

RESOLUTION NO. 5699

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

George K. Koos and Cory H. Koos

Purpose

Conservation easement over the land within 100 feet of the Santiam River on the "Archibald Property"

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

DATED AND EFFECTIVE THIS 12th DAY OF November 2008.



Mayor

ATTEST:



City Clerk

Grantor:
George K. and Cory H. Koos
33953 Langmack Rd.
Lebanon, OR 97355

Grantee:
City of Albany
333 Broadalbin St.
P.O. Box 490
Albany, OR 97321

✓ **After Recording, Return To:**
Matthew L. Jarvis
Attorney at Law
PO Box 40
Albany, OR 97321

LINN COUNTY, OREGON 2008-13155
E-EAS
Cnt=1 SIn=1 COUNTER 08/30/2008 03:56:25 PM
\$15.00 \$11.00 \$10.00 \$36.00



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



CONSERVATION EASEMENT AGREEMENT

RECITALS:

WHEREAS, George K. and Cory H. Koos (Grantors) have purchased that certain real property in Linn County, Oregon, particularly described in Exhibit "A," attached hereto and by this reference incorporated herein (the "Property") from the City of Albany (Grantee); and

WHEREAS, as part of the consideration for the purchase of the Property, Grantors agreed to grant a perpetual conservation easement to the Grantee as set forth herein.

AGREEMENT:

NOW THEREFORE, in partial consideration for Grantors' purchase of the Property, Grantors grant to Grantee a non-exclusive, perpetual easement over the Property as follows:

1. This easement shall cover a width of 100 feet along the length of the Santiam River frontage of the Property, measured from the high water mark of the Santiam River (the "Protected Area").
2. The easement granted herein shall assure that the Protected Area will be retained forever predominantly in its natural, scenic, and open space condition and to prevent any use that would significantly impair or interfere with the conservation values of the Protected Area, except for such uses that exist at the time of the creation of this easement.
3. The Protected Area may not be used for any activity that would harm the quality of water for downstream property owners. No use may be made of the Protected Area that would be in conflict with any federal, state, or county statutes, rules, or regulations that apply to riparian buffer zones.
4. This easement shall run with the land and shall be binding upon Grantors' heirs, successors and assigns and is intended for the benefit of the Grantee and its successors and assigns.
5. In the event suit or action is instituted by either party to enforce any of the terms or conditions of this easement, the prevailing party shall be entitled to recover their reasonable attorney fees and costs in such suit, action or appeal. Costs shall include costs as allowed by law and such other costs as are reasonably required, including, but not limited to, the cost of taking and transcribing depositions and procuring expert testimony.
6. This easement may be recorded in the deed records of Linn County, Oregon.

12-04947
First American Title

IN WITNESS WHEREOF the parties have executed this Easement as of the 26th day of June, 2008.

GRANTOR:

GRANTEE:

[Signature]

George K. Koos

[Signature]

Cory H. Koos

CITY OF ALBANY

[Signature]

By: _____

Its: CITY MANAGER

STATE OF OREGON)
County of Linn) ss.

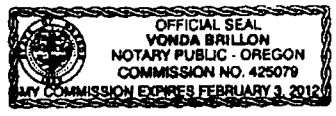
On this 26th day of June, 2008, personally appeared before me the above-named George K. Koos and Cory H. Koos, husband and wife, and acknowledged the foregoing to be their voluntary act and deed.



[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires: 6-6-12

STATE OF OREGON)
County of Linn) ss.

On this 25th day of June, 2008, personally appeared before me WestHare as City manager of the City of Albany, and acknowledged the foregoing to be his/her voluntary act and deed.



[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires: 2/3/12

EXHIBIT A

LEGAL DESCRIPTION:

PARCEL 2, PARTITION PLAT NO. 2005-54, RECORD OF PARTITION PLATS, COUNTY OF LINN,
STATE OF OREGON.

Resolution No. 5699

Recorded Document Recorder File No. 5132