

ORDINANCE No. 1096

A BILL FOR AN ORDINANCE Authorizing and directing the Mayor and Recorder of the City of Albany, Linn County, Oregon, to enter into a party wall agreement with Dane J. Purvine and Claudnia B. Purvine, his wife, 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 enter into a party wall agreement with Dane J. Purvine and Claudnia B. Purvine, his wife, which said agreement 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 Dane J. Purvine and Claudnia B. Purvine, his wife, of the City of Albany, Linn County, Oregon, hereinafter designated as the parties of the first part and 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 second part:

W I T N E S S E T H:

WHEREAS, The parties of the first part have constructed a wall on the West line of Lot No. Three (3) in Block No. Sixteen (16) in the City of Albany, Linn County, Oregon, beginning at a point eighty (80) feet South from the Northwest corner of said lot on the West line of said lot to said Block, a distance of four (4) feet Southerly from said point, and

WHEREAS, The party of the second part is the owner of Lot No. Two (2) in said Block No. Sixteen (16) in the City of Albany, Linn County, Oregon, and

WHEREAS, The parties hereto desire that said described wall be established as a party wall.

NOW, THEREFORE, In consideration of the sum of One Dollar and other valuable consideration, paid by the party of the second part to the parties of the first part, the receipt whereof is hereby acknowledged, the said parties of the first part do hereby grant, bargain, sell, convey and assign to the said party of the second part, its successors and assigns forever, the right hereby to use 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 build-

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ing 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 parties of the first part have hereunto set their hands and seals, and 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, on this the day and year first in this agreement written.

(SEAL)

(SEAL)
Parties of the First Part.

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

By _____
As Mayor.
Party of the second part.

Attest: _____
Recorder of the City of Albany,
Oregon.

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 the payment of the sum of One Dollar (\$1.00) and other valuable consideration, to the parties of the first part by the party of the second part, the Recorder of the City of Albany he and he is hereby directed to deliver one of such duplicates to the parties of the first part.

Section 3. WHEREAS, It is necessary for the public peace, health, and safety of the people of the City of Albany, Linn County, Oregon, that the foregoing agreement be immediately entered into, and therefore an emergency exists and one is hereby declared to exist and this ordinance shall go into full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council, August 22, 1923.

Approved by the Mayor, August 25, 1923.

P. A. Young,
Mayor

Attest: D. H. Rodine,
Recorder of the City of Albany, Oregon.

