

AN ORDINANCE PROVIDING FOR THE PURCHASE AND OPERATION OF A WATER SYSTEM, THE BORROWING OF MONEY TO PURCHASE SAME AND FOR THE REPAYMENT OF THE BORROWED FUNDS AND THE PLEDGING OF THE INCOME FROM THE WATER SYSTEM FOR THE REPAYMENT OF THE BORROWED FUNDS, AND DECLARING AN EMERGENCY.

The City of Detroit ordains as follows:

12-1 That the City of Detroit shall purchase from the United States of America, acting by and through the secretary of Health, Education, and Welfare, the real and personal property generally described as the City of Detroit water system as follows, to-wit:

§ perpetual easement and right of way to construct, maintain repair, operate, patrol, replace, and/or remove a water pipe line, pole line, well, pump, pumphouse, water storage tank and facilities connected with said pole line and water system; and to trim, cut, fell and remove therefrom all trees, underbrush and any other vegetation, obstructions, structures, and obstacles within the limits of said right of way and for such distance beyond said limits as is necessary to provide adequate clearance and to eliminate interference with, or hazards to the structures or utilities placed or constructed on, over or under said land within the limits of said right of way, said easement and right of way being in, over and upon the land hereinafter described and designated as Tract No. C-148, subject, however, to the following reservations: (1) That the Hammond Lumber Company, its successors and assigns, shall have the right to occupy and use the said lands described as Tract No. C-148 which is subject to the said easement and right of way in any manner and for any purpose not inconsistent with the said easement and right of way; (2) that unless the written approval of said Hammond Lumber Company, its successors and assigns, is first obtained, the plaintiff shall not hereafter construct any new or additional improvements on said lands which will unreasonably interfere with the owner's occupancy and use of said land; and (3) that improvements on said lands described as Tract No. C-148 pursuant to the said easement shall not be deemed a part of the realty but shall remain the personal property of the plaintiff for its assigns; that said lands are located in Marion County, State of Oregon, within this judicial district and are described as follows:

Tract C-148: A parcel of land lying in the southwest quarter of the northwest quarter of Section 1, Township 10 South, Range 5 East of the Willamette Meridian in Marion County, Oregon, said parcel of land being more particularly described as follows:

Commencing at the quarter corner common to Sections 1 and 2 in said township and range; thence east on the south line of the southwest quarter of the northwest quarter of said Sec-

tion 1, a distance of 232.40 feet to a point that is 20 feet southwesternly when measured at right angles, from the center line of the United States National Forest Service road, said point being the true point of beginning of this description; thence N. 15° 25' W., parallel to and 20 feet southwesternly from said center line, a distance of 103.73 feet; thence east parallel to and 100 feet northerly from the southline of said subdivision, a distance of 695.18 feet; thence south 100 feet to the south line of the southwest quarter of the northwest quarter of Section 1; Thence west on the south line of said subdivision; a distance of 667.60 feet to the true point of beginning of this description.

THERE IS EXCEPTED Therefrom the portion thereof included in a strip of land 150 feet in width being 75 feet on each side of the center line survey for the relocation of the North Santiam Highway.

The parcel of land above described contains a net area of 1.2 acres.

Subject to United States National Forest Service road as now located on the parcel of land above described.

TOGETHER WITH The water system located in part upon said easement and in part upon other lands, consisting of 1310 feet of 6-inch steel Victaulic pipe, three 6-inch fire hydrants, one 30,000-gallon wood stave water tank, one 12-foot by 12-foot wood frame pump house, one Fairbanks-Morse deep well pump with 3-horsepower motor (Westinghouse Electric No. 23/895473), one 2-KW electric heater, one 5-KW 115/230V transformer, two 6-volt storage batteries, one meter, two electric light poles, 650 feet No 8 insulated wire, and one 6-inch drilled well 125 feet deep;

TOGETHER WITH ALL and singular, the tenements, hereditaments and appurtenances, therunto belonging or in anywise, appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof and also the estate, right, title, interest, property, possession, claim and demand whatsoever in law as well as in equity of the said Grantor, of, in or to the foregoing described premises for every part and parcel thereof, except as hereinafter otherwise expressly provided and except as the same or any thereof are hereinafter reserved, conditioned, limited or restricted;

12-2 That the City of Detroit shall pay for the above-described property the sum of \$1200.00.

12-3 That the City of Detroit shall borrow the sum of \$1200.00 with which to pay for said water system from Guy Moore and Mabel Moore upon the following terms, to-wit: Interest at 4 per cent. Payable at \$50.00 permonth beginning six months from the date of this ordinance, plus interest.

12-4 That the City of Detroit shall operate said water system and that a monthly charge of \$ 4.00 for each householder and \$ 5.00 for each business establishment using water from said system shall be levied and collected by the City Recorder. The charge per unit on apartments, motels, cabins, trailers, shall be \$ 2.00. School District 123-J shall be charged \$ 10.00 per month for water use.

12-5 That the net proceeds from the operation of the said water system computed after setting aside an amount equal to not more than 20 per cent nor less than 10 per cent thereof as a sinking fund for repairs and replacements, are hereby pledged to and set aside for the purpose of paying the indebtedness incurred for the purchase of said system.

12-6 That the mayor and recorder of the City of Detroit are hereby authorized to make, execute and deliver to Guy Moore and Mabel Moore a promissory note in accordance with the provisions of this ordinance and to carry out the terms of this ordinance.

12-7 That the mayor and recorder of the City of Detroit are hereby authorized to execute and to accept from the United States Government the quit claim deed heretofore submitted by the United States Government to effectuate the sale and purchase of the water system hereinabove described.

12-8 It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Detroit, and an emergency is hereby declared to exist and this ordinance shall take effect and be in force and effect when signed by the mayor.

Read by title and in full this 17th day of September, 1953.

Read by title a second time this 17th day of September, 1953.

Passed by the Council this 17th day of September, 1953

Ellen S. Humphrey
Recorder

Approved this 17th day of
September, 1953 .

Archie Mattoon
Mayor