

ORDINANCE NO. _____ 1927

A BILL FOR AN ORDINANCE Authorizing and directing the Mayor and Recorder of the City of Albany, Linn County, Oregon, to execute a party wall agreement in favor of Fred Erixon, and declaring an emergency;

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

Section 1. That the Mayor and Recorder of the City of Albany, Linn County, Oregon, be and they are hereby authorized and directed to make, execute and deliver to Fred Erixon a party wall agreement which shall be in words and figures substantially as follows, to-wit:

THIS AGREEMENT Made and entered into in duplicate on this the ____ day of August, 1923, by and between the City of Albany, Linn County, Oregon, a municipal corporation, one of the legally organized and existing cities of the State of Oregon, hereinafter designated as the party of the first part, and Fred Erixon of the City of Salem, Marion County, Oregon, hereinafter designated as the party of the second part:

W I T N E S S E T H:

WHEREAS, The party of the first part is now constructing upon the following described real property, to-wit:

Lot No. Two (2), in Block No. Sixteen (16) in the City of Albany, Linn County, Oregon;

a city hall, and the walls of said City hall having been completed, and the West wall of said city hall building having been completed a distance of eighty (80) feet along the line of the West side of said lot in a Southerly direction from the North boundary line of said lot, and

WHEREAS, The party of the second part is the owner of that portion of Lot No. 1, in Block No. 16, in the City of Albany, Linn County, Oregon, adjoining the above described property belonging to the said party of the first part and upon which said property the party of the first part is now constructing a city hall, and

WHEREAS, The party of the first part has paid the entire cost of the construction of the West wall of said City hall building, and

WHEREAS, It is the desire of the parties hereto that the following described portion of said West wall of said City hall, to-wit: that portion of said wall and footings below the top of the sidewalk on the North side of the above described property running full length of said wall, and also that portion of the wall twenty (20) feet high running full length of said wall from the top of said sidewalk in front of said City hall building on said lot, shall be established as a party wall.

NOW, THEREFORE, In consideration of the sum of Six Hundred Twenty-two and Seventy-eight hundredths Dollars (\$622.78) in United States Gold Coin paid by the party of the second part to the party of the first part, the receipt

ORDINANCE NO. 1097

whereof is hereby acknowledged, the said party of the first part does hereby grant, bargain, sell, convey and assign to the party of the second part, his heirs and assigns forever, the right hereby to use said portion of said wall and the whole thereof as a party wall, and it is, by the parties hereto agreed that either party, their heirs or assigns, may rebuild the same in case of partial or total destruction thereof.

Provided, however, that the said party of the second part shall not add to the height of said wall, depth, thickness, or length without the express consent of the party of the first part.

Provided, further, that in case of damage, either party may repair said wall or any portion thereof so as to place ^{the} same in as good condition as before, using good materials and workmanship and conforming with the building laws of the State of Oregon and the ordinances of the City of Albany, Linn County, Oregon, and in case of repairs one-half of such repairs shall be paid to the party making the same by the owner of the other parcel on demand, and one-half of any such rebuilt wall or any addition made as aforesaid to any wall, when used shall be paid for like the original structure.

IN WITNESS WHEREOF, The City of Albany, Linn County, Oregon, a municipal corporation of the State of Oregon, has caused its corporate seal to be affixed and these presents to be subscribed by its Mayor and Recorder by virtue of an ordinance passed on the _____ day of August, 1923 by the Council of said City of Albany, and approved by the Mayor of said City, on the _____ day of August, 1923; and the party of the second part has hereunto set his hand and seal on this the day and year first in this agreement written.

CITY OF ALBANY, LINN COUNTY, OREGON.
A municipal corporation

By _____
As Mayor,
Party of the first part.

Attest:

Recorder of the City of
Albany, Oregon.

Party of the Second Part. (SEAL)

Section 2. That upon the execution of the foregoing agreement by the Mayor and Recorder of the City of Albany, Linn County, Oregon, the same shall be filed in duplicate with the Recorder of the City of Albany and thereafter upon receipt of the sum of Six Hundred Twenty-two and Seventy-eight hundredths Dollars (\$622.78) from the party of the second part, the Recorder of the City of Albany be and he is hereby directed to deliver one of such duplicates to the party of the second part.

Section 3. WHEREAS, It is necessary for the public peace, health and safety of the people of the City of Albany that the foregoing agreement be immediately entered into, and therefore an emergency exists and

