

RESOLUTION NO. 5870

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Rodney J. Snyder and Marlene G. Snyder

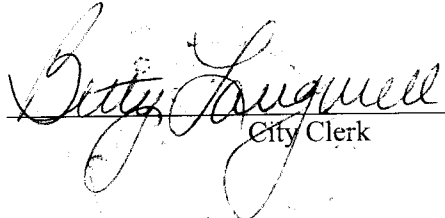
A variable width storm drainage easement over the eastern edge of the Snyder Tract, in exchange for the conveyance of the neighboring City tract.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 9TH DAY OF DECEMBER 2009.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Betty Luiguel  
City Clerk

## STORM DRAIN EASEMENT

THIS AGREEMENT, made and entered into this 19<sup>th</sup> day of NOVEMBER, 2009, by and between Rodney J. Snyder and Marlene G. Snyder, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

### WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to place, maintain and repair storm drainage improvements for the purpose of conveying public drainage over, across, through, and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public storm drain and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public storm drain.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:  
  
See legal description on attached Exhibit A and maps on attached Exhibit B and C.
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public storm drainage improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. No permanent structures may be constructed on this easement area.

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

**GRANTORS:**

Rodney J. Snyder  
Rodney J. Snyder

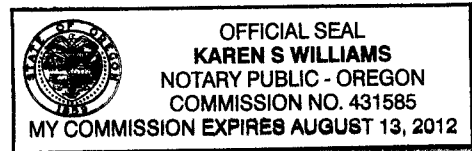
Marlene G. Snyder  
Marlene G. Snyder

STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of November, 2009, by Rodney J. Snyder as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of November, 2009, by Marlene G. Snyder as her voluntary act and deed.



Karen S. Williams  
Notary Public for Oregon  
My Commission Expires: 8-13-2012

Karen S. Williams  
Notary Public for Oregon  
My Commission Expires: 8-13-2012

**CITY OF ALBANY:**

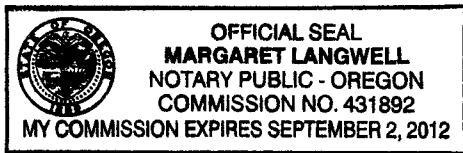
STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 5870, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 23 day of December 2009.

Wes Hare  
City Manager

ATTEST:

Margaret Langwell  
City Clerk



**Exhibit "A"**

A tract of land lying in the Northeast 1/4 of Section 3, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon, said tract being a portion of that property conveyed to Rodney and Marlene Snyder, husband and wife, by deed recorded in MF Vol. 521, Page 30, Linn County Deed Records, on January 11, 1990, said portion being more particularly described as follows:

Beginning at the southeast corner of the previously mentioned Snyder Tract, said corner being marked with a 5/8 inch iron rod; thence NORTH, 214.23 feet to a 5/8 inch iron rod marking the northeast corner of said Snyder Tract; thence WEST, on the north line of said tract, a distance of 8.36 feet to a point on the westerly bank of a drainage ditch; thence South 01°02'14" West, along said westerly bank, a distance of 214.27 feet to a point on the south line of said Snyder Tract; thence EAST, 12.23 feet to the Point of Beginning, all as shown on the map attached herewith and made a part hereof.

END OF DESCRIPTION

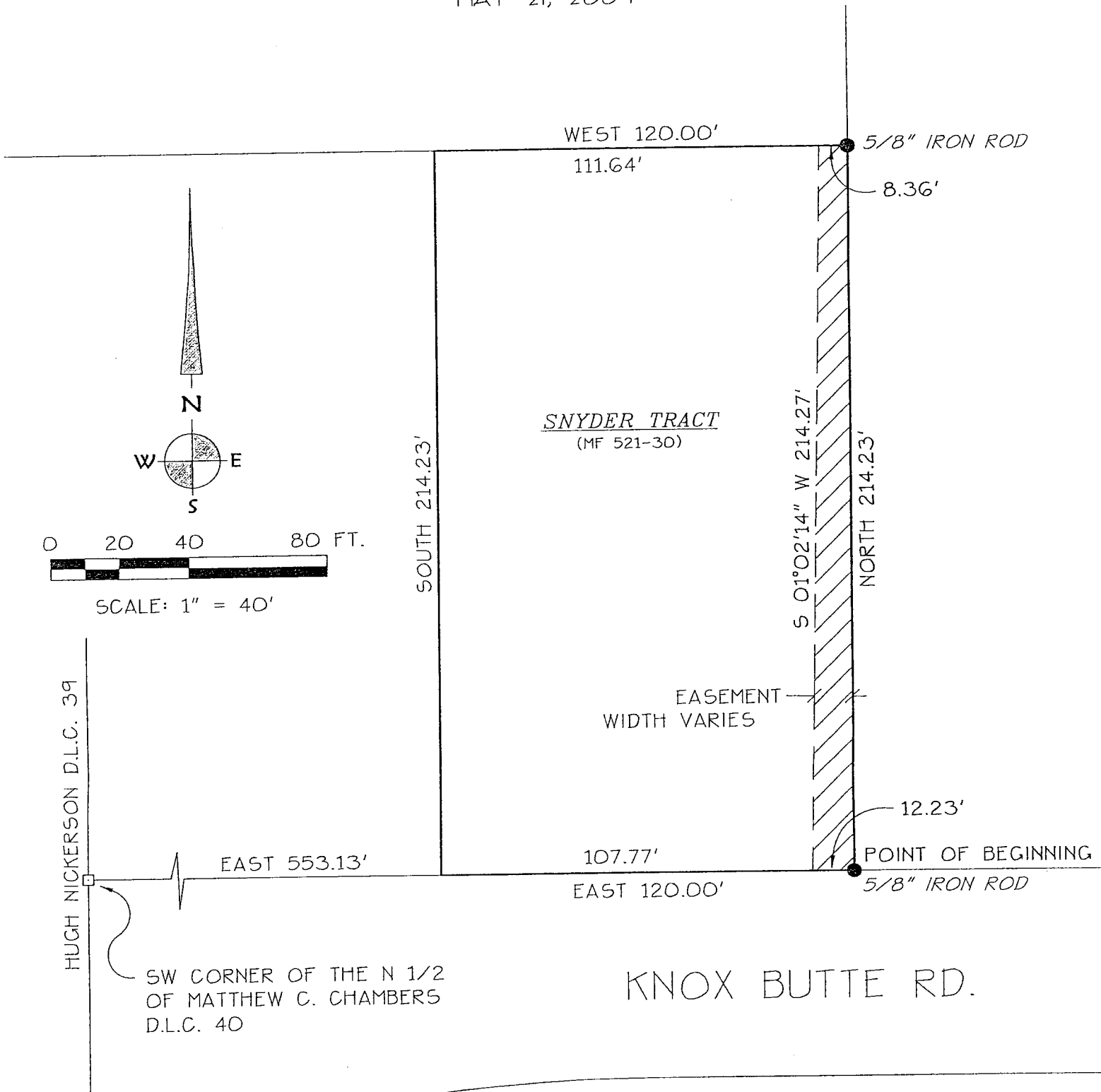
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JAN. 9, 2007  
JAMEY S. MONTOYA  
#78508

EXPIRES: 12/31/2010

EXHIBIT "B"

LOCATED IN  
NE 1/4 SEC. 3, T. 11 S., R. 3 W., W.M.  
CITY OF ALBANY, LINN COUNTY, OREGON  
MAY 21, 2009



Date: 5/21/2009 Time: 11:10  
Scale: 1=40  
File: dwg\2008\08-23\easeex.dwg (Jamey M)



K & D ENGINEERING, Inc.  
276 N.W. Hickory Street P.O. Box 725  
Albany, Oregon 97321  
(541) 928-2583

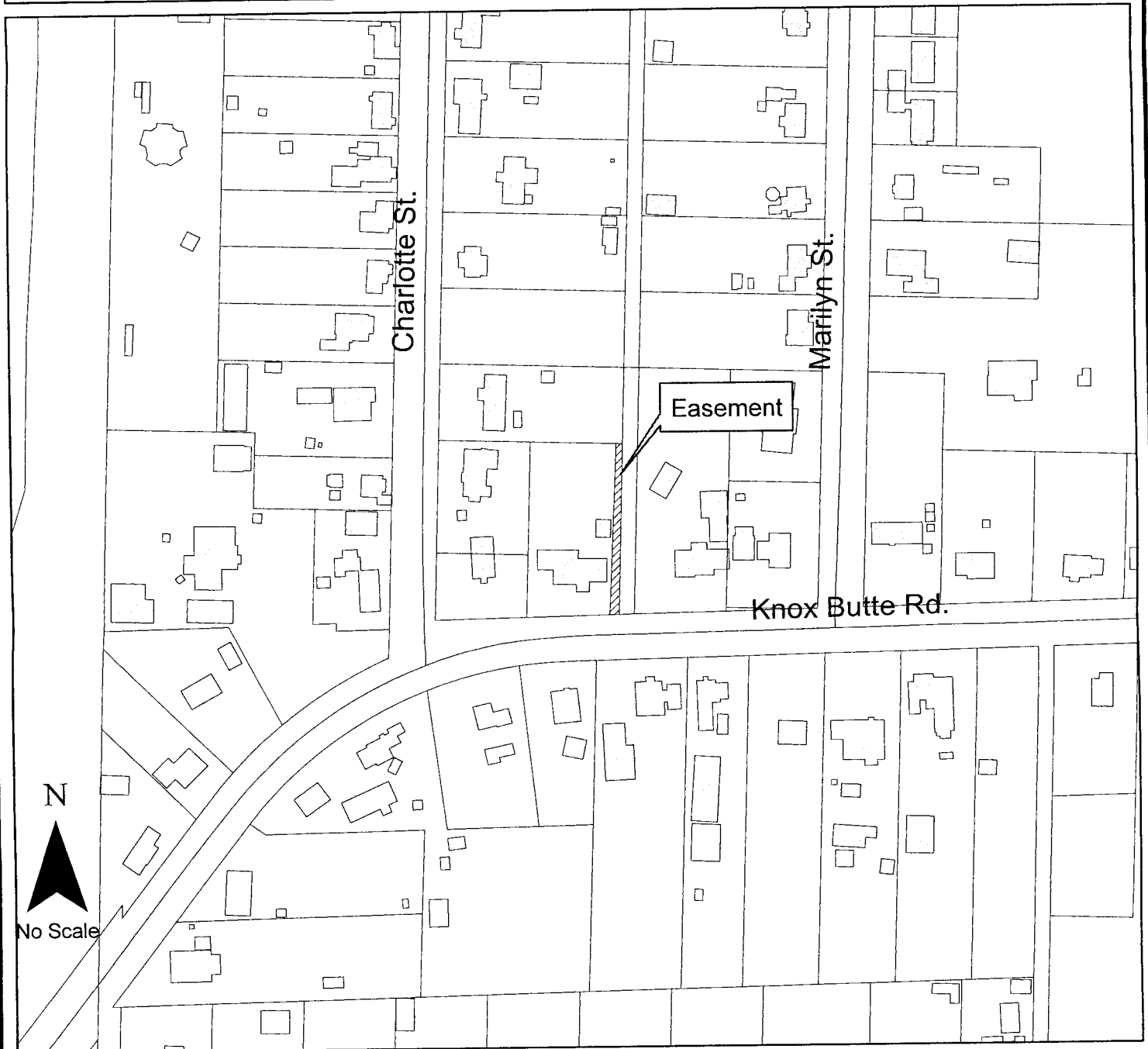
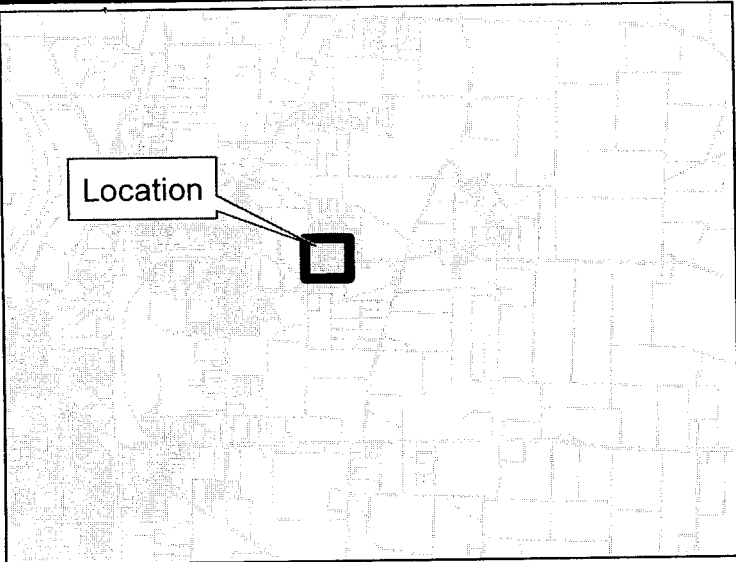
# EXHIBIT C

11SO3W03A 04600

A variable width storm drainage easement over an existing ditch on the Snyder property at 4615 Knox Butte Road.



Geographic Information Services



**LINN COUNTY**  
Recording Cover Sheet  
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2009-22173**  
E-SD  
Cnt=1 Str=1 COUNTER **12/23/2009 02:39:47 PM**  
\$30.00 \$11.00 \$15.00 \$9.00 \$10.00 **\$75.00**



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk



After Recording Return To:

City of Albany City Clerk

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Exempt

1. Name/Title of Transaction - by ORS 205.234 (a)

STORM DRAIN EASEMENT

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

Rodney J. and Marlene G. Snyder

3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

City of Albany

4. True and Actual Consideration (if there is one), ORS 93.030

\$1.00

Resolution No. 5870

Recorded Document Recorder File No. 5449