

RESOLUTION NO. 899

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN OPTION AGREEMENT AND AGREEMENT OF PURCHASE AND SALE ON BEHALF OF THE CITY OF CANBY WITH JANICE R. SIMNITT, JEROME A. SIMNITT, JR., AND ROBERTA A. SIMNITT FOR THE PURCHASE OF APPROXIMATELY 2.3 ACRES FOR USE AS A PUBLIC PARK; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A SPECIAL WARRANTY DEED ON BEHALF OF THE CITY FOR THE SUBJECT PROPERTY; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A WATER LINE AGREEMENT AND RELEASE ON BEHALF OF THE CITY AND TO TAKE ALL OTHER ACTIONS NECESSARY TO FACILITATE THE EXECUTION OF THIS TRANSACTION .

WHEREAS, in accordance with a land use development application No. SUB 05-01 approved by the Canby Planning Commission on May 9, 2005, Janice R. Simnitt, Jerome A. Simnitt, Jr., and Roberta A. Simnitt (Simnitts) have proposed to enter into an Option Agreement and Agreement of Purchase and Sale (Option) with the City of Canby to provide the City with an Option to purchase approximately 2.3 acres of real property to satisfy the parkland requirements imposed as a condition of approval of the land use application; and

WHEREAS, the Option requires an immediate payment of \$50,000.00 be paid to the Simnitts by the City toward the total purchase price of \$414, 200.00 of the parcel in order to perfect the Option; and

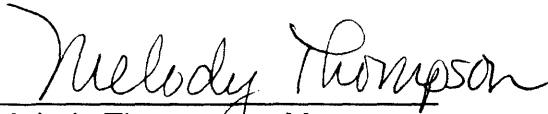
WHEREAS, as part of the Option transaction, upon exercise of the Option, the Simnitts will execute a Special Warranty Deed in favor of the City which requires acceptance by the City and have executed a Water Line Agreement and Release which also requires acceptance by the City; now therefore

IT IS HEREBY RESOLVED by the City of Canby Council that the Canby City Administrator is hereby authorized to execute the Option Agreement with the Simnitts for an Option to purchase 2.3 acres of real property and to immediately pay \$50,000.00 to the Simnitts on behalf of the City to perfect the Option, and

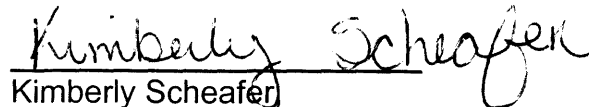
IT IS HEREBY FURTHER RESOLVED that the City Administrator is hereby authorized to execute and accept, on the City's behalf, a Special Warranty Deed from the Simnitts to the City with respect to the real property and to execute and accept, on the City's behalf, a Water Line Agreement and Release from the Simnitts and to carry out any further actions necessary to complete this transaction.

This resolution shall take effect on June 1, 2005.

ADOPTED this 1st day of June, 2005, by the Canby City Council.


Melody Thompson - Mayor

ATTEST:


Kimberly Scheafer
City Recorder - Pro-Tem