

AN ORDINANCE AUTHORIZING THE MAYOR AND
RECORDER OF THE CITY OF LEBANON, OREGON
TO ENTER INTO A LICENSE WITH MORSE BROS.
FOR THE REMOVAL OF LOAM DEPOSITS LOCATED
ON CITY PROPERTY AND DECLARING AN
EMERGENCY.

ORDINANCE BILL NO. 23
for 1958

ORDINANCE NO. 1033

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

SECTION 1. The Mayor and Recorder of the City of Lebanon, Oregon
are hereby authorized and directed to enter into an agreement in writing with
Morse Bros. providing for the removal by Morse Bros. of certain loam deposits
located on City property, which said agreement shall be specifically in words
and figures as follows:

A G R E E M E N T

This agreement made this 1st day of APRIL 1958. between the City of Lebanon, a municipal corporation, created and existing under the laws of the State of Oregon, hereinafter called "LICENSOR", and Joe D. Morse, Forrest E. Morse and William F. Morse dba, LEBANON SAND & GRAVEL, hereinafter called the "LICENSEE".

WITNESSETH:

WHEREAS, the City of Lebanon now owns certain real property located Northeast of said city which contains certain loam deposits, and

WHEREAS, the Licensee, Morse Bros., operate a Sand and Gravel business and desire to purchase from the City of Lebanon, that certain loam located on the property aforementioned, now therefore,

(1). LICENSOR AGREES:

(a) To grant the Licensee the right to enter upon and remove therefrom such loam as the Licensee may see fit from the following described property, to-wit:

Beginning at the NW corner of the William Smith D L C 82 T. 12 S., R. 2 W., W. M. Linn County; running thence East along the N. line of said D L C 565.89 feet; thence S. parallel with the W. line of said D L C 400 feet; thence West 565.89 feet to the West line of said D L C; thence North 400 feet to the place of beginning.

(b) That said privilege shall extend for a period of 5 years from the date of this contract.

(c) That the rights of the Licensee hereunder shall be exclusive in the sense that Licensor will not grant to anyone else the privilege of removing loam from said tract of land during the period hereof, but Licensor reserves to itself, its successors and assigns, the right during said period to go on and use said tract of land for any purpose it may desire, but without unreasonable interference with the rights of Licensee.

(d) That Licensee shall have the right of egress and shall have the right to build such roads and make such other improvements as are necessary for the removal of loam under this license.

(2) LICENSEE AGREES:

(a) To perform all labor necessary for the removal of said loam from the above described premises and to pay to Licensor ten cents (10¢) per yard for the loam taken, the royalty due to be paid at the expiration of each thirty (30) days.

(b) To keep written records of amounts of loam removed under this license and same shall be available to Licensor for purpose of verifying such amounts.

(c) To build and maintain access roads for the removal of said loam. Construction and maintenance of such roads shall be as directed by the City Engineer of the City of Lebanon.

(3) IT IS MUTUALLY AGREED:

(a) That Licensor may purchase from Licensee loam taken from the aforementioned property at the rate of seventy-five (75¢) cents per yard. Such loam to be delivered by Licensee at Licensor's order within the City of Lebanon. The obligation to pay said purchase price for orders issued herein, is not a general obligation of the municipality, payable from taxes or its general fund, but only a special obligation payable from the royalties due Licensor herein.

(b) That Licensee will indemnify and hold, licensor, its agents, and employees harmless from any and all claims of third parties for damage or injury sustained by reason of or arising out of this agreement.

(c) That this License may be terminated by either of the parties hereto, upon giving thirty (30) days written notice to the other party.

IN WITNESS WHEREOF, the City of Lebanon has caused its name to be signed hereto, and its corporate seal to be affixed hereto, by Ralph Scroggin, Mayor, on the above day and year aforesaid.

City of Lebanon

By R. Scroggin Mayor

By J. W. Morse Morse Bros.

By J. D. Morse

SECTION 2. It being necessary for the peace, health and safety of the people of the City of Lebanon that provision be made for the removal of loam deposits located on City property, 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 and approved by the Mayor on this 1st day of April, 1958.

P. Luoggin
Mayor

ATTEST:

Wm R. Lowry
City Recorder