

**ORDINANCE NO. 1112**

A BILL FOR AN ORDINANCE authorizing and directing the Mayor and Recorder of the City of Albany, Linn County, Oregon, to enter into a contract with D. J. Purvine for the furnishing of energy for the heating of a building owned by the said D. J. Purvine, situated and adjoining the City Hall Building in the City of Albany, Linn County, Oregon.

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 contract with D. J. Purvine for the furnishing of energy to heat the building of the said D. J. Purvine which said building is situated and adjoins the City Hall Building of the City of Albany on the East thereof, which said contract shall be substantially in words and figures as follows, to-wit:

THIS AGREEMENT Made and entered into on this \_\_\_\_ day of December, 1923 by and between the City of Albany, Linn County, Oregon, a municipal corporation, hereinafter designated as the party of the first part, and D. J. Purvine, hereinafter designated as the party of the second part;

W I T N E S S E T H:

WHEREAS, The City of Albany, Linn County, Oregon, has caused to be erected and constructed a City Hall Building in the City of Albany, Linn County, Oregon, on the South side of Second Street between Broadalbin and Ferry Streets and in connection with said building has installed a heating plant, and by reason of the fact that said heating plant produces more energy than is consumed in the proper heating of said City Hall Building, and

WHEREAS, The City of Albany, Linn County, Oregon, desires to dispose of said surplus energy in order to operate its said heating plant as economically as possible, and with the least possible cost and expense to the taxpayers of the City of Albany, Linn County, Oregon, and

WHEREAS, Said surplus energy so created by said heating plant is now a total loss to the City of Albany, Linn County, Oregon, and said small surplus of heat will be sufficient to heat the building of the party of the second part.

NOW, THEREFORE, IN CONSIDERATION of the premises, the parties hereto do hereby covenant and agree as follows:

That the party of the first part will furnish sufficient heat over that required for the purpose of heating the City Hall Building, to the said party of the second part for the period of three years for the sum of \$171.00 per year, except during the months of July, August and September of each year, the party of the second part to pay all costs and make all necessary connections for the purpose of attaching the heating plant of the party of the first part to the appliances and pipes of the party of the second part, for the

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purpose of heating the building of the party of the second part.

The parties hereto further agree that said sum aforesaid, specified to be paid, shall be paid in monthly installments on the first day of each and every month during the continuance of this agreement being the sum of \$10.00 each month heat is furnished and in the event said sum is not so paid, the party of the first part, shall have the right to shut off said heat and not provide further heat or energy to the party of the second part, and this agreement shall become absolutely null and void and of no force or effect, and all rights hereby created or hereby existing in favor of the party of the second part, shall utterly cease and determine.

IN WITNESS WHEREOF, The City of Albany, Linn County, Oregon, a municipal corporation, and the party of the first part herein, 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 28th. day of December, 1923, by the Council of said City of Albany, and approved by the Mayor of said City on the 28th. day of December, 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 P. A. Young,  
As Mayor  
Party of the First part.

Attest: \_\_\_\_\_

Recorder of the City of Albany,  
Oregon.

\_\_\_\_\_  
(SEAL)  
Party of the Second part.

Section 2. That the said Recorder and Mayor of the City of Albany, Linn County, Oregon, shall cause said agreement to be executed in duplicate and one duplicate thereof be delivered to the party of the second part, D. J. Furvine and the other duplicate to be placed on file in the office of the City of Recorder of the City of Albany, Linn County.

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 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, December 28th. 1923.

Approved by the Mayor, December 29th. 1923.

P. A. Young,  
Mayor

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

