

RESOLUTION No. 680

A RESOLUTION AUTHORIZING THE TRANSFER OF THE MADLINGER TRUST FUND FROM THE CUSTODIALSHIP OF THE CITY OF STAYTON TO THE SANTIAM COMMUNITY ENDOWMENT, INC.

WHEREAS, the City of Stayton is the custodian of the Madlinger Trust Fund, retaining it "in Trust" for the purposes of providing funding for the maintenance, capital improvement, and financial assistance to the City's swimming pool facility;

WHEREAS, under the sponsorship of the City of Stayton, the Santiam Community Endowment, Inc. has been established with IRS 501(c)(3) status;

WHEREAS, in order to generate greater earnings and permit management of the Madlinger Trust Fund following the terms, conditions and restrictions of the Madlinger Will (excerpt copy of paragraph VII attached to this Resolution and by this reference made a part hereof); it is appropriate that the Madlinger Trust Fund be transferred to the Santiam Community Endowment, Inc.; and,

WHEREAS, as the Madlinger Trust Fund presently is a part of a City bond investment, such transfer should occur at the time of the redemption of said bond on or after January 12, 2001.

NOW, THEREFORE,

BE IT RESOLVED that:

1. The Madlinger Trust Fund, presently retained by the City of Stayton "in Trust" is hereby authorized to be transferred from the City of Stayton, to the Santiam Community Endowment, Inc. under the terms and restrictions as set forth in paragraph VII of the Madlinger Will relating to the swimming pool facility owned by the City of Stayton; and,
2. Distribution of the funds shall be limited to purposes as authorized by the City of Stayton.
3. Such transfer shall occur on or after January 12, 2001.

This Resolution shall become effective upon the adoption by the Stayton City Council on December 18, 2000.

ADOPTED BY THE STAYTON CITY COUNCIL this 18th day of December, 2000.

CITY OF STAYTON

Signed: Dec 19, 2000

By: Henry A. Porter
Henry A. Porter, Mayor

Signed: 12-19-2000

ATTEST: Chris Childs
Chris Childs, City Administrator

APPROVED AS TO FORM

David A. Rhoten
David A. Rhoten, City Attorney

VII.

I give, devise and bequeath all the rest, residue and remainder of my estate of whatsoever kind and nature or wheresoever situated which I shall own at the time of my death or over which I shall then have any power of appointment, IN TRUST, NEVERTHELESS, to C.R. Lonergan, Jr. as follows:

(a) I intend that this Trust be for the purpose of providing the people of Stayton, Oregon with an all-weather, heated and covered swimming pool, ample in size, and with all attendant facilities, such as showers, lockers, and dressing

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room, deemed feasible for public use throughout the year. It is my intention that this swimming pool be a memorial to the Stayton Family which founded said community.

(b) I direct that my Trustee in his judgment select an appropriate agency with which to enter into an agreement for the purpose of sponsoring the swimming pool. It is my desire that the sponsoring agency in the first instance be the Archdiocese of Portland, Oregon for the use and benefit of the Immaculate Conception Church, Stayton, Oregon. It is my desire that the swimming pool to be constructed be placed under the supervision, control, and direction of the Immaculate Conception Church, Stayton, Oregon. In the event that said church organization is unable to agree with my Trustee as to the uses and purposes, then I request that the Municipality of Stayton, Oregon be considered as the sponsoring agency; or that a combination of said church and municipality jointly can become sponsors of said activity.

(c) I direct my Trustee to determine the cost and feasibility of the construction of said swimming pool and that Trust funds of this Trust be used to accomplish the construction, maintenance and operation of said swimming pool. In the event that the swimming pool is already built; then my Trustee shall provide for the upgrading of the pool and/or the hiring of the swimming instructor in his discretion. In the event that the amount of funds available from this Trust estate is inadequate to meet said costs, then I direct my Trustee to enter such agreements with the Archdiocese of Portland, Oregon and the Immaculate Conception Church, Stayton, and/or the Municipality of Stayton, Oregon and/or such other civil and municipal groups as may be neces-

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sary, in order that such groups or agencies be given the opportunity within a reasonable time, in the sole discretion of my Trustee, but in no event longer than five years from the date of the commencement of this Trust, to raise adequate funds with which, when added together with the funds of this Trust estate, will be adequate for the construction, maintenance and operation of said swimming pool.

(d) In order to accomplish the purposes of this Trust, I give my said Trustee all powers described in the Washington Trust Act (RCW Ch. 30.99) and all other powers necessary for the proper administration of my Trust estate.

(e) In the event that my Trustee is unable to reach an agreement with the Church or Municipality of Stayton, as hereinbefore referred to, or in the event that the construction of said swimming pool is not feasible, then the Trustee shall distribute the residue of this Trust for charitable purposes to the Archdiocese of Portland, Oregon for the use and benefit of the Immaculate Conception Church, Stayton, Oregon, including building programs, debt funding operations, special programs, parish and community services, providing only that such uses be of a nature to qualify the residuary estate for charitable purposes as defined under the federal estate tax laws. This charitable contribution is to be a memorial to the pioneer Stayton Family, and I request of my Trustee that some form of care and maintenance of the Lake Oak Cemetery property be undertaken to be given the garden appearance of the Roman Catholic cemetery adjoining it.

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Testatrix