

SPECIAL MEETING.

A special meeting of the City Council was held on Tuesday evening July 11th. at 8:00'clock P.M.

On roll call there were present Mayor Dedman, City attorney Wait Chief of Police Lent, Recorder Fosmark and Councilmen Bates, Graham, Hornig Porter and Thompson, Meeks reported later. Absent Cutsforth and Dimick.

Mayor Dedman stated that the meeting had been called to receive the reports of the water committee and to consider the proposals of the Engineers. Mr Bates stated that Engineers H.L. Gilbert and Floyd W. Allen had submitted their proposals which were then read to the Council, IT appearing that H.L. Gilbert had submitted the lowest figures But no action towards employing him until the water committee had looked farther into the matter. The following Resolution was then presented to the Council.

RESOLUTION

WHEREAS, the City of Canby is about to purchase an acre of land in what has been known as the D.H. Solomon land claim, located in the City of Canby, Oregon, and as it is necessary for it to obtain a right of way for ingress and egress to and from said acre over the property of R. McKenzie, now be it

RESOLVED by the City Council of Canby, that the City of Canby enter into an agreement with said R. McKinzie and wife whereby the City of Canby is permitted to pass over and use certain land of the said R. McKinzie and wife as a means of ingress and egress to and from said acre as may be necessary. And the Mayor and City Recorder of the City of Canby are hereby authorized to enter into and sign such an agreement, on the part of the City of Canby.

On motion, seconded and carried the above Resolution was declared adopted. the following agreement was then presented.

THIS AGREEMENT; made and entered into this 17th day of July 1933, by and between R McKenzie and MARY McKenzie, his wife, the parties of the first part hereto, and the City of Canby, a Municipal Corporation the party of the second part, Witnesseth; The said parties of the first part hereto, in consideration of the sum of one dollar to them paid, and the further consideration of the promises and agreements to them made by the said party of the second part hereunto, do make and grant to the said City of Canby, the party of the second part, the perpetual right to use as a road, and erect a pole line, on, a strip of land fifteen feet in width along the North line of their tract of land, situated in Canby, Clackamas County, Oregon, said tract of land being known as the D.H. Solomon place, the description of the land to be so used by the said party of the second part being as follows, to wit;

Beginning at the Northeast corner of said tract of land, running thence West along the North line of said tract of land to the edge of the bluff, thence along the edge of the bluff in a Southwesterly direction to the Northeast corner of that certain acre tract of land owned by the said party of the second part, and purchased from D.H. Solomon as and for the water rights located on it. And the said parties of the first part grant to the said party of the second part the right to use the road running from the north line of the property of the parties of the first part around and under the bluff to the afore-said Acre tract belonging to the said party of the second part; And further, the said parties of the first part grant to the said party of the second part the right to lay an underground main or water pipe from the said acre of the said party of the second part across the land owned by the said parties of the first part in such place as the said party of the second part may think most suitable for a connection with their City Water System, and said party of the second part to have the right to go on the land of the said parties of the first part to repair said Main or Pipe if repairs thereto become necessary.

And the said party of the second part agrees to pay to the parties of the first part for any damage that may occur to their property, by reason of said Main or Pipe across their property, or by any repairs made to it. And the said party of the second part agrees to put in at their own expense any gates and make any roads that are necessary in the use of the right of access to the above described Acre of land, and promise and agree that said right of usage shall be used only for City purposes, and not for Public use.

Subscribed to this day of July, 1933.

Witnessed by

Mayor of Canby

Rec.

July 11 (cont.)

After some discussion this agreement was accepted. The following agreement was then presented:

In part consideration of the permission granted to the City of Canby, Oregon by R. McKenzie, to permit the City of Canby to lay a Main or Pipe across the property of said R. McKenzie, at Canby, Oregon, the said City of Canby promises and agrees that in digging the ditch for said Main or Pipe, to lay the first shovel length of said earth, on one side of said ditch, and the other earth so removed on the other side of said ditch, and in refilling the ditch to first fill with the bottom earth and to place the top earth on the top of the fill.

Dated Canby, Oregon,
July 7 1933

The following Ordinance was then introduced ~~and~~ and on motion, seconded, and carried, was declared passed on its first reading:

Ordinance No.56

An Ordinance to purchase an Acre Tract of land and the Springs thereon from D.H. Solomon and wife.

CANBY DOES ORDAIN AS FOLLOWS, to wit;

SECTION-1-Whereas the Council of Canby believes it to be necessary and to the advantage and best interests of Canby, to secure a larger and purer water supply for the City;

SECTION-2- And whereas the City Council of Canby believes that in furtherance of that object it would be of advantage to the City, to purchase a certain Acre tract of land and the several springs of water thereon from D.H. Solomon and wife;

SECTION-3- Canby proposes to, and hereby does purchase from D.H. Solomon and wife for the sum of six hundred dollars, a certain Acre tract of land and the springs of water located thereon; said tract of land being particularly described as follows, to wit;

Being a part of Section 32 T 3S R1E, of the W.M. Clackamas County, Oregon, bounded and described as follows, to wit;

Beginning at and iron pipe driven at a point that is S 63 degrees West 2456.65 feet distant and S 20 degrees 03 minutes W. 561.65 feet distant from a basalt stone 24"x9"x6" marked with an "x" on top and set at the Northwest Corner of the Philander Lee D.L.C. No.56 in T. 3S. R1E. of the W.M. Running thence S. 2 degrees 00 minutes E. 272.1 feet to an iron pipe: thence S.88 degrees no minutes 160.00 feet to an iron pipe: thence N.2 degrees no minutes 272.25 feet to an iron pipe: thence N.88 degrees no minutes E. 160.00 feet to the place of beginning.

Containing One Acre More or less.

SECTION-4- Whereas this Ordinance is necessary for the preservation of the Public health, peace and safety of the people of Canby, an emergency is hereby declared, and this Ordinance shall go into full force and effect from and after its passage by the Council and approval by the Mayor.

A motion was now made seconded and carried that the Recorder and Supt. Lent make application to file on the water right at the springs.

On motion, seconded and carried the water committee was authorized to make arrangement with an engineer to make a preliminary survey of the project without making application for a federal loan. and to have figures submitted on several methods of installation, so that the different propositions can be submitted to the voters of the City.

There being no further business the Council adjourned.

Approved August 7, 1933

E. W. Baur
Mayor

J. A. Foreman
City Recorder.