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ORDINANCE NO. 197.

An ordinance providing for the acquiring by purchase or condemnation by the city of Medford, Oregon, for the purpose of providing water for the use of the inhabitants of the city of Medford, of certain real property particularly described therein; providing for making a tender and offer to M. F. Hanley, the owner of said real property and in possession thereof, of two thousand dollars for a good and sufficient deed, conveying good title to said real property to the said city of Medford, and providing for the condemnation of said real property in case said offer and tender is not accepted.

The city of Medford doth ordain as follows:

Section 1. It is convenient and necessary that the following described real property be acquired by purchase or condemnation, in order to provide water for the use of the inhabitants of said city, and particularly for the purpose of laying thereon a pipeline in which to conduct water from the city's source of water

supply to said city.

Section 2. The following is a description of the property so necessary to be acquired: An easement and right of way for laying under the surface of the ground a pipeline and for ingress thereto and egress therefrom on and over the following described land: A strip of land 11,244 feet long and 30 feet wide, the center line of which is described as follows: Beginning at a point on the west boundary line of section 25, township 36 south, range 2 east of Willamette meridian, 952.9 feet north of the southwest corner of said section; thence by the following bearings and distances, as staked out and marked from said point, being Station 2, 64.1 to the boundary fence between Hanley and Dick Slinger, being station 115, 08.1, a total distance of 11,244.0 feet.

Bearings—	Distances—
N 25° 03' degrees W	35.9 feet
N 40° 00' " " "	436.9 feet
N 26° 39' degrees W	415.6 feet
N 34° 46' degrees W	353.5 feet
N 29° 14' degrees W	412.2 feet
N 29° 14' degrees W	425.9 feet
N 34° 02' degrees W	563.5 feet
N 49° 16' degrees W	840.4 feet
N 55° 37' degrees W	608.8 feet
N 58° 27' degrees W	510.9 feet
N 51° 42' degrees W	140.6 feet
N 44° 00' " " "	200.0 feet
N 47° 31' degrees W	921.5 feet
N 36° 39' degrees W	968.8 feet
N 26° 32' degrees W	394.2 feet
N 28° 05' degrees W	511.0 feet
N 35° 30' degrees W	172.7 feet
N 39° 53' degrees W	231.8 feet
N 39° 33' degrees W	200.0 feet
N 78° 58' degrees W	400.0 feet
N 74° 34' degrees W	1263.5 feet
N 67° 03' degrees W	403.6 feet
N 59° 25' degrees W	841.0 feet

Said pipeline to be laid beneath the surface of the ground and the ditch in which it is laid to be properly backfilled and tamped and the surface of the ground of said tract to be restored and maintained at its present level.

Section 3. The mayor and recorder are hereby authorized to draw a warrant on the city treasurer, payable to the mayor on the gravity water fund for the sum of two thousand dollars, and said mayor is hereby directed to procure in legal tender money on said warrant the sum of two thousand dollars and to offer and tender the same to M. F. Hanley, the owner of said land, for a good and sufficient deed conveying a good title to said easement and right of way, said offer and tender to be made on behalf of the city of Medford.

Section 4. It is the opinion of the council that said amount of two thousand dollars is the highest amount the city of Medford would be warranted in paying for said easement and right of way and that if said offer and tender is refused or if said Hanley does not announce his intention of accepting the same within three days after said offer and tender is made, and in view of the fact that said Hanley has refused to place any price on said easement and right of way, it is the opinion of the council that in the event above mentioned that it is impossible to agree with said Hanley as to the compensation therefor, and the mayor of said city is hereby directed and instructed to return said sum of two thousand dollars to the treasurer of

said city and the city attorney is hereby directed, in the event above mentioned, to forthwith institute on behalf of the city an action for the appropriation and condemnation of said easement and right of way. In the event, however, that said Hanley shall accept said offer and tender, the said mayor is directed and instructed, on behalf of the city to pay over to said Hanley said amount of two thousand dollars upon his delivering to the city a good and sufficient deed conveying good title to said easement.

Section 5. It is hereby declared to be necessary for the immediate peace, health and safety of said city and its inhabitants that said easement and right of way be forthwith acquired in order that through the pipeline to be laid by virtue thereof a supply of pure water be at once obtained for said city and its inhabitants and the danger of sickness and epidemic from want of a supply of pure water in said city be averted. For the foregoing reason, and because there is at present no adequate supply of pure water available to the said city and its inhabitants, an emergency is hereby declared to exist, and this ordinance, by reason of said emergency shall become immediately operative when passed by the council and approved by the mayor in accordance with the charter and ordinances of said city relating thereto.

The foregoing ordinance was passed by the council on May 28th, 1909, on the following vote: Merriek aye, Welch aye, Wortman aye, Eifert aye, Denner aye, Emerick aye.

Approved May 28th, 1909.
W. H. CANON, Mayor.
Attest: BENJ. M. COLLINS, Recorder.

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