

A RESOLUTION ACCEPTING AN AGREEMENT FOR THE ISSUANCE OF A REVOCABLE ENROACHMENT PERMIT ALLOWING WILLAMETTE SEED COMPANY, INC., TO OCCUPY A PORTION OF THE JEFFERSON STREET RIGHT-OF-WAY.

WHEREAS, Willamette Seed desires to construct a handicapped ramp and stairs, one van accessible parking stall and unloading zone, and a small landscape area with two trees within the existing Jefferson Street right-of-way, as shown on the attached map (Exhibit A); and

WHEREAS, the City may have a future need to utilize said right-of-way for sewer emergency repairs, maintenance, construction, or other purposes; and

WHEREAS, Willamette Seed desires City to issue a revocable Encroachment Permit to occupy said right-of-way.

NOW, THEREFORE, Willamette Seed and City agree to the following:

1. The City shall issue Willamette Seed a revocable Encroachment Permit to occupy the Jefferson Street right-of-way with concrete stairs and handicapped ramp, one van accessible parking stall and unloading zone, and a small landscape area with two trees. Said permit may be revoked by the City at any time. Upon notification of the revocation of the permit, Willamette Seed shall remove the concrete stairs and handicapped ramp, parking stall and unloading zone, and landscape area and trees within 30 days; and
2. Notwithstanding the provisions of Item 1, the City or its agent(s) may remove the stairs and handicapped ramp at any time, without notification or delay. All costs associated with said removal shall be reimbursed by Willamette Seed to the City; and
3. Any replacement of the stairs and handicapped ramp, parking stall and unloading zone, and landscape area and trees, after removal, if allowed by City, shall be the responsibility of Willamette Seed; and
4. The stairs and handicapped ramp shall be constructed by Willamette Seed under the provisions of a building permit, with a maximum concrete thickness of 6 inches; and
5. Willamette Seed shall hold the City and its agent(s) harmless for any claims, costs, or liabilities suffered or caused by Willamette Seed, its employees, agents, or others as a result of the issuance of said permit, the utilization of the Jefferson Street right-of-way, or any other act by the City or its agents related to this agreement, including but not limited to, damage or removal of said stairs and handicapped ramp, parking stall and unloading zone, and landscape area and trees; injury; and lack of legal or adequate access to Willamette Seed.

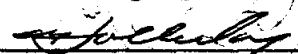
BE IT FURTHER RESOLVED that the City Council of the City of Albany, Oregon, authorizes the City Manager to execute the agreement and conditions for acceptance.

DATED THIS 23RD DAY OF OCTOBER 1996.



Mayor

ATTEST:

City Recorder

ENCROACHMENT PERMIT

AGREEMENT

This Agreement is entered into between the City of Albany, Oregon, a municipal corporation, hereafter referred to as "City," and Willamette Seed Company, Inc., an Oregon Corporation, hereafter referred to as "Willamette Seed."

WHEREAS, Willamette Seed desires to construct a handicapped ramp and stairs, one van accessible parking stall and unloading zone, and a small landscape area with two trees within the existing Jefferson Street right-of-way, as shown on the attached map (Exhibit A); and

WHEREAS, the City may have a future need to utilize said right-of-way for sewer emergency repairs, maintenance, construction, or other purposes; and

WHEREAS, Willamette Seed desires City to issue a revocable Encroachment Permit to occupy said right-of-way.

NOW, THEREFORE, Willamette Seed and City agree to the following:

1. The City shall issue Willamette Seed a revocable Encroachment Permit to occupy the Jefferson Street right-of-way with concrete stairs and handicapped ramp, one van-accessible parking stall and unloading zone, and a small landscape area with two trees. Said permit may be revoked by the City at any time. Upon notification of the revocation of the permit, Willamette Seed shall remove the concrete stairs and handicapped ramp, parking stall and unloading zone, and landscape area and trees within 30 days; and
2. Notwithstanding the provisions of Item 1, the City or its agent(s) may remove the stairs and handicapped ramp at any time, without notification or delay. All costs associated with said removal shall be reimbursed by Willamette Seed to the City; and
3. Any replacement of the stairs and handicapped ramp, parking stall and unloading zone, and landscape area and trees, after removal, if allowed by City, shall be the responsibility of Willamette Seed; and
4. The stairs and handicapped ramp shall be constructed by Willamette Seed under the provisions of a building permit, with a maximum concrete thickness of 6 inches; and
5. Willamette Seed shall hold the City and its agent(s) harmless for any claims, costs, or liabilities suffered or caused by Willamette Seed, its employees, agents, or others as a result of the issuance of said permit, the utilization of the Jefferson Street right-of-way, or any other act by the City or its agents related to this agreement, including but not limited to; damage or removal of said stairs and handicapped ramp, parking stall and unloading zone, and landscape area and trees, injury, and lack of legal or adequate access to Willamette Seed.

DATED THIS 15 DAY OF October 1996.

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

WILLAMETTE SEED COMPANY, INC.:

By: [Signature]
Bob Lowry, President

CITY OF ALBANY:

STATE OF OREGON)
County of Linn) ss.
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 3704, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 24 day of October, 1996.

The foregoing instrument was acknowledged before me this 15 day of Oct, 1996, by Bob Lowry, President, Willamette Seed Company, Inc., as his voluntary act and deed.

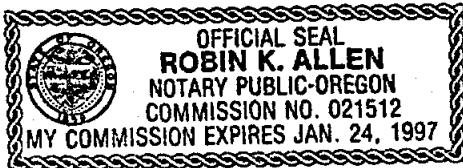
[Signature]
Notary Public for Oregon

[Signature]
City Manager

ATTEST:

My Commission Expires: 1-24-97

[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

By Sm, Deputy

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