

**CITY OF DUNES CITY
LANE COUNTY, OREGON**

RESOLUTION SERIES 2016, NO. 12 (11-10-2016)

A RESOLUTION APPROVING THE DEED OF EASEMENT AND AGREEMENT FOR CONSTRUCTION AND DRAINAGE FACILITIES BETWEEN JULIANN S. ELLIS, TRUSTEE OF THE JULIANN S. ELLIS TRUST AND DUNES CITY, ATTACHED HERETO AS EXHIBIT A. AND INCORPORATED BY REFERENCE HEREIN, AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME.

WHEREAS, the Dunes City Council is the Defendant in Case No. 16CV26295, entitled Gerald and Donna Reavis, husband and wife, Plaintiffs, vs. the City of Dunes City, an Oregon municipal corporation, Defendants, filed in the Circuit Court of the State of Oregon, in and for Lane County; and

WHEREAS, allegations contained within the Complaint suggest that Dunes City has not adequately provided for and maintained drainage facilities to control run off water along Kiechle Arm Road; and

WHEREAS, one of the culverts installed to control the storm water runoff was, at the time of its initial construction in 2003, allowed to utilize a natural drainage that existed on private property then owned by Julie Camera; and

WHEREAS, Julie Camera is now known as Juliann S. Ellis; and

WHEREAS, over time and during construction of the residence on the Ellis property, the natural drainage has filled in, thus allowing waters that once drained down the slope and into the wetland area naturally, to now find its way through the Reavis property; and

WHEREAS, in an effort to resolve this drainage issue, the City desires to install an underground piped drainage system to carry stormwater runoff from Kiechle Arm Road across the Ellis property and open up into an area above the natural wetlands to allow the waters to again naturally flow toward the wetlands, but allowing any silt or other debris to fall out before the water enters the wetlands; and

WHEREAS, in exchange of the granting of a perpetual right to construct and maintain said drainage facilities on the Ellis property, the City agrees to take certain actions for the benefit of the property, including installation of a driveway culvert, repair of the driveway apron and smoothing and repairing of the existing driveway, as well as to ensure vegetation remains sufficient to allow for privacy;

NOW, THEREFORE, the City of Dunes City hereby resolves as follows:

That the attached Easement and Agreement for Construction and Drainage Facilities between Juliann S. Ellis, Trustee of the Juliann S. Ellis Trust and Dunes City accurately

describes the intents and agreements of the parties and sets for the actions to be taken by both parties. Consequently, said agreement is hereby approved and the City Administrator of the City of Dunes City is authorized to execute said instrument on behalf of Dunes City immediately.

ADOPTED BY THE DUNES CITY COUNCIL THIS _____ DAY OF _____, 2016.

Ayes: _____ Nays: _____ Abstain: _____ Absent: _____ Vacant: _____

Maurice Sanders, Council President

ATTEST:

Jamie Mills, City Administrator