



A RESOLUTION GRANTING THE FOLLOWING EASEMENT

Grantor

City of Albany, Oregon

Purpose

Granting an access easement to the Grand Prairie Water Control District so they can access the Burkhart Creek-to-Truax Creek overflow channel; the new bridge over the channel at Santa Maria Avenue has blocked their access. 10S03W34CD 06800

Grantee

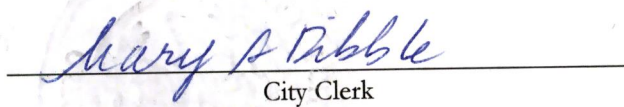
Grand Prairie Water Control District

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

DATED AND EFFECTIVE THIS 26TH DAY OF FEBRUARY 2020.

  
Mayor

ATTEST:

  
City Clerk

## ACCESS EASEMENT

THIS EASEMENT, granted this \_\_\_\_\_ day of \_\_\_\_\_ 2020 by the **City of Albany**, a Municipal Corporation, herein called "Grantor," to the **Grand Prairie Water Control District**, its successors and assigns, herein called "Grantee."

### WITNESSETH:

The Grantor has this day granted and by these presents does grant unto the Grantee, and grantee's heirs, successors and assigns, an ingress and egress easement and right-of-way, including the right to enter upon the real property hereinafter described, and to construct, maintain and repair a driveway within the easement area, for the purpose of providing maintenance access to the Burkhart Creek-to-Truax Creek overflow drainage ditch on the Grantor's property.

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 map on attached EXHIBIT "B", attached hereto and made a part hereof.
2. The easement described herein grants to the grantee, the right to enter upon said easement at any time that it may see fit for driveway construction, maintenance, evaluation, and/or repair purposes as well as the right to access the drainage ditch.
3. The easement is not an exclusive easement. The grantor reserves the right to place utilities within the easement area and use the easement area driveway for access to the grantor's property.
4. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the improvements to be placed upon said property and the benefits grantors may obtain therefrom.
5. Grantee agrees to save and hold Grantor harmless from any and all claims arising from Grantee's use of the rights herein granted. Upon use of the easement, Grantee, its successors, assigns, authorized agents, or contractors shall return the Easement to its original condition. During the existence of this easement, maintenance of the easement and costs of repair of the easement, shall be the responsibility of the Grantee.

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

**GRANTOR:**  
City of Albany

**CITY OF ALBANY:**

**By:**

\_\_\_\_\_  
Jenna Yeager,  
Finance Director

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

STATE OF \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.  
City of \_\_\_\_\_ )

I, Peter Troedsson, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number \_\_\_\_\_, do hereby grant on behalf of the City of Albany, the above instrument pursuant to the terms thereof this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

The instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2020 by Jeanna Yeager, Finance Director, City of Albany.

\_\_\_\_\_  
City Manager

ATTEST:

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
City Recorder

# **Exhibit A**

## **Legal Description for City of Albany-to-Grand Prairie Water Control District access easement**

A 30 foot wide access easement lying west of and adjacent to an existing channel improvement easement recorded in Linn County Deed Records Volume 334, Page 814, and lying north of the following described line.

**Beginning at the southeast corner of Tract A of Timber Ridge Second Addition subdivision, a subdivision of record in the SE ¼ of Section 34, T. 10S., R. 3W., W.M., in the City of Albany, Linn County, Oregon; thence west 65 feet, along the north right of way line of Santa Maria Avenue, to the true point of beginning;**

**Thence west 30 feet, along the north right of way line of Santa Maria Avenue, and there terminating. As shown on the attached map labeled Exhibit B, attached hereto and made a part hereof this legal description.**



# EXHIBIT B

10S03W34CD 06800

A 30 foot by 30 foot  
access easement for  
Grand Prairie Water  
Control District



Geographic Information Services

