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RESOLUTION NO. 1817

WHEREAS, action was taken by the Albany City Council at the July 14, 1976, Council meeting to grant George Anderson a permanent easement for drainage purposes along the south line of Timberlinn Park (see attached easement agreement); now, therefore,

BE IT RESOLVED, that the Albany City Council on behalf of the City of Albany hereby conveys a permanent easement to George Anderson for the purpose of constructing and maintaining a storm drain ditch and hereby directs the Mayor and City Recorder to execute the easement agreement.

DATED THIS 13TH DAY OF OCTOBER, 1976.


MAYOR

ATTEST:


DEPUTY CITY RECORDER

This resolution is at the request of the city attorney.

City of Albany, Grantors, bargain, sell and convey unto George Anderson and/or successors, hereafter designated the Grantee, a permanent easement for the purpose of constructing and maintaining a storm drain ditch over the following described property.

Beginning at a point which is N 89°54' E, 12.5 ft. from the northwest corner of Lot 4 Block 1 of the Commercial Way Subdivision; Proceed thence S 89°59' W, 272 ft.; thence N 0°01' W, 10 ft.; thence N 89°59' E, 272 ft.; thence S 0°01' E, 10 ft. to the point of beginning.

The Grantee shall have the right to enter upon the property described as the easement, to excavate, to remove trees, bushes, undergrowth and other obstruction interfering with the location, construction and maintenance of said ditch and agrees to maintain said ditch on an annual basis or as deemed necessary by the Grantor.

The Grantors covenant they are lawfully seized and possessed of the property and have the right to convey any part thereof.

As part of the construction, the Grantee agrees to restore the property, as near as practicable, to its prior condition before construction or maintenance.

As part of the consideration, the Grantors hereby release all claims for damages whatsoever incidental to the exercise of the rights herein granted.

IN WITNESS WHEREOF, said Grantors have hereunto subscribed their signatures and seals this 14th day of October, 1976.

STATE OF OREGON }
County of Linn, } ss
City of Albany }

I, David C. Hayes, as Mayor of the City of Albany, Oregon, pursuant to Resolution Number 1817, do hereby dedicate on behalf of the City of Albany the above Easement pursuant to the terms thereof.

Dated: OCTOBER 14, 1976.

CITY OF ALBANY, OREGON

By David C. Hayes
Mayor

Peggy R. Powers
Recorder

I, George Anderson, do hereby accept the above Easement pursuant to the terms thereof.

Dated: SEPTEMBER 27, 1976.

By George Anderson

Witness my hand and notarial seal this date:

September 27, 1976.

James Wallace
Notary Public for Oregon
My Commission Expires: 1-26-78

Timber Linn Park

See Map 11 3W 9B

