

ORDINANCE BILL NO. 28 for 1925.

ORDINANCE NO. 347

A BILL FOR AN ORDINANCE reciting the purchase by the City of Lebanon from the Crown Willamette Paper Company of certain lands within the corporate limits of the City of Lebanon and authorizing and directing the acceptance by the City Recorder of a conditional deed to said lands and authorizing and directing the City Recorder to pay the Crown Willamette Paper Company the sum of One Thousand Dollars as part consideration for said deed.

WHEREAS the Crown Willamette Paper Company, a Corporation of the State of Maine, is the owner of the following described tract of land:

Beginning at a point which is thirty (30) feet East and two hundred and eighty-nine (289) feet North of the Northeast corner of Block Two (2), Wassom's Addition to Lebanon, Oregon. Thence East 68.1 feet; thence North 70.5 feet to a point on the Easterly boundary line of the State Highway; thence along said highway boundary line South $16^{\circ} 50'$ East 386.8 feet; thence in a Southerly direction on a curve to the right with a radius of 1462.5 feet, a distance of 251 feet, more or less, to the South line of the property now owned by Crown Willamette Paper Company; thence West along the South line of the property now owned by the Crown Willamette Paper Company 228.5 feet, more or less, to the center line of Main Street of Lebanon, Oregon; thence North along the center line of Main Street 539.5 feet to the point of beginning.

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

WHEREAS the said Crown Willamette Paper Company offers to convey said lands to the City of Lebanon for a consideration of One Thousand Dollars (\$1,000.00), and also in consideration of the

agreement on the part of the City of Lebanon to hereafter and forever save and hold harmless the said Crown Willamette Paper Company from any and all expense, costs, or charges which may arise, grow out of, or be incident to the building, maintenance or repair of a State Highway, County Road or City Street, as the same may now or hereafter be located or constructed over and across said lands.

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

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

SECTION I. The City of Lebanon hereby agrees to purchase from the Crown Willamette Paper Company, the lands described in the deed hereinafter set out, and agrees to pay therefor, the sum of ONE THOUSAND DOLLARS (\$1,000.00), and as a further consideration of said deed, agrees to perform the covenants on its part to be performed as in said deed set forth.

SECTION II. The City Recorder for and on behalf of the City of Lebanon, is hereby authorized and directed to accept from the Crown Willamette Paper Company, a deed when executed subject to the approval of the City Attorney, and which deed, omitting execution, is substantially as follows:

SPECIAL WARRANTY DEED.

----c0o----

KNOW ALL MEN BY THESE PRESENTS, THAT THE Crown Willamette Paper Company, a corporation of the State of Maine, in consideration of One Thousand Dollars (\$1,000.00) to it paid, the receipt whereof is hereby acknowledged, and further in consideration of the performance by the grantee of the covenants herein recited, has granted, bargained and sold, and does by these presents, grant, bargain, sell and convey unto the City of Lebanon, a Municipal Corporation of the

State of Oregon, all of the following described lands situate in the County of Linn, State of Oregon, to-wit:

Beginning at a point which is thirty (30) feet East and two hundred and eighty-nine (289) feet North of the Northeast corner of Block Two (2) Wassom's Addition to Lebanon, Oregon, Thence East 68.1 feet; thence North 70.5 feet to a point on the Easterly boundary line of the State Highway; thence along said highway boundary line South $16^{\circ} 50'$ East 386.8 feet; thence in a Southerly direction on a curve to the right with a radius of 1462.5 feet, a distance of 251 feet more or less, to the South line of the property now owned by Crown Willamette Paper Company; thence West along the South line of the property now owned by the Crown Willamette Paper Company 228.5 feet more or less, to the center line of Main Street of Lebanon, Oregon, thence North along the center line of Main Street 539.5 feet to the point of beginning.

TO HAVE AND TO HOLD the above described lands unto the grantee, its successors and assigns, forever.

As part consideration for this deed the grantee covenants to and with the grantor, its successors and assigns, that the grantee will, and its successors and assigns shall save and hold harmless the grantor, its successors and assigns, from any and all expense, costs and charges, which may hereafter arise, grow out of, or be incident to the construction, repair, maintenance or up-keep of any State Highway, County Road or City Street, which may now or hereafter be located or constructed over and across the above described lands, or any part thereof; the foregoing covenant runs with the land and upon breach thereof by the grantee, its successors or assigns, the title hereby conveyed will revert to and immediately become vested in the grantor, its successors or assigns, without declaration of forfeiture on the part of the grantor, its successors or assigns.

The Grantor does covenant to and with the grantee that it is seized of the fee simple unencumbered title to the above described lands; that it will, and its successors and assigns shall defend the title thereto unto the grantee, its successors and assigns, against the lawful claims of all persons whomsoever, claiming by, through, or under the grantor.

IN WITNESS WHEREOF, the grantor has caused this deed to be executed by its officers duly authorized thereunto and its corporate seal to be hereto attached.

SECTION III. The City Recorder is further authorized and directed, upon acceptance of this deed, to issue and deliver to the said Crown Willamette Paper Company, a warrant of the City of Lebanon in the sum of One Thousand Dollars (~~#~~1,000.00), to be drawn on the general fund.

SECTION IV. In as much as the acquisition of the above described property is necessary for the immediate construction of a highway over and across said lands and for the preservation of the public peace, health and safety of the City of Lebanon and the inhabitants thereof, an emergency is hereby declared to exist and one does hereby 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 3rd day of November, 1925.

Approved by the Mayor this 3rd day of November, 1925.

Attest

6 H. Witman
Recorder.

Thad Sterling
Mayor.