement in writing granting to the City the right to construct, re-construct, maintain and use Elm, Ivy and Grant Streets for grade crossing purposes, and together with a pedestrian crossing at Elm Street, and all of which is to be upon, over and across the various parcels of real property now owned by said railroad company and which said real property is particularly described in the proposed agreement, and

WHEREAS the City Engineer for the City of Canby has examined and approved the technical descriptions of the grade crossings and pedestrian crossing; and the City Attorney for said City has examined and approved the form and content of the proposed agreement; and it is deemed by the Canby City Council to be in the best interests of the City and the inhabitants thereof, now therefore

BE IT RESOLVED by the Canby City Council in regular session convened this day and year as last appears hereunder

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that the Mayor of the City of Canby be and he is hereby
authorized and empowered to execute in the name of the C ity
the said agreement prepared by the Southern Pacific Company
and to be executed by and between said Company and the City of
Canby.

Passed by the Common Council of the City of Canby this
5th day of June, 1961.

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EARL OLIVER - Mayor

ATTEST:

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J. R. RICHARDSON- City Recorder