

RESOLUTION NO. 6616

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Koos Family, LLC

Purpose

A 10 foot by 19 foot easement for public storm drainage as part of the Somerset Subdivision development.

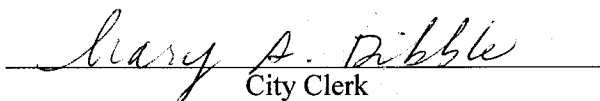
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

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 14TH DAY OF JUNE 2017.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

## EASEMENT FOR PUBLIC STORM DRAINAGE

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between Koos Family, LLC, 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, including the right to enter upon the real property hereinafter described, and to construct, maintain, and repair a public storm drainage system for the purpose of conveying public storm drainage over, across, under, and through the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public storm drainage system 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 system.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:  
  
See legal description on Exhibit A and easment maps on Exhibit B and Exhibit C, attached hereto and incorporated herein.
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 therefrom.
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.

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

**GRANTOR: Koos Family, LLC**

*Michael F. Koos*  
Michael F. Koos

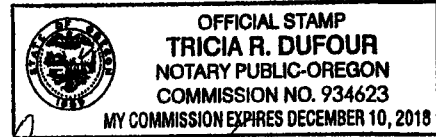
*Stacy S. Koos*  
Stacy S. Koos

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

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

The foregoing instrument was acknowledged before me this 14 day of April, 2017, by Michael F. Koos, Trustee of the Michael and Stacy Koos Trust, on behalf of Koos Family, LLC, as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 14 day of April, 2017, by Stacy S. Koos, Trustee of the Michael and Stacy Koos Trust, on behalf of Koos Family, LLC, as her voluntary act and deed.



*Tricia R. Dufour*  
Notary Public for Oregon  
My Commission Expires: 12.10.18

*Tricia R. Dufour*  
Notary Public for Oregon  
My Commission Expires: 12.10.18

**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 \_\_\_\_\_, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

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

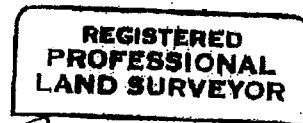
ATTEST:

\_\_\_\_\_  
City Clerk

Exhibit "A"

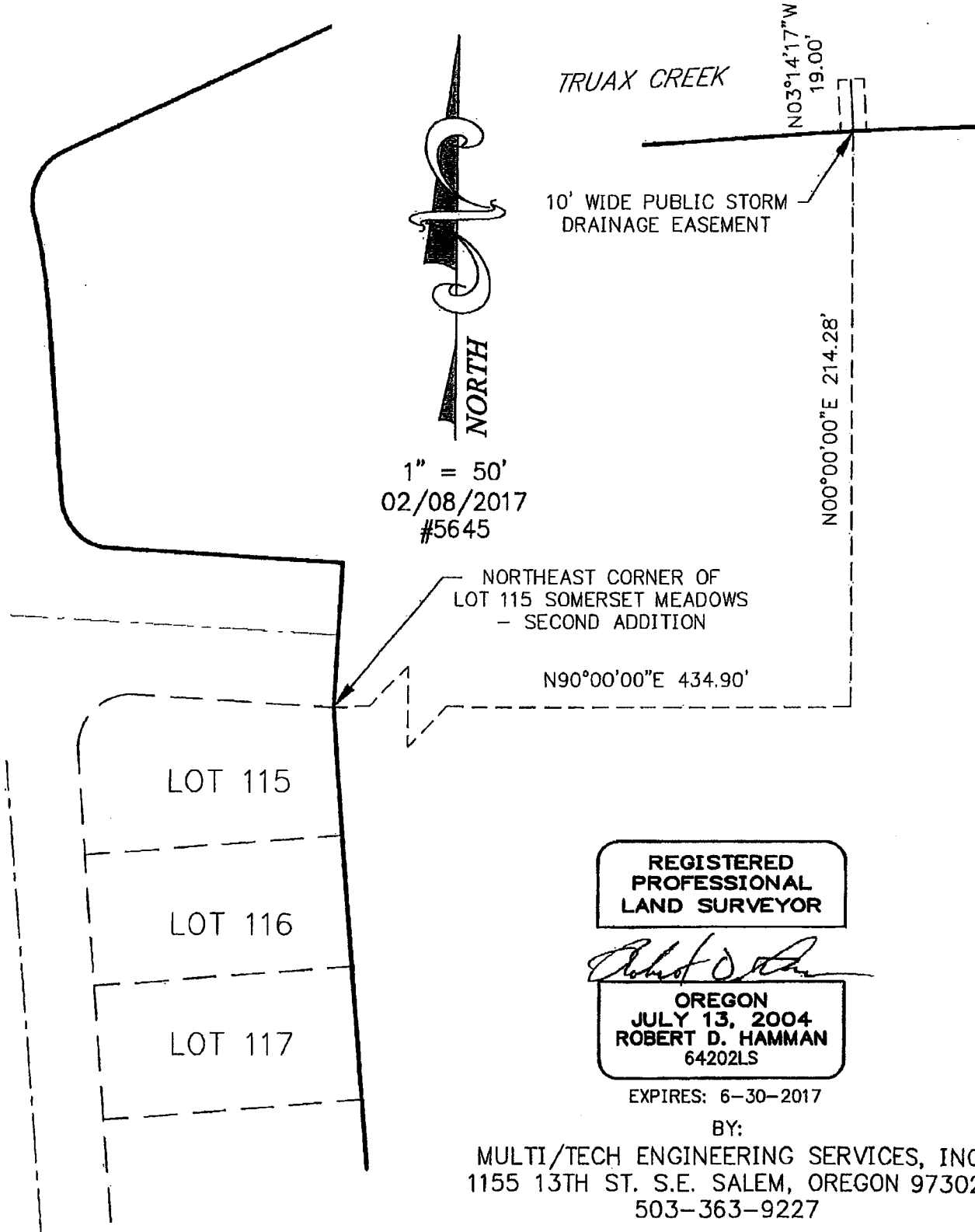
10' Wide Public Storm Drainage Easement

Commencing at a 5/8" Iron rod at the Northeast corner of Lot 115, Somerset Meadows - Second Addition, as recorded in Linn County Survey 24406, located in the Southwest 1/4, of Section 34, Township 10 South, Range 3 West, of the Willamette Meridian, City of Albany, Linn County, Oregon; thence North 90°00'00" East 434.90 feet; thence North 00°00'00" East 214.28 feet to the True Point of Beginning of the centerline of a 10.00 foot wide Public Storm Drainage Easement, being 5.00 feet on both sides; thence along said center line North 03°14'17" West 19.00 feet to the terminus of said easement.



*Robert D. Hamman*  
OREGON  
JULY 13, 2004  
ROBERT D. HAMMAN  
01902LS  
EXPIRES: *6/30/2012*

Exhibit "B"



1" = 50'  
02/08/2017  
#5645

TRUAX CREEK  
10' WIDE PUBLIC STORM DRAINAGE EASEMENT

N03°14'17"W  
19.00'

N00°00'00"E 214.28'

NORTHEAST CORNER OF  
LOT 115 SOMERSET MEADOWS  
- SECOND ADDITION

N90°00'00"E 434.90'

LOT 115

LOT 116

LOT 117

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

**OREGON  
JULY 13, 2004  
ROBERT D. HAMMAN  
64202LS**

EXPIRES: 6-30-2017

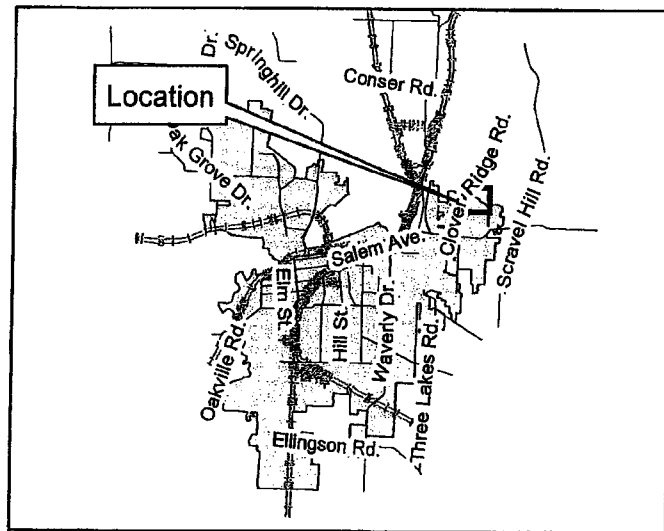
BY:

MULTI/TECH ENGINEERING SERVICES, INC.  
1155 13TH ST. S.E. SALEM, OREGON 97302  
503-363-9227

# EXHIBIT C

10S03W34 01600

A 10 foot wide Storm Drainage  
easement, as part of the Somerset  
Subdivision Development Project



Geographic Information Services

