

ORDINANCE NO. 7

AN ORDINANCE TO PROVIDE FOR THE PURCHASE OF THE PROPERTY KNOWN AS TROUTDALE WATER WORKS WATER SYSTEM, OWNED BY W. C. SPENCE AND CONSISTING OF 5.28 ACRES OF LAND IN SECTION 25, IN TOWNSHIP 1 NORTH OF RANGE 3 EAST OF W.M. TOGETHER WITH CERTAIN RIGHTS OF WAY AND EASEMENTS, BESIDES ALL OF THE PIPES, PIPE LINES, PUMPS, METERS, HYDRANTS, FITTINGS, EQUIPMENT AND APPURTENANCES BELONGING TO AND USED IN THE OPERATION AND CONDUCT OF SAID WATER SYSTEM WITHIN AND OUTSIDE OF THE TOWN OF TROUTDALE; FOR THE PRICE OF \$10,000.00 FOR USE IN FURNISHING TO THE RESIDENTS AND INHABITANTS WATER FOR DOMESTIC USES AND FOR FIRE PROTECTION, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF TROUTDALE.

SECTION 1, It appearing to the Common Council that the property known as Troutdale Water Works, owned by W.C. Spence, together with 5.28 acres of land, besides certain rights of way and easements, pipes, pipe lines, equipment and appurtenances, used in the operation of said Troutdale Water Works, and more particularly described as follows:

Commencing at the corner of Sections 23, 24, 25 and 26, Township 1, North of Range 3, East of W.M.; thence North 89 degrees 57 minutes East along the North line of the D. F. Buxton D.L.C. in said Township and Range, 748 feet to the Northeast corner of the property shown on Multnomah County Assessor's 1945 Tax Roll as Tax Lot No. 7 of said Section 25; thence following the boundary line of said Tax Lot No. 7 South 0 degrees 23 minutes West 2690.23 feet to the South line of Sandy Road; thence South 89 degrees, 37 minutes, 50 seconds East along the South line of said Sandy Road, 100 feet to an 1½ inch iron pipe; thence South 0 degrees 23 minutes West 750.64 feet to an 1½ inch iron pipe; thence leaving the boundary line of said Tax Lot No. 7, and running South 0 degrees 23 minutes West 100 feet to the point of beginning of the land to be described. From said beginning point thence North 89 degrees 37 minutes West 100 feet; thence North 0 degrees 23 minutes East 40 feet; thence North 89 degrees 37 minutes West 190 feet; South 0 degrees 23 minutes West 745.6 feet, more or less, to the South line of said Tax Lot No. 7; thence South 89 degrees, 19 minutes East, along the South line of said Tax Lot No. 7, 680 feet to the West line of Willamette Street, a street on the West boundary of the Town of Troutdale, Oregon; thence North along the West line of said Willamette Street 30 feet; thence North 89 degrees 19 minutes West parallel with the South line of said Tax Lot No. 7, 390 feet, more or less, to a point which is South 0 degrees, 23 minutes West from the point of beginning; thence North 0 degrees, 23 minutes East 677 feet, more or less, to the point of beginning. Containing 5.28 acres, more or less.

Also commencing at the corner of Sections 23, 24, 25 and 26, Township 1 North of Range 3, East of W.M.; thence North 89 degrees, 57 minutes East along the North line of the D.F. Buxton D.L.C. in said Township and Range, 228 feet to the Northwest corner of property shown on Multnomah County Assessor's Tax Roll as Tax Lot No. 7 of said Section 25; thence South 0 degrees, 23 minutes West 2688.33 feet to a point 30 feet South of the center line of Sandy Road; thence South 89 degrees, 37 minutes, 50 seconds East parallel with the center line of said Sandy Road, 400 feet to the Northeast corner of property shown on Multnomah County Assessor's Tax Roll as Tax Lot No. 47 of said Section 25; thence South 0 degrees, 23 minutes West 440 feet to the point of beginning of land to be described. From said beginning point thence South 0 degrees, 23 minutes West 16 feet; thence North 89 degrees, 37 minutes West, 40 feet; thence North 0 degrees, 23 minutes East, 16 feet; thence South 89 degrees, 37 minutes East, 40 feet to the point of beginning. Containing 640 square feet.

Also the right of way to construct and maintain a water main on a portion of said Tax Lot No. 7, the center line of said water main to be located as follows: Beginning at a point which is South 0 degrees, 23 minutes West 5 feet from the most Northerly N.E. Corner of the hereinabove described 5.28 acres tract; thence North 59 degrees, 25 minutes East 105 feet to a point which is North 0 degrees 23 minutes East, 95 feet from the point of beginning above

described; thence South 0 degrees, 37 minutes East 160 feet to the East line of said Tax Lot No. 7.

Also a strip of land as a right-of-way 12 feet in width, the West line of which is described as follows: Beginning at a point on the South line of Sandy Road, which is South 0 degrees, 23 minutes West 25 feet from the center line of said Sandy Road, and North 0 degrees, 23 minutes East 5 feet from the North East Corner of said Tax Lot No. 47; thence South 0 degrees, 23 minutes West 462 feet to the Southeast corner of the hereinabove described 640 square feet tract; thence Southerly 100 feet to a point on the top of the slope of creek bank; thence Southerly to a point on the North line of the above described 5.28 acre tract, which is North 89 degrees, 37 minutes West 96 feet from the most Northerly Northeast corner of said 5.28 acre tract. The South line of said 12 foot strip is described as following the North line of the above described 5.28 acre tract, for a distance of 12 feet. The East line of said 12 foot strip is described as being a line parallel with and 12 feet East of the above described West line. The North line of said 12 foot strip is described as following a line 25 feet South of and 25 feet from the center line of said Sandy Road.

Also all of the pipes, fittings, tanks, pump and pumps, pumphouse, pipe lines, equipment, appurtenances, meters (if any), hydrants (if any), motors and any and all things whatsoever now in use in the operation and management of the Troutdale Water Works water system, necessary, incident or convenient to the proper distribution of water, and now in use in the conduct and operation of said system, within and outside of the Town limits of the Town of Troutdale, in, over and across the Spence home place, and in the streets and roads wherever same may be situated.

Which said properties W. C. Spence offers to sell to the Town of Troutdale for the reasonable and fair consideration of Ten Thousand (\$10,000.00) Dollars on the following terms:

One Thousand (\$1,000.00) Dollars as part consideration, and the balance of Nine Thousand (\$9,000.00) Dollars to be paid from special funds as same accrues from the collections each month from water users and consumers now taking water from said water system (and not from any new or hereafter connected consumers or water users), one half or 50% of the gross collections from the sale of water to the present consumers or users only of water from said Troutdale Water Works, both within and outside of the Town of Troutdale, and exclusive of any new or hereafter added users, each calendar month, monthly, each of which said installments shall be payable 30 days after the last date of each preceding calendar month. The first payment or installment shall be due and payable at the office of the Clerk of the Town of Troutdale 30 days after the last date of the first Calendar month of operation of said Water System by said Town of Troutdale, and such plan of payment shall continue and be paid as aforesaid to said W. C. Spence, his heirs and assigns, until he or they shall have received the total sum of \$10,000.00, including the aforementioned \$1,000.00, paid as a part consideration, or first payment, and at the time of paying said monthly installments of 50% of the collections made from the users now on said Water System, said Town of Troutdale shall pay interest to said W. C. Spence, his heirs or assigns from time to time on so much of said remaining balance of said \$9,000.00, at the rate of 4% per annum, as may be at that time unpaid, provided said W. C. Spence makes, executes and acknowledges, and delivers a valid conveyance of said properties to said Town of Troutdale, free and clear of all liens and/or encumbrances, concurrently with the delivery of the check or warrant for said \$1,000.00, and provided further, that the City Attorney of the Town of Troutdale approve such conveyance as to form, and that title insurance covering said 5.28 acres of land is obtained and will be furnished. The owner may, however, furnish an Abstract of Title, showing clear title to said last mentioned land in lieu of Title Insurance, if he so desires.

And, it appearing to the Council that it is of the best interest of the Town of Troutdale that said offer of W. C. Spence be, and it hereby is accepted,

