

RESOLUTION NO. LXXXIII

A RESOLUTION DETERMINING THE NEED FOR USE OF FUNDS FROM THE WATER DEPARTMENT SINKING FUND; AND AUTHORIZING THE TRANSFER AND EXPENDITURE OF SUCH FUNDS.

WHEREAS, the legal voters of the City of Canby approved a City Charter Amendment at a special City election held February 17, 1969, for the purpose of authorizing and empowering the City Council to construct, own, reconstruct, improve, enlarge, operate and extend the City's water utility system for the production, storage, distribution and furnishing of water; and

WHEREAS, plans and specifications for construction, extension and improvement of the City's water utility system have been prepared by the engineering firm of Clark & Groff of Salem, Oregon, and approved by the City Council, and said plans among other things provide for the acquisition of additional City property for water wells and storage facilities; and

WHEREAS, the City Council received an option dated December 31, 1968, for purchase of the westerly two (2) acres of the Galyn Leffler property located at the corner of Ratcliff Road and South Fir Street for a total purchase price of \$7,500.00, on account of which \$150.00 was paid down as consideration for the option and to apply on the total purchase price if the option is exercised; and

WHEREAS, the option for purchase of the Leffler property will expire on April 30, 1969, unless exercised by that time, and the City Council has carefully considered the matter and the property in question and its desirability as a site for a new City water well and/or water storage facility, and has determined that it would be in the best interests of the City of Canby and the inhabitants thereof if the option were exercised and the property purchased for the sum of \$7,500.00 cash; and

WHEREAS, there are sufficient funds on hand in the City's Water Department Sinking Fund created by Ordinance No. 457 adopted

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February 3, 1964, which fund was especially created and is now maintained for the express purpose among other things for purchasing real property which is determined by the Council to be necessary for the expansion and further development of the City's Water Department and its facilities; now, therefore, in consideration of the premises, it is hereby,

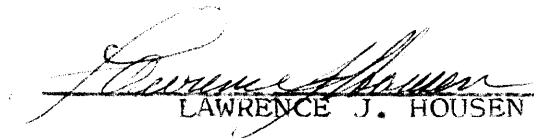
RESOLVED by the Canby City Council that:

1. The option to the City of Canby from Galyn Leffler dated December 31, 1968, should be exercised by the City for purchase of the westerly two (2) acres of the Leffler property located at the corner of Ratcliff Road and South Fir Street for the total purchase price of \$7,500.00 cash.
2. That the selling price of \$7,500.00 for said Leffler property is a reasonable price and not disproportionate to the true value of said property.
3. That it is in the best interests of the City of Canby and the inhabitants thereof that the said option be exercised and the property purchased by the City of Canby for use in the development, expansion and improvement of the City's Water utility system or for any other purpose that the City Council may now or hereafter deem advisable and appropriate.
4. That the City Recorder give notice, and he is hereby authorized and directed to give notice, to Galyn Leffler and to Canby Realty Co. of the City's election to exercise the option to purchase said property for the total purchase price of \$7,500.00 cash, and that upon tender of a good and sufficient Deed of conveyance of said property to the City, together with an Owner's Title Insurance Policy in the face amount of \$7,500.00 insuring the City's title to said property free and clear of liens or encumbrances except the usual printed exceptions and the rights of the public in roads, the City Recorder and City Treasurer are authorized and directed to transfer sufficient funds to complete


the purchase from the Water Department Sinking Fund to the Water Department's General Account for a check to be drawn in favor of the seller in full payment of the total purchase price less the consideration for the option which by the terms thereof is to be applied on the purchase price.

5. That the City assume and pay all proper costs of the buyer including a prorata share of the current year's real property taxes and costs for the recording of the Deed; and that the City's Deed to said property be recorded in Clackamas County Deed Records without further order of the Council upon approval of the Deed as to form and content by the City Attorney.

Adopted by the Canby City Council at a ^{regular}~~special~~ meeting thereof this ^{21st}~~16th~~ day of April, 1969.


LAWRENCE J. HOUSEN - Mayor

ATTEST:


J. R. RICHARDSON - City Recorder