

ORDINANCE No. 411

AN ORDINANCE RELATING TO THE EXCHANGE OF REAL PROPERTY BETWEEN THE CITY OF CANBY AND JOHN I. AND LOLA E. GALE.

WHEREAS, Clackamas County, a political subdivision of the State of Oregon, conveyed by Deed on the 10th day of February, 1955, to the City of Canby, a municipal corporation of Clackamas County, Oregon, a parcel of real property particularly described in said Deed, Recorded in Clackamas County Deed Records, Volume 508 at Page 343, and all of which was done pursuant to the provisions of Oregon Revised Statutes 271.330, and

WHEREAS, the City of Canby has negotiated with JOHN I. GALE and LOLA E. GALE, husband and wife, for transfer to them of a part of said real property and receive from them in exchange, an adjoining parcel of land with more river frontage, and

WHEREAS, the contemplated exchange of properties between the City of Canby and JOHN GALE and his wife, will be more beneficial to all of the parties by providing the City with better park recreational facilities and JOHN I. and LOLA E. GALE with better land suited to cattle grazing and property lines can be uniformly established and the boundaries more easily marked, and

WHEREAS, the two (2) parcels to be exchanged between said parties are comparable in size and value, now therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: That the City of Canby convey by Bargain and Sale Deed to JOHN I. GALE and LOLA E. GALE, husband and wife, the following described parcel of real property in Clackamas County, State of Oregon:

Part of the Northeast quarter of Southeast quarter of Section 5, T. 4. S. R. 1. E. of the W. M., Clackamas County, Oregon, described as follows:

BEGINNING at an iron pipe that is on the East line of said Section 5, South  $0^{\circ} 03'$  East 943 feet from the East quarter Section corner of said Section 5; thence South  $89^{\circ} 57'$  West 182 feet to an iron pipe; thence North  $17^{\circ} 15'$  West (survey April 1957 shows North  $17^{\circ} 18'$  West) 377.32 feet to an iron pipe; thence North  $89^{\circ} 57'$  East 194.6 feet to an iron pipe on the East section line of said Section 5; thence South  $0^{\circ} 03'$  East along said Section line 360.24 feet to the place of beginning.

Section 2: That the City of Canby accept from JOHN I. GALE and his wife, in exchange for the property to be deeded to them and described in the foregoing Section 1, their Deed tendered to the following described real property in Clackamas County, State of Oregon:

Part of the Northeast quarter of the Southeast quarter of Section 5, T. 4. S. R. 1. E. of the W. M., described as follows:

BEGINNING South  $0^{\circ} 03'$  East 582.76 feet and South  $89^{\circ} 57'$  West 194.6 feet from the east quarter corner of said Section 5; thence North  $17^{\circ} 15'$  West (survey April 1957 shows North  $17^{\circ} 18'$  West) 326.68 feet; thence North  $89^{\circ} 52'$  East 306.25 feet to an iron pipe on the bank of the Molalla River;

thence continuing 5 feet, more or less, to the edge of the bank; thence Southerly along said river bank 370 feet, more or less, to a point South 89° 57' West from the point of beginning; thence East 5 feet to an iron pipe; thence North 89° 57' East 216.3 feet to the point of beginning.

Section 3: That the land, when conveyed by Mr. and Mrs. Gale to the City of Canby, shall be used by the City for public purposes and the title thereto shall be held by the City of Canby subject to the same conditions imposed on that property conveyed to the City by Clackamas County and described as aforementioned in Clackamas County Deed Records, Volume 508 at Page 343.

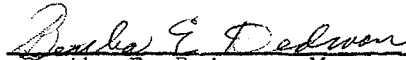
Section 4: That the City of Canby pay as its sole expense, all costs incurred in the exchange of said properties, including, though not exclusively, Title Insurance Policies on each of the two (2) parcels in the amounts of One Thousand DOLLARS (\$1,000.00) each, plus the costs of Federal Revenue Stamps and the costs of recording both Deeds.

Section 5: That the attorney for the City of Canby petition the County Court of Clackamas County on behalf of and in the name of the City for a resolution or order of the Court ratifying, confirming and acquiescing in the exchange of said properties.


Section 6: All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 7: It being deemed by the City Council for the City of Canby that an emergency exists, this ordinance shall take effect immediately upon its final passage by the City Council.

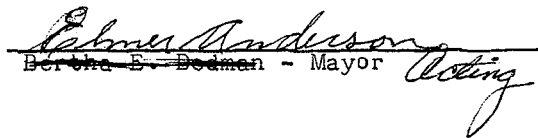
Passed on first reading at a regular meeting of the Canby City Council this 3rd day of February, 1958; ordered posted for two (2) full calendar weeks as provided by City Charter and to come up for final reading and action of the Council at a regular meeting thereof to be held on the 3rd day of March, 1958.

  
Bertha E. Dedman - Mayor


Attest:

  
F. G. Lawrence - City Recorder

Passed by the Canby City Council on final reading this 3rd day of March, 1958, by the following vote: YEAS 6 NAYS 0

  
~~Bertha E. Dedman~~ - Mayor Acting

Attest:

  
F. G. Lawrence - City Recorder