

RESOLUTION NO. 11 FOR 2006

A RESOLUTION TO DECLARE AND MAINTAIN CITY OWNED PROPERTY LOCATED AT 13S1E32CC/5800 AS A WETLAND MITIGATION SITE.

WHEREAS, the City of Sweet Home, an Oregon Municipal Corporation, is the owner of real property known as Tract B of Carla Place II, in the City of Sweet Home, Linn County, Oregon, (Assessor Map Page 13S1E32CC Tax Lot 5800) referred to herein as Property; and

WHEREAS, the Property has a warranty deed restriction for public park purposes when it was granted to the City of Sweet Home on April 7, 1994; and

WHEREAS, the City of Sweet Home reserves the right to place an accessible pathway of organic material for access or viewing of the Property in a method, manner and location to minimize any impact to plant vegetation; and

WHEREAS, the Property is referenced in Division of State Lands Enforcement File #4790; and

WHEREAS, the Division of State Lands requires that a covenant be declared on the Property; and

WHEREAS, the attached declaration is to limit and restrict the use to which the Property may be put, and specifying that the declaration shall constitute a covenant running with the land and that it shall be binding on all persons; and

WHEREAS, the restriction is for the benefit of and limitations upon all future owners of the Property and the State of Oregon to protect the Property from use inconsistent with, or contrary to, the restriction; and

WHEREAS, the restriction shall be perpetual and never ending, except upon the contemporaneous consent and revocation by the Property owner, the State of Oregon and the United States Army Corps of Engineers; and

THE CITY OF SWEET HOME DOES RESOLVE AS FOLLOWS:

The Property shall be used as a Wetland Mitigation Site with conditions as noted on the attached Declaration of Restrictive Covenant, Exhibit A and map, Exhibit B.

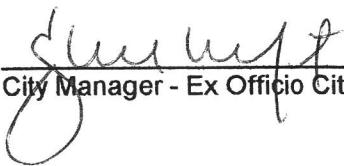
THIS resolution shall be effective immediately upon its passage.

PASSED by the City Council and approved by the Mayor this 14th day of March, 2006.



Mayor

ATTEST:



City Manager - Ex Officio City Recorder

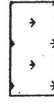
CITY OF SWEETHOME MITIGATION SITE PLAN

COMPENSATION FOR THE
CONSTRUCTION OF 28TH STREET
WETLAND IMPACTS

0.53 ACRE RESTORATION
+ 0.12 ACRE ENHANCEMENT
= 0.65 ACRES TOTAL



PROPOSED WETLAND
RESTORATION AREA

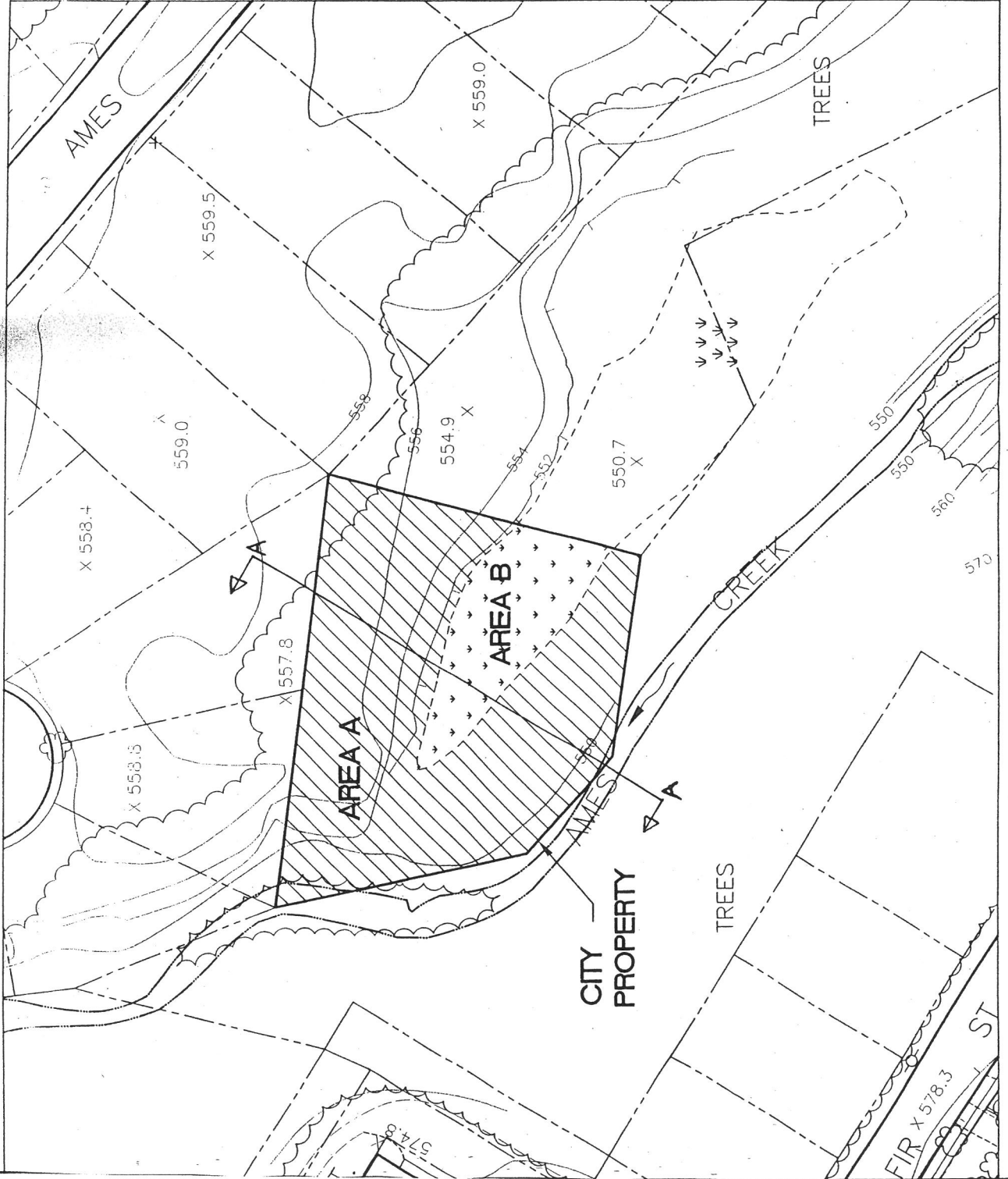


PROPOSED WETLAND
ENHANCEMENT AREA



ABIQUA ENGINEERING, INC.
1900 Front St. NE, SALEM, OR, 97303
(503) 391-2864 (800) 286-4661
FAX (503) 391-6156

EXHIBIT B



DECLARATION OF RESTRICTIVE COVENANT.

The City of Sweet Home, an Oregon Municipal Corporation, is the owner of real property known as Tract B of Carla Place II, in the City of Sweet Home, Linn County, Oregon (Assessor Map Page 13S1E32CC Tax Lot 5800), granted to the City for public park purposes, referred to herein as Property, hereby makes the following declaration to limit and restrict the use to which the Property may be put, and specifying that the declaration shall constitute a covenant running with the land and that it shall be binding on all persons.

PURPOSE OF RESTRICTIONS

The restriction is for the benefit of and limitations upon all future owners of the Property and the State of Oregon to protect the Property from use inconsistent with, or contrary to, the restriction.

DURATION OF USE

The restriction shall be perpetual and never ending, except upon the contemporaneous consent and revocation by the Property owner, the State of Oregon and the United States Army Corps of Engineers.

RESTRICTIVE USE

The Property shall be used as a Wetland Mitigation Site. The Wetland Mitigation Site shall be maintained in its natural condition to attract wildlife, including waterfowl, and used exclusively as a wetland. No building, structure, or improvement shall be erected, constructed, or placed within the Wetland Mitigation Site. Native or planted vegetation shall not be removed without the written permission of the Oregon Division of State Lands. Livestock, including horses, shall be kept out of the Wetland Mitigation Site. See Division of State Lands Enforcement File # 4790.

The City of Sweet Home reserves the right to place an accessible pathway of organic material for access or viewing of the Property in a method, manner and location to minimize any impact to plant vegetation.

IN WITNESS WHEREOF, dated this 15th day of March 2006

ACCEPTED BY:
CITY OF SWEET HOME, OREGON

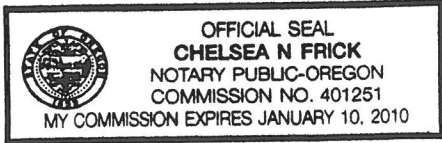
By: Craig S. Fentiman
CRAIG S. FENTIMAN - Mayor

By: Craig M. Martin
CRAIG M. MARTIN City Manager
Ex-officio City Recorder

STATE OF OREGON)
) ss.
County of Linn)

Before me appeared the above-named CRAIG S. FENTIMAN and CRAIG M. MARTIN, and both to me personally known, who being duly sworn did say that he, the said CRAIG S. FENTIMAN, is Mayor and he, the said CRAIG M. MARTIN, is the City Manager and ex-officio City Recorder of the City of Sweet Home, of the within named corporation, and that the said instrument was signed and sealed in behalf of the said corporation and CRAIG S. FENTIMAN and CRAIG M. MARTIN acknowledged the said instrument to be the free act and deed of said corporation. Before me this 15 day of March, 2006,

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal day and year last written.



Chelsea N. Frick
NOTARY PUBLIC
My Commission Expires: 1-10-10

After Recording: Return this copy to Joseph Graybill, 1140 12th Ave, Sweet Home, OR 97386
Send tax statements to: Same as Taxroll
Grantor: City of Sweet Home, 1140 12th Ave, Sweet Home, OR 97386
Grantee: City of Sweet Home, 1140 12th Ave, Sweet Home, OR 97386

EXHIBIT A