

ORDINANCE NO. 59-O-135

AN ORDINANCE APPROVING AND CONFIRMING THE EXECUTION OF A CERTAIN AGREEMENT DATED SEPTEMBER 1, 1959, WAIVING THE IMMUNITY OF THE CITY TO COURT PROCEEDINGS UNDER CERTAIN CONDITIONS, PROHIBITING THE TRESPASSING OVER CERTAIN PROPERTY, PROVIDING PENALTY FOR THE VIOLATION THEREOF AND DECLARING AN EMERGENCY. [09/08/59]

Sections:

- Section 1. Ratification and confirmation of prior action.
- Section 2. Waiver of any and all immunity to suit or action.
- Section 3. Penalty for violations.
- Section 4. [Emergency clause.]

The city of Brookings ordains as follows:

Section 1. Ratification and confirmation of prior action. The council heretofore approved the agreement dated September 1, 1959, between the city of Brookings and Elmer Bankus, and authorized the execution of said agreement by the mayor and city recorder; and, by the adoption of this ordinance, the council does hereby ratify and confirm its prior action, and the act of the mayor and city recorder, in executing said agreement in behalf of the city.

Section 2. Waiver of any and all immunity to suit or action. The city hereby waives any and all immunity to suit or action on account of any matter or thing provided for by the terms of said agreement of September 1, 1959.

No one who is not a duly authorized employee or representative of the city of Brookings, or of Elmer Bankus, or of the Brookings Plywood Corporation shall go upon the following described property without the written permission of the city first had and obtained. The property is located in the city of Brookings, Curry County, Oregon, and described as follows:

Parcel 1: A strip of land 10 feet wide and being five feet on each side of the following described center line, to wit:

Beginning at a point located west a distance of 1695.28 feet and south a distance of 84.54 feet from the corner common to Sections 5, 6, 7, and 8, Township 41 South, Range 13 West, W.M., Curry County, Oregon; thence north 0 degrees 32 minutes west a distance of 795.13 feet; thence north 66 degrees 17 minutes west a distance of 75 feet; thence south 81 degrees 33 minutes west a distance of 465 feet; thence north 53 degrees 17 minutes west a distance of 720 feet; thence north 72 degrees 26 minutes west a distance of 360 feet; thence north 36 degrees 04 minutes west a distance of 305 feet to the city of Brookings pump station number 2.

Parcel 2: A strip of land beginning at the southwest corner of the city pump station site No. 2 lying in the northeast quarter of the southwest quarter of Section 6, Township 41, Range 13 West, W.M., in the city of Brookings, Curry

County, Oregon; said southwest corner being south 1216.99 feet and east 642.37 feet from the northwest corner of the said northeast quarter of the southwest quarter of Section 6; thence north 34 degrees 02 minutes east 25 feet; thence north 55 degrees 58 minutes west 5 feet to a point on the easterly line of Mill Beach Road; thence following said easterly line south 34 degrees 02 minutes west 25 feet; thence south 55 degrees 58 minutes east 5 feet to the point of beginning.

Section 3. **Penalty for violations.** Any person violating the provisions of this ordinance, upon conviction thereof in the municipal court, shall be fined not more than \$100.00, or by imprisonment in the city jail for not more than 10 days, or by both such fine and imprisonment.

Section 4. **[Emergency clause.]**

Adopted September 8, 1959.