

ORDINANCE BILL NO. 26 FOR 1925.

Ordinance No. 345.

A BILL FOR AN ORDINANCE reciting the purchase of the City of Lebanon from Mary E. Moist and C. F. Moist, her husband, of certain lands within the corporate limits of the City of Lebanon and authorizing and directing the acceptance by the City Recorder of a deed to said land and authorizing and directing the City Recorder to cancel the assessment assessed against said land for the pavement of North Main Street in said city as the consideration for said deed.

WHEREAS, Mary E. Moist is the owner of the following described tract of land, to-wit:

Beginning at a point which is North 5° East 7.98 chains distant from the N.E. Corner of Block No. 2 in Wassom's Addition to Lebanon, Oregon, and running thence South 3° 22' E. 235.3 ft. to the East line of Main Street; thence East 38.1 feet; thence North 231 feet; thence West 50.16 feet to the point of beginning, containing 0.24 acres, more or less, in Linn County, Oregon.

AND, WHEREAS, the City of Lebanon has negotiated with the State Highway Commission of the State of Oregon for the building of a State Highway through the said city of Lebanon over and across said described lands, and

WHEREAS, the said City of Lebanon has commenced proceeding under its charter to condemn a right-of-way over and across said described land, and

WHEREAS, the said Mary E. Moist has agreed to convey the above tract of land over and across which said right-of-way is laid out on condition that the assessment levied against the said land for the pavement of North Main Street be cancelled; and

WHEREAS, the Council deems said condition reasonable and just and for the benefit of the City of Lebanon and the inhabitants thereof, and

WHEREAS, said tract of land is valuable to the City of Lebanon in that said city can procure dirt from so much of said land as is not taken up by the right-of-way for the purpose of making a fill over and across other lands traversed by said right-of-way.

THEREFORE, THE PEOPLE OF THE CITY OF LEBANON
DO ORDAIN AS FOLLOWS:

SECTION 1: The City of Lebanon hereby agrees to purchase from Mary E. Moist the lands described in the deed hereinafter set out and in consideration therefor agrees to cancel the assessment levied against said land on account of the pavement of North Main Street.

SECTION 2: The City Recorder, for and on behalf of the City of Lebanon, is hereby authorized and directed to accept from the said Mary E. Moist and C. F. Moist, her husband, a deed properly executed and which said deed, omitting execution, is substantially as follows, to-wit:

"THIS INDENTURE WITNESSETH That I, Mary E. Moist, and C. F. Moist, for the consideration of the sum of Ten Dollars and other valuable consideration to me paid, have bargain and sold, and by these presents do bargain, sell and convey unto City of Lebanon, a Municipal Corporation in Linn County, Oregon, the following described premises, to-wit:

Beginning at a point which is North 5° East 7.98 chains distant from the N.E. Corner of Block No. 2 in Wassom's Addition to Lebanon, Oregon, and running thence South $3^{\circ} 22'$ E. 235.3 ft. to the East line of Main St; thence East 38.1 feet; thence North 231 feet; thence West 50.16 feet to the point of beginning, containing 0.24 acres, more or less, in Linn County, Oregon.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said City of Lebanon, a Municipal Corporation in Linn County, Oregon, its successors and assigns forever. And I, the said Mary E. Moist, and C. F. Moist do hereby covenant to and with the said City of Lebanon, a Municipal Corporation in Linn County, Oregon, its successors and assigns, that I am the owner in fee simple of said premises; that they are free from all incumbrances, save and except street assessments for the pavement of Main Street, which the grantee assumes as part of the purchase price, and that I will warrant and defend the same from all lawful claims whatsoever, except said assessments.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this day of , 1925."

Section 3: The City Recorder is further authorized and directed that upon acceptance of this deed to cancel the assessment levied against said property in the name of Mary E. Moist.

Section 4: In as much as the acquisition of the above property is necessary for the immediate construction of a Highway over and across said right-of-way and for the preservation of the public peace, health and safety of the City of Lebanon, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the Council and approval by the Mayor.

Passed by the Council this 20th day of October, 1925.

Approved by the Mayor this 20th day of October, 1925.

Attest:



Acting Mayor.

Recorder