

RESOLUTION NO. 5235

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

<u>Grantor</u>	<u>Purpose</u>
Timberhill Corporation, John S. Brandis, Jr., Trinity O. Lind (Previously Gail Brandis Jacob), Susan Brandis Decker, Evelyn F. Brandis Charitable Trusts #1 and #2	A variable width storm drainage easement for an overflow from Burkhart Creek to the storm drainage system in Bridle Springs subdivision.

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


BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 22ND DAY OF FEBRUARY 2006.



Mayor

ATTEST:



City Clerk

EASEMENT FOR STORM DRAINAGE

THIS AGREEMENT, made and entered into this 22 day of February, 2006, by and between Timberhill Corporation, John S. Brandis, Jr., Gail Brandis Jacob (Gail Brandis Coleman), Susan Brandis Decker, Evelyn F. Brandis Charitable Trusts #1 and #2, hereinafter called Grantor, 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 grantor has this day bargained and sold and by these presents does 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 maintain and repair a public storm drainage corridor for the purpose of conveying storm drainage water over, across, through, and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said drainage facilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public storm drainage corridor.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

A 30-31 foot wide storm drainage easement for an overflow from Burkhart Creek to the storm drainage system in Bridle Springs subdivision.

See legal description on attached Exhibit A, and map on attached Exhibit B.

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, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain there from.
4. The Grantor does 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.
7. The easement area shall not be filled. The overflow ditch/swale must remain open so that it can convey storm water from Burkhart Creek to the storm drainage system in Bridle Springs subdivision during high-water rain events.

Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

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

GRANTORS:

Karole J. Durkee, Jr.
Karole Joseph Durkee, Jr. for Timberhill Corp.

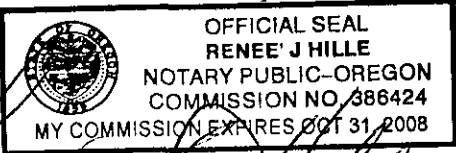
John S. Brandis, Jr.

STATE OF OREGON)
County of Multnomah) ss.
City of Portland)

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

The foregoing instrument was acknowledged before me this 25th day of January, 2006, by **Karole Joseph Durkee, Jr. for Timberhill Corp.** on behalf of the Corporation.

The foregoing instrument was acknowledged before me this ____ day of _____, 2006, by John S. Brandis, Jr. as his voluntary act and deed.


Renee J. Hille
Notary Public for Oregon
My Commission Expires: October 31, 2006

Notary Public for Oregon
My Commission Expires: _____

Trinity O. Lind
Previously **Gail Lynn Brandis, Gail Lynn Coleman, Gail Lynn Durkee, Gail Lynn Jacob, Gail Lynn Yarborough, Gail Lynn Lind.**

Susan Brandis Decker

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

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

The foregoing instrument was acknowledged before me this ____ day of _____, 2006, by **Trinity O. Lind** as her voluntary act and deed.

The foregoing instrument was acknowledged before me this ____ day of _____, 2006, by **Susan Brandis Decker** as her voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

Notary Public for Oregon
My Commission Expires: _____

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

GRANTORS:

Karole Joseph Durkee, Jr. for Timberhill Corp.

John S. Brandis, Jr.

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


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

The foregoing instrument was acknowledged before me this ____ day of _____, 2006, by **Karole Joseph Durkee, Jr. for Timberhill Corp.** on behalf of the Corporation.

The foregoing instrument was acknowledged before me this ____ day of _____, 2006, by **John S. Brandis, Jr.** as his voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

Notary Public for Oregon
My Commission Expires: _____


Trinity O. Lind
Previously **Gail Lynn Brandis, Gail Lynn Coleman, Gail Lynn Durkee, Gail Lynn Jacob, Gail Lynn Yarborough, Gail Lynn Lind.**

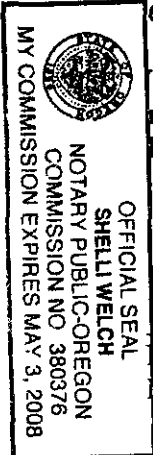
Susan Brandis Decker

STATE OF OREGON)
County of Deschutes) ss.
City of Bend)

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

The foregoing instrument was acknowledged before me this 27 day of January, 2006, by **Trinity O. Lind** as her voluntary act and deed.

The foregoing instrument was acknowledged before me this ____ day of _____, 2006, by **Susan Brandis Decker** as her voluntary act and deed.



Shelli Welch
Notary Public for Oregon
My Commission Expires: May 3, 2008

Notary Public for Oregon
My Commission Expires: _____

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

GRANTORS:

Karole Joseph Durkee, Jr. for Timberhill Corp.

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

The foregoing instrument was acknowledged before me this ____ day of _____, 2006, by **Karole Joseph Durkee, Jr. for Timberhill Corp.** on behalf of the Corporation.

Notary Public for Oregon
My Commission Expires: _____

Trinity O. Lind
Previously **Gail Lynn Brandis, Gail Lynn Coleman, Gail Lynn Durkee, Gail Lynn Jacob, Gail Lynn Yarborough, Gail Lynn Lind.**

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

The foregoing instrument was acknowledged before me this ____ day of _____, 2006, by **Trinity O. Lind** as her voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

John S. Brandis, Jr.

STATE OF OREGON)
County of **BENTON**) ss.
City of **CORVALLIS**)

The foregoing instrument was acknowledged before me this 6 day of February, 2006, by **John S. Brandis, Jr.** as his voluntary act and deed.



Notary Public for Oregon
My Commission Expires: 3-6-07

Susan Brandis Decker

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

The foregoing instrument was acknowledged before me this ____ day of _____, 2006, by **Susan Brandis Decker** as her voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

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

GRANTORS:

Karole Joseph Durkee, Jr. for Timberhill Corp.

John S. Brandis, Jr.

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

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

The foregoing instrument was acknowledged before me this _____ day of _____, 2006, by **Karole Joseph Durkee, Jr. for Timberhill Corp.** on behalf of the Corporation.

The foregoing instrument was acknowledged before me this _____ day of _____, 2006, by John S. Brandis, Jr. as his voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

Notary Public for Oregon
My Commission Expires: _____

Trinity O. Lind
Previously **Gail Lynn Brandis, Gail Lynn Coleman, Gail Lynn Durkee, Gail Lynn Jacob, Gail Lynn Yarborough, Gail Lynn Lind.**

Susan Brandis Decker

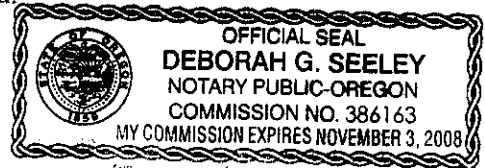
Susan Brandis Decker

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

STATE OF OREGON)
County of *Benton*) ss.
City of *CORVALLIS*)

The foregoing instrument was acknowledged before me this _____ day of _____, 2006, by Trinity O. Lind as her voluntary act and deed.

The foregoing instrument was acknowledged before me this *26th* day of *January*, 2006, by **Susan Brandis Decker** as her voluntary act and deed.



Notary Public for Oregon
My Commission Expires: _____

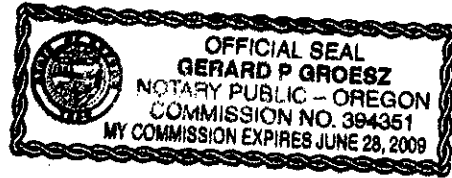
Deborah G. Seeley

Notary Public for Oregon
My Commission Expires: *11-3-08*

Mary Morris
Mary Morris, Trustee of The Evelyn F. Brandis Charitable Trusts #1 and #2

STATE OF OREGON)
County of Benton) ss.
City of Corvallis)

The foregoing instrument was acknowledged before me this 31 day of Aug., 2006,
by Mary Morris, Trustee of the Evelyn F. Brandis Charitable Trusts #1 and #2, on behalf of the Trusts.



[Signature]
Notary Public for Oregon
My Commission Expires: 6/28/09

CITY OF ALBANY:

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

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 5235, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 22 day of February 2006.

Wes Hare
City Manager

ATTEST: [Signature]
City Clerk

EXHIBIT A

**LEGAL DESCRIPTION
OVERFLOW EASEMENT
JANUARY 10, 2006**

A PORTION OF PARCEL 2 OF PARTITION PLAT NUMBER 2004-43, FILED IN LINE COUNTY SURVEY RECORDS, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 3, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF ALBANY, LINN COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

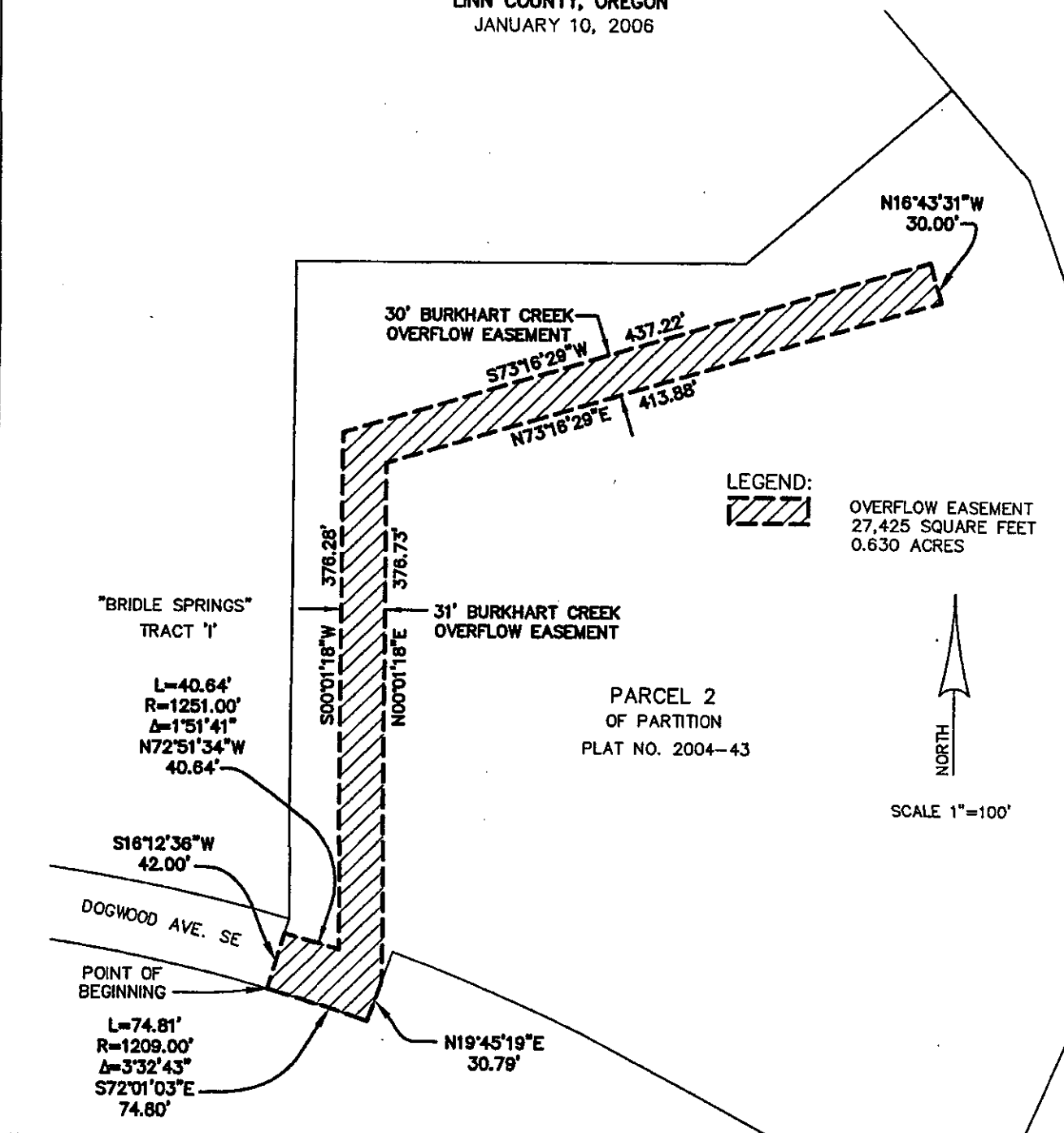
BEGINNING AT THE MOST WESTERLY SOUTHWEST CORNER OF SAID PARCEL 2 OF PARTITION PLAT NUMBER 2004-43; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 2 ALONG THE ARC OF A 1209.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY, HAVING A CENTRAL ANGLE OF 03° 32' 43" (THE LONG CHORD OF WHICH BEARS SOUTH 72° 01' 03" EAST, 74.80 FEET) AN ARC DISTANCE OF 74.81 FEET TO A POINT OF NON-TANGENCY; THENCE CONTINUING ALONG SAID SOUTHERLY PARCEL LINE NORTH 19° 45' 19" EAST, 30.79 FEET; THENCE LEAVING SAID SOUTHERLY PARCEL LINE NORTH 00° 01' 18" EAST, 376.73 FEET; THENCE NORTH 73° 16' 29" EAST, 413.88 FEET; THENCE NORTH 16° 43' 31" WEST, 30.00 FEET; THENCE SOUTH 73° 16' 29" WEST, 437.22 FEET; THENCE SOUTH 00° 01' 18" WEST, 376.28 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE ALONG THE ARC OF A 1251.00 FEET RADIUS CURVE CONCAVE SOUTHERLY, HAVING A CENTRAL ANGLE OF 01° 51' 41" (THE LONG CHORD OF WHICH BEARS NORTH 72° 51' 34" WEST, 40.64 FEET) AN ARC DISTANCE OF 40.64 FEET TO THE WESTERLY LINE OF SAID PARCEL 2; THENCE ALONG SAID WESTERLY LINE SOUTH 16° 12' 36" WEST, 42.00 FEET TO THE POINT OF BEGINNING


CONTAINS 27,425 SQUARE FEET OR 0.630 ACRES, MORE OR LESS.




EXHIBIT "B"

FOR AN OVERFLOW EASEMENT BEING A PORTION OF PARCEL 2,
 PARTITION PLAT 2004-43,
 LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 3, TOWNSHIP
 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF ALBANY,
 LINN COUNTY, OREGON
 JANUARY 10, 2006



LEGEND:
 OVERFLOW EASEMENT
 27,425 SQUARE FEET
 0.630 ACRES


 NORTH
 SCALE 1"=100'

W R G
DESIGN INC.
 5415 SW Westgate Dr,
 Ste 100 / Portland, OR
 97221 / Tel. 503.419.2500

EXHIBIT MAP
BRIDLE SPRINGS-OVERFLOW EASEMENT
 D.R. HORTON
 CITY OF ALBANY, LINN COUNTY, OREGON

PROJECT NO. DRH3274
 DATE: 01/09/06
 BY: GAH
 SCALE: 1"=100'
 SHEET NO. 1 OF 1

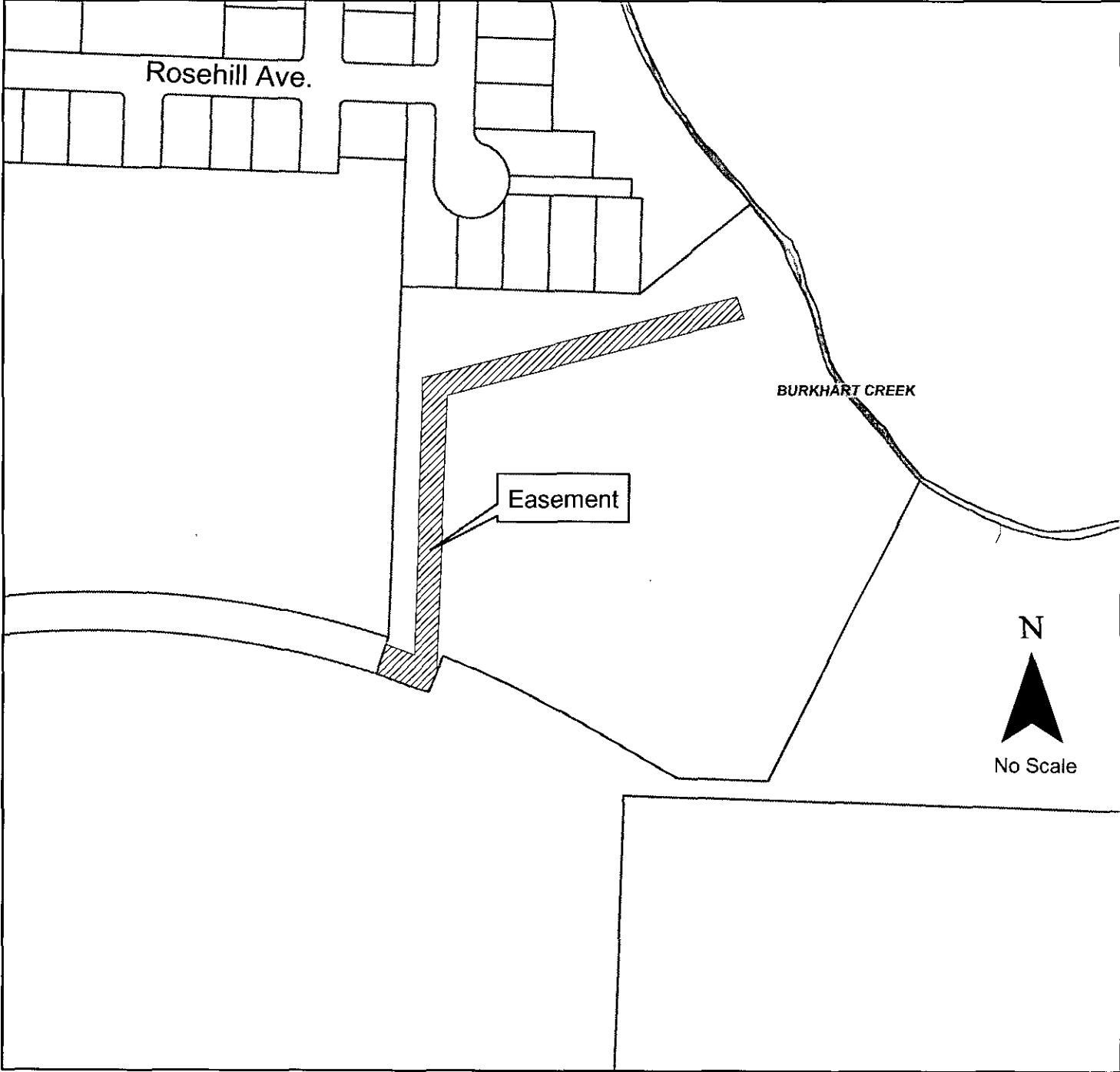
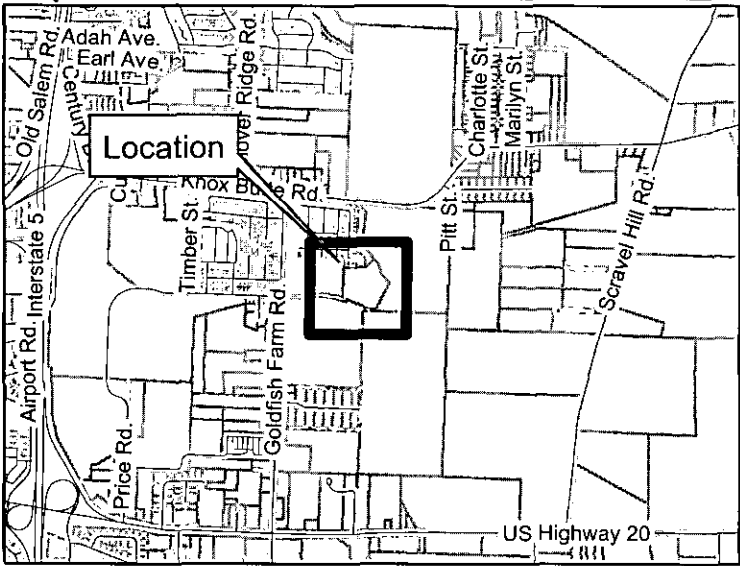
EXHIBIT C

11S03W03C 00102

A 30-31 foot wide storm drainage easement for an overflow from Burkhart Creek to the storm drainage system in Bridle Springs subdivision



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2006-06866**
E-EAS
Cnt=1 Stn=1 COUNTER **03/24/2006 02:58:20 PM**
\$50.00 \$11.00 \$10.00 **\$71.00**



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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

After Recording Return To:

City of Albany Recorder

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Government Agency - Exempt

1. Name/Title of Transaction - by ORS 205.234 (a)

Easement for Storm Drainage

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

Timberhill Corporation, John S. Brandis, Jr., Gail Brandis Jacob (Gail Brandis Coleman), Susan Brandis Decker, and Evelyn F. Brandis Charitable Trusts #1 and #2

3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

City of Albany

4. True and Actual Consideration (if there is one), ORS 93.030

\$1.00

Resolution No. 5235

Recorded Document Recorder File No. 4743