

RESOLUTION NO. 2488

NOW, THEREFORE, BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following:


Grantor

Allen & Annette Rossback

Purpose

To construct and maintain a drainage ditch in Draperville

DATED this 8th day of August, 1984.



Mayor

ATTEST:



City Recorder

EASEMENT FOR A STORM DRAIN

THIS AGREEMENT, made and entered into this 30 day of July 1984, by and between Allen and Annette Rossback herein called grantors, 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 grantors have this day bargained and sold and by these presents do 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 storm drain ditch for the purpose of conveying storm water over, across, and through the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said ditch and the further right to remove trees, bushes, under-growth and other obstructions interfering with the location and maintenance of the said ditch.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consist of:
 - a. a permanent easement which covers a strip of land 10 feet in width for the purpose of maintenance, and
 - b. a temporary easement which covers a strip of land 30 feet in width for the purpose of construction; over the property described herein.
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 maintenance and repair purposes.

The temporary easement described herein grants to the City, and its authorized agents or contractors, an irrevocable right to enter upon said easement at any time within a period of twelve (12) months from the date of this instrument, for construction purposes.

3. The land affected by this agreement is located in the County of Linn, State of Oregon; and is a portion of the tract as shown on the attached drawing, marked "Exhibit A," which is herewith made a part of this agreement.
4. The true, actual, and total compensation to be paid by the City to the Grantors, in exchange for the easement rights herein described and granted is:
 - a. the sum of One dollar (\$1.00) for the permanent easement; and
 - b. the additional sum of One dollar (\$1.00) for the temporary easement.
5. The City hereby covenants with the Grantors that the compensation agreed upon herein shall be paid to the Grantors within a period of thirty (30) days from the date of this instrument.

- 6. The Grantors do 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.
- 7. No permanent structure shall be constructed on this easement.

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year below written.

Allen G. Rosbach
Annette E. Rosbach

STATE OF OREGON)
 County of)ss
 City of)

On this 30 day of July, 1984 personally appeared the above named Allen and Annette Rosbach and acknowledged the foregoing instrument to be their voluntary act and deed.

Subscribed and sworn to before me this 30 day of July, 1984

Oliver M. Payton
 Notary Public for Oregon

My Commission Expires: Dec 20, 1984

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

I, William B. Barrons, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2488, do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof.

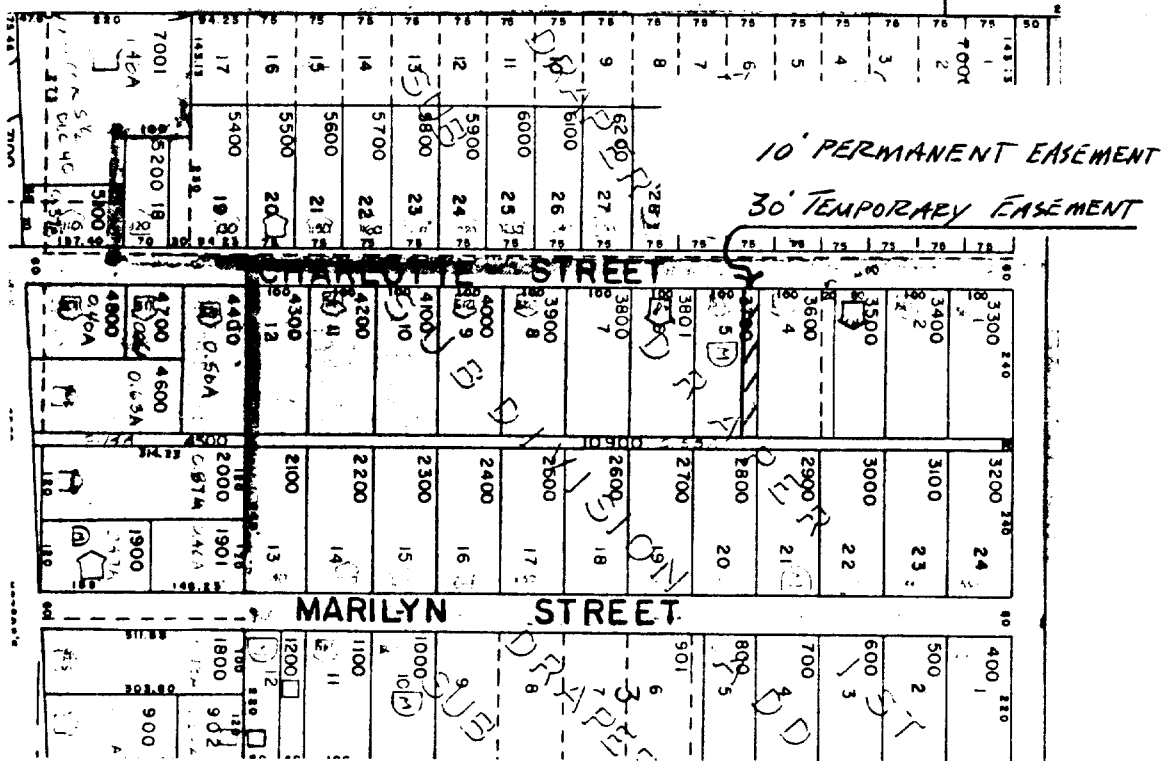
Dated: August 10, 1984.

CITY OF ALBANY, OREGON

William B. Barrons
 City Manager

[Signature]
 City Recorder

11-3W-3A



DESCRIPTIONS

Permanent Easement

A 10 foot wide permanent storm drain easement described as follows:
The north 10 feet of Lot 5, Draper Subdivision, Linn County, Oregon.

Temporary Easement

A 30 foot temporary easement for the construction of a storm drainage ditch described as follows:

The north 30 feet of Lot 5, Draper Subdivision, Linn County, Oregon.

566468

August 29, 1984

STATE OF OREGON
County of Linn

I hereby certify that the attached was received and duly recorded by me in Linn County records:

Volume: MF 367 Page: 362

At 8:30 O'clock a.m. ^{12:00}
DEL W. RILEY
Linn County Clerk

By [Signature], Deputy

Rossback
and
City of Albany
Exhibit 'A'

*City of Albany
Engineering
PO Box 490
Albany, OR 97321*

Resolution No. 2488

Recorded Document Recorder File No. 1589