

RESOLUTION NUMBER 1-1959

WHEREAS, the Council of the City of Milwaukie is informed and believes that the County of Clackamas, Oregon, is the owner by tax foreclosure of Block 39, Plat of Milwaukie, Oregon, and

WHEREAS, the said City Council is further informed and believes that Clackamas County, Oregon is also the owner of the whole or substantial part of Block 52, Plat of Milwaukie, Oregon, and

WHEREAS, the major portion of said tracts of land are submerged by Kellogg Lake, and

WHEREAS, the Planning Commission of the City of Milwaukie, Oregon, has heretofore recommended to the City Council that it take the necessary steps to acquire the said tracts of land from Clackamas County, so that the same may be used and continued to be used for public purposes by the City of Milwaukie, Oregon, now therefore,

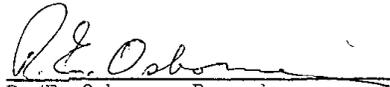
BE IT RESOLVED by the City Council of the City of Milwaukie, Oregon, that application be made to the County Court of Clackamas County, Oregon; pursuant to ORS 271.330, for a deed to Block 39, Plat of Milwaukie, Oregon, and for a deed to Block 52, Plat of Milwaukie, Oregon, or to so much of said Block 52 as may be owned by Clackamas County, Oregon, said deed or deeds to recite that the tracts of land thereby conveyed shall be used and continued to be used by the City of Milwaukie, Oregon, solely for public purposes.

BE IT FURTHER RESOLVED that the Mayor of the City of Milwaukie, Oregon, be and he is hereby authorized to direct such a request in writing to the County Court, Clackamas County, Oregon, together with a copy of this Resolution.

ADOPTED THIS 12th DAY OF JANUARY, 1959.

Leonard B. Mullan, Mayor

ATTEST:


R. E. Osborne, Recorder

RESOLUTION NUMBER 2-1959

WHEREAS, the City of Milwaukie, Oregon, has heretofore negotiated with the Southern Pacific Company, a Delaware corporation, for a grant of the right to construct, reconstruct, maintain and operate an eighteen inch (18") sewer pipeline within a thirty-six inch (36") steel casing, and eight inch (8") sewer pipe and one manhole in, along, across and beneath the property and tracks of the Southern Pacific Company, at or near Willsburg Junction, Clackamas County, Oregon, and

WHEREAS, as a result of such negotiations the said Southern Pacific Company has presented to the City Council of the City of Milwaukie, Oregon, an agreement in duplicate and in writing entitled an "Indenture" which sets forth the extent of the grant and the terms, conditions and rentals under which it is willing to make such grant, to which are also attached as a part thereof maps indicating the permissive location of said structure and specifications by which the construction and maintenance of the structure beneath the tracks of the said Southern Pacific Company shall be governed, and

WHEREAS, the City Council of the City of Milwaukie, Oregon, after careful consideration of said "Indenture" in duplicate, the extent of

the rights thereby granted, the terms and conditions of the grant, the rental to be paid therefor, and the maps and specifications thereto attached and made a part thereof, finds and determines that it is to the best interests of the City of Milwaukie that the said grant and the terms and conditions thereof as set forth in said "Indenture" and attachments made a part thereof be accepted and that the City Council cause the said "Indenture" to be signed and executed as provided by the City Charter, and deliver one of the said duplicate originals so signed, executed and acknowledged to the Southern Pacific Company, thereby causing the City to accept said grant and thereby binding the City, its successors and assigns, to comply with all of the terms, rental requirements and conditions thereof as therein set forth.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City of Milwaukie, Oregon, that the City of Milwaukie, Oregon, accept the grant of the rights set forth in the "Indenture" and the attachments made a part thereof as hereinabove set forth, and all of the terms, rental requirements, obligations and conditions thereof.

BE IT HEREBY FURTHER RESOLVED by the City Council of the City of Milwaukie, Oregon, that Leonard B. Mullan, Mayor of the City of Milwaukie, Oregon, the city officer authorized by the City Charter to sign, execute and acknowledge all instruments on behalf of the said City of Milwaukie, Oregon, be and he hereby is authorized, empowered and directed to sign, execute and acknowledge said "Indenture" on behalf of the City of Milwaukie, Oregon, to affix the official seal of the City thereto, to cause his signature to be attested by the City Recorder, and to do any and all other acts that may be required to effectually execute the said "Indenture" on behalf of the City of Milwaukie, Oregon, to effectually bring about the said City's acceptance of said "Indenture", to effectually bind the said City to faithfully perform all of the terms, conditions, obligations, and payments in said "Indenture", (including attachments made a part thereof) set forth, and to deliver one executed duplicate original of said "Indenture" to the Southern Pacific Company.

BE IT HEREBY FURTHER RESOLVED that this Resolution be forthwith in full force and effect as of this 9th day of February, 1959.

STATE OF OREGON)
) ss.
County of Clackamas)

I, R. E. Osborne, do hereby certify that I am the duly appointed, qualified and acting Recorder of the City of Milwaukie, Oregon; that as such Recorder all of the minutes of the meetings of the City Council of said City are in my possession and under my control; that the above and foregoing Resolution was duly and legally passed and adopted by the City Council of said city at a meeting of said City Council duly and regularly held on the 9th day of February, 1959, as set forth in the minutes of said meeting; that I have carefully compared the foregoing copy of said Resolution with a copy of the original Resolution as the same is set forth in the minutes of said meeting of the City Council held on the 9th day of February, 1959, and that it is a correct copy transcribed therefrom, and the whole of such original Resolution as the same appears in the official minutes of the meetings of the City Council of the City of Milwaukie, Oregon, of record in my office and in my care and custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Milwaukie, Oregon, this 31st day of March, 1959.



R. E. Osborne, City Recorder of
the City of Milwaukie, Oregon

Leonard Mullan, Mayor

ATTEST:



R. E. Osborne, Recorder