

RESOLUTION NO. 6532

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR STORM DRAINAGE:

Grantor

SAMARITAN HEALTH SERVICES, INC

Purpose


A variable width storm drainage easement, as part of the Samaritan Medical Development Project.

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

DATED AND EFFECTIVE THIS 24TH DAY OF AUGUST 2016.


Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC STORM DRAINAGE

THIS AGREEMENT, made and entered into this 1ST day of AUGVST, 2016, by and between **SAMARITAN HEALTH SERVICES, INC.**, hereinafter called Grantor, and the **CITY OF ALBANY**, a Municipal Corporation, herein called "City."

WITNESSETH:

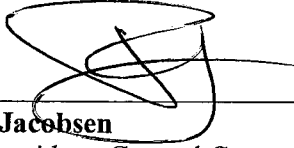
That for and in consideration of the total compensation to be paid by the City, the Grantor has this day bargained and sold and by these presents and does bargain, sell, convey, and transfer unto the City of Albany, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair public storm drainage facilities for the purpose of conveying public storm drainage services 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 utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public utilities.

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 Exhibits B and C.
2. The 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 improvements to be placed upon said property and the benefits Grantor 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. No permanent structure shall be constructed on this easement, excepting one (only) lighted monument sign owned by the Grantor. At any time the monument sign interferes with the City's rights under this Easement, the Grantor shall perform all work and pay all costs to remove and reconstruct the monument sign and its foundations, including, but not limited to, the removal and reconstruction of the sign, pier footings, slab on grade, electrical conduit, wiring, and landscaping.

IN WITNESS WHEREOF, the Grantor has hereunto affixed their signature this 1 day of August, 2016.

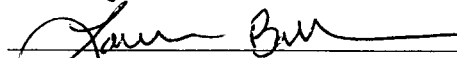
GRANTOR: SAMARITAN HEALTH SERVICES, INC.

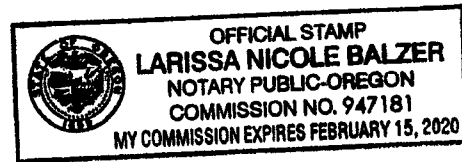


Tyler Jacobsen
Vice President, General Counsel at Samaritan Health Services, Inc.
Samaritan Health Services

STATE OF OREGON)
) ss.
County of Benton)

I, Larissa Balzer, a Notary Public for Benton County, acknowledge that the above named **Tyler Jacobsen, Vice President and General Counsel of Samaritan Health Services, Inc.**, personally appeared before me and acknowledged the foregoing instrument to be his voluntary act and deed, on behalf of **Samaritan Health Services, Inc.** and being so authorized to do so, executed the foregoing document on behalf of **Samaritan Health Services, Inc.** before me this 1 day of August, 2016.


Notary Public for Oregon
My Commission Expires: February 15, 2020



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 6532, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 25th day of August 2016.

Wes Hare
City Manager

ATTEST:
Mary A. Dibble
City Clerk

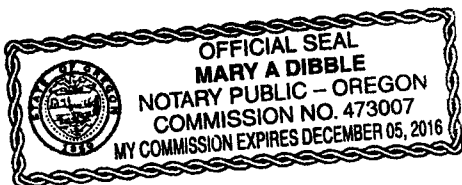


EXHIBIT A

Public Storm Drainage Easement Legal Description
Benton County Tax Assessor's Map 11401AD, Tax Lot 200

A variable width public storm drainage easement located in the Northeast Quarter of Section 1 of Township 11 South, Range 4 West of the Willamette Meridian, City of Albany, Benton County, Oregon, being more particularly described as follows:

Commencing at a 5/8 inch iron rod at the southeast corner of that property described as "Parcel 3" of the property conveyed to Samaritan Health Services, Inc., in Benton County Deed Record 2010-470519, said point also being located on the north right of way line of NW Hickory Street; thence along said north right of way line North 84°12'35" West 253.17 feet to the TRUE POINT OF BEGINNING; thence North 05°44'37" East 36.23 feet; thence South 32°47'39" West 23.29 feet; thence North 84°15'23" West 30.58 feet; thence South 06°30'16" West 15.45 feet to the north right of way line of NW Hickory Street; thence along said north right of way line South 84°12'35" East 41.38 feet to the true point of beginning.

The basis of bearings for the above described easement is from Benton County Survey No. 10690.

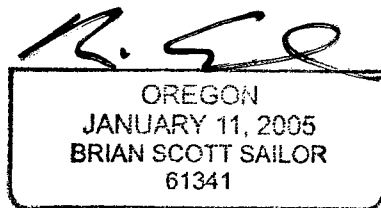
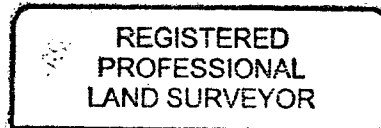
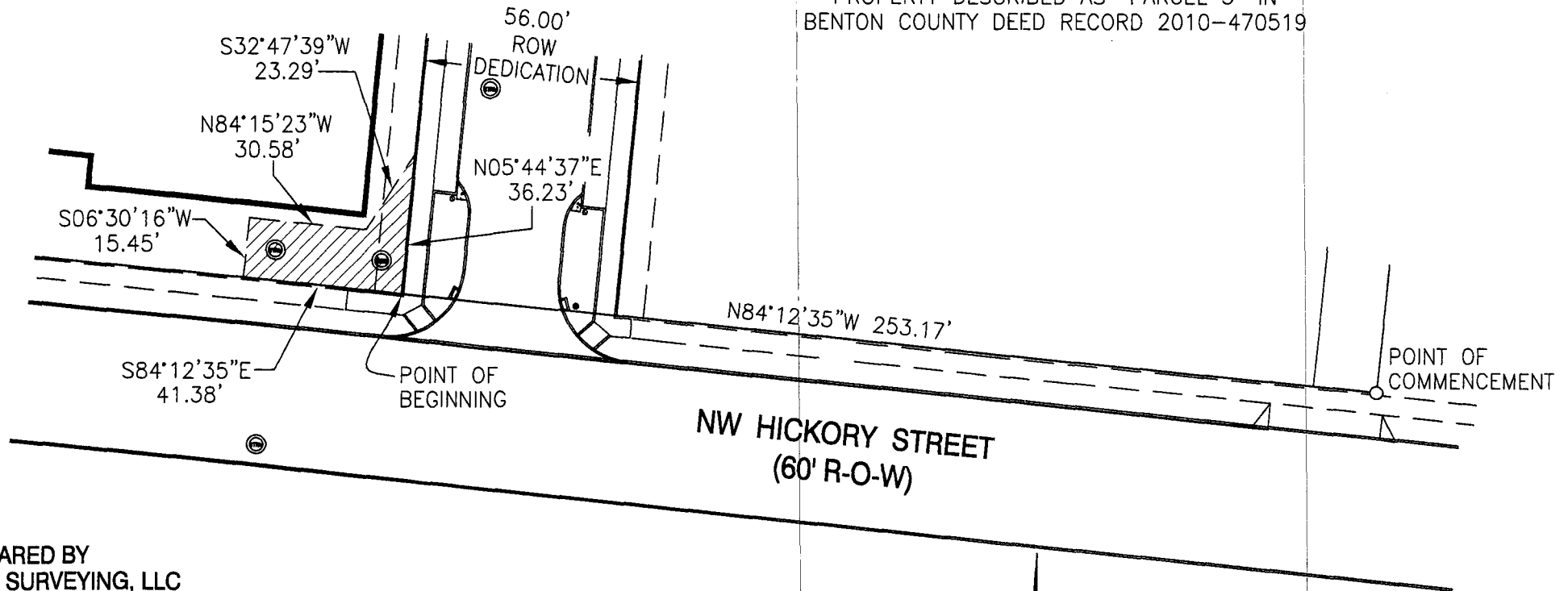


EXHIBIT B

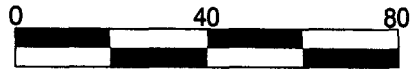
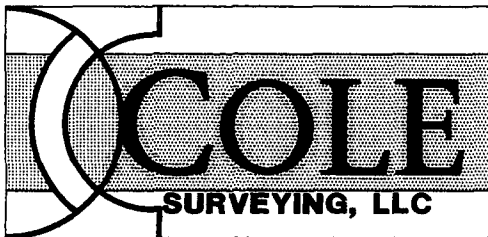
LOCATED IN THE IN THE NE 1/4 OF SECTION 1 OF TOWNSHIP 11 SOUTH, RANGE 4 WEST
OF THE WILLAMETTE MERIDIAN, CITY OF ALBANY, BENTON COUNTY, OREGON

DATE: JULY 28, 2016

BENTON COUNTY TAX ASSESSOR'S MAP
11-4-1AD, TAX LOT 200
PROPERTY DESCRIBED AS "PARCEL 3" IN
BENTON COUNTY DEED RECORD 2010-470519



PREPARED BY
COLE SURVEYING, LLC
245 NE CONIFER BLVD.
P.O. BOX 1211
CORVALLIS, OREGON 97339
(541) 929-5500

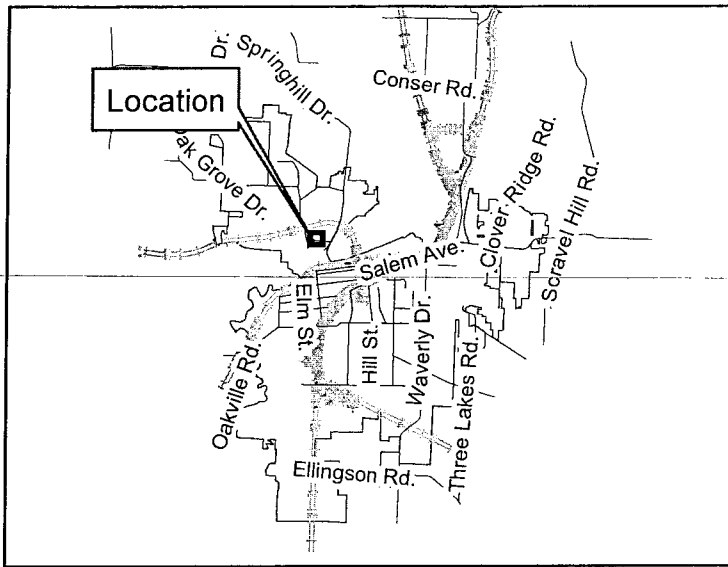


SCALE 1"=40'

EXHIBIT C

11S04W01AD- 00200

A variable width storm drainage easement, as part of the Samaritan Medical Development Project



Geographic Information Services

