

RESOLUTION NO. 3274

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

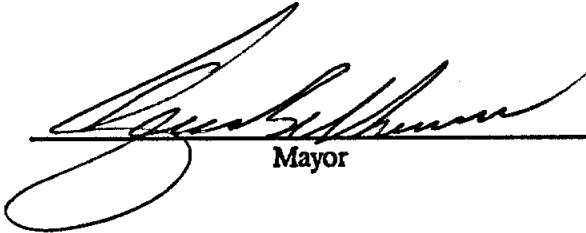
Grantor

Evangel Assembly, New Life Center

Purpose

Easement across New Life Center property located at 5775 Columbus Street SE for Wetland Mitigation generated by the City's Waverly Drive extension project.

DATED this 14 day of July, 1993.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



## EASEMENT FOR WETLAND MITIGATION

THIS AGREEMENT, made and entered into this 17<sup>th</sup> day of June, 1993, by and between Evangle Assembly, New Life Center, 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 do wetland mitigation for the extension of Waverly Drive, a City street construction project. The mitigation involves 2.0 acres of earthwork and an additional 2.3 acres of herbicide treatment with establishment of wetland plantings upon those areas, all within the general lands hereinafter described, together with the right to inspect and maintain the plantings.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted is described as follows and is shown on the attached map labled Exhibit A:

Commencing at the southwest corner of the Jordon S. Robinson DLC No. 55 in Section 20, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 0° 19' 35" East 763.93 feet along the west line of said DLC to a point on the centerline of Oak Creek; thence North 82° 40' 52" East 30.31 feet along said centerline to the True Point of Beginning, said point also being on the easterly right-of-way of Columbus Street and the most westerly northwest corner of that tract of land conveyed to Evangle Assembly, New Life Center, in MF 568-661, Deed Records of Linn County, Oregon; thence continuing along said centerline for the following five (5) courses: (1) North 82° 40' 52" East 412.14 feet; (2) North 1° 22' 42" East 128.71 feet; (3) South 88° 42' 13" East 202.24 feet; (4) North 4° 05' 23" East 65.46 feet; (5) North 46° 25' 01" East 204.52 feet; thence leaving said centerline, South 8° 14' 09" East 442.81 feet; thence South 35° 43' 48" West 526.20 feet; thence North 80° 34' 35" West 532.47 feet to a point on the easterly right-of-way of the aforementioned Columbus Street; thence North 0° 19' 35" East 395.33 feet along said easterly right-of-way to the True Point of Beginning.

Containing 9.59 acres, more or less.

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 construction, evaluation and maintenance purposes.
3. The easement granted is in consideration of \$363.24 and in further consideration of the wetland improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. 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.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. 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 above written.

GRANTOR:

New Life Center

By: Gary Siegenthaler  
Gary Siegenthaler, Chairman

By: Mark Copeland  
Mark Copeland, Vice Chairmain

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

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of July, 19 93, by Gary Siegenthaler, Chairman, and by Mark Copeland, Vice Chairman, of Evangle Assembly, New Life Center, an Oregon corporation, on behalf of the corporation.

[Signature]  
Notary Public for Oregon

My Commission Expires: 2-23-94

CITY OF ALBANY:

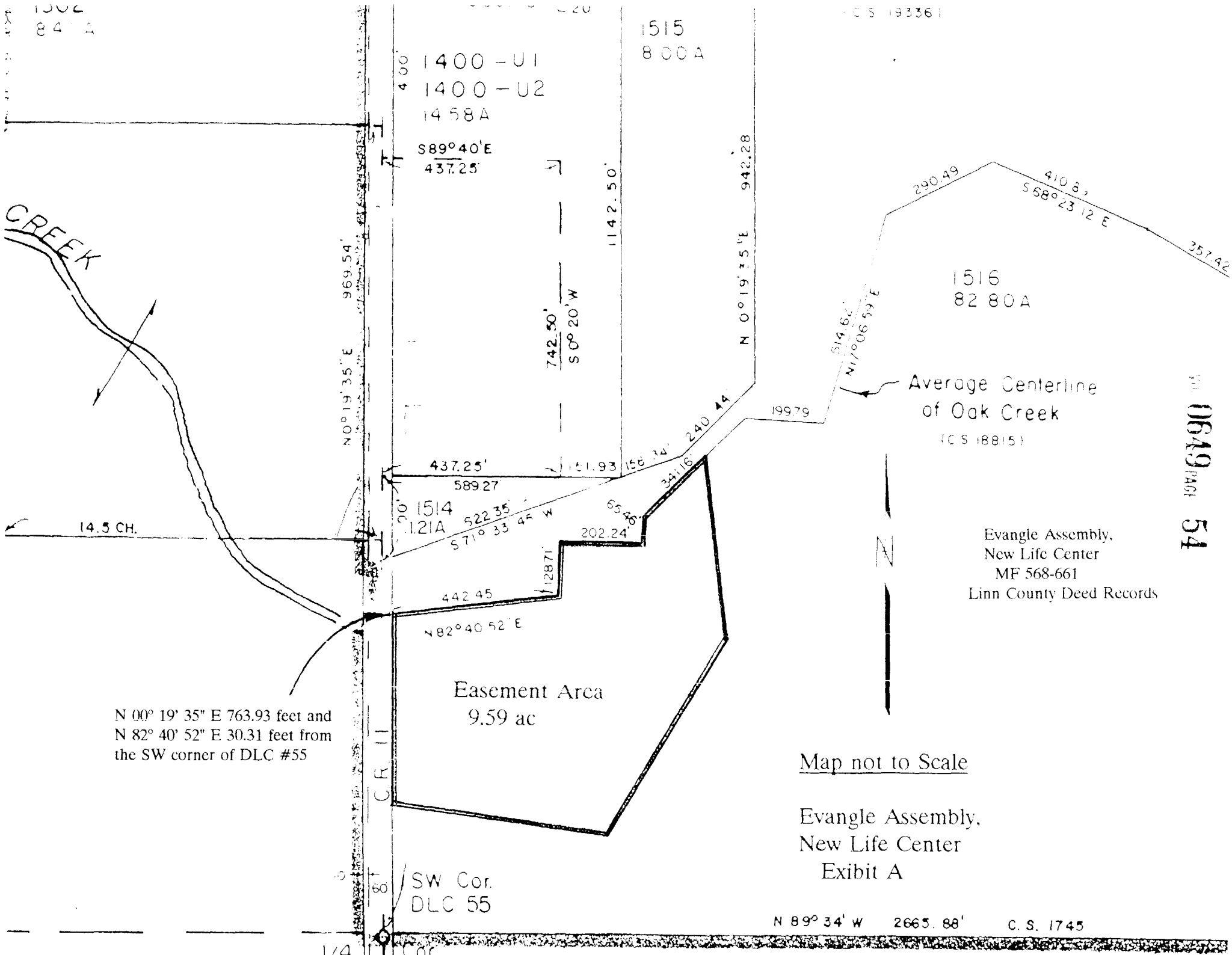
STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3274 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 15<sup>th</sup> day of July, 19 93.

[Signature]  
City Manager

ATTEST:

[Signature]  
City Recorder



STATE OF OREGON  
County of Linn

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

STEVE DRUCKENMILLER  
Linn County Clerk

MF 649

By [Signature], Deputy PAGE 52

JUL 16 2 24 PM '93 26

Resolution No. 3274

Recorded Document Recorder File No. 2326