

RESOLUTION NO. 5120

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

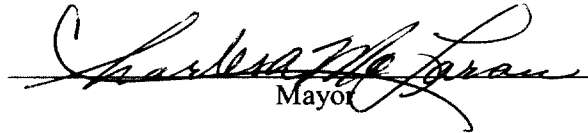
Bobby R. Loper and Margaret J. Loper

Public Utility Easement

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 27TH DAY OF APRIL 2005.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 3rd day of March, 2005, by and between Bobby R. Loper and Margaret J. Loper, 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 public utilities for the purpose of conveying public utilities services 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 public utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public utilities.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:
See attached Legal Description labeled Exhibit A, attached Vicinity Map labeled Exhibit B, and attached Easement Map labeled Exhibit C.
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.

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

RECEIVED

MAR 10 2005

PUBLIC WORKS/ENGINEERING

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

GRANTORS:

Bobby R Loper
Bobby R. Loper

Margaret J. Loper
Margaret J. Loper

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 8th day of March, 2005, by **Bobby R. Loper** as their voluntary act and deed.

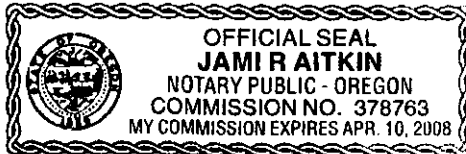
The foregoing instrument was acknowledged before me this 8th day of March, 2005, by **Margaret J. Loper** by as their voluntary act and deed.

Jami Aitkin
Notary Public for Oregon
My Commission Expires: 4/10/08

Jami Aitkin
Notary Public for Oregon
My Commission Expires: 4/10/08

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 5120, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27 day of April 2005.

Steve Bryant
City Manager

ATTEST:
Betty Longwell
City Recorder

EXHIBIT A**PERMANENT UTILITY EASEMENT**

A permanent public utility easement across that property conveyed to Bobby R. Loper and Margaret J. Loper, described in Volume 881, Page 808 and 809, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached Vicinity Map labeled "EXHIBIT B" and Easement Map labeled "EXHIBIT C".

Beginning at a point that is South $01^{\circ} 14'$ East 184.70 feet and South $89^{\circ} 06'$ West 67.62 feet from a $\frac{3}{4}$ " bolt at the Northeast corner of Tract 3, Southern Addition to Morningside Tracts, Linn County, Oregon; thence South $89^{\circ} 06'$ West 82.10 feet to the POINT OF BEGINNING; thence South $89^{\circ} 06'$ West 17.90 feet to the West line of said addition; thence South $01^{\circ} 14'$ East along said west line a distance of 95 feet; thence North $89^{\circ} 06'$ East 17.90 feet; thence North $01^{\circ} 14'$ West 20.00 feet; thence North $89^{\circ} 06'$ East 9.00 feet; thence North $01^{\circ} 14'$ West 8.00 feet; thence South $89^{\circ} 06'$ West 9.00 feet; thence North $01^{\circ} 14'$ West 34.00 feet; thence North $89^{\circ} 06'$ East 9.00 feet; thence North $01^{\circ} 14'$ West 8.00 feet; thence South $89^{\circ} 06'$ West 9.00 feet; thence North $01^{\circ} 14'$ West approximately 25.00 feet to the POINT OF BEGINNING.

EXHIBIT B

**1371 / 1373 27th Ave SE
11S03W17BC02504**

A public waterline easement across the western width of the Loper property

WL-05-06 north of 27th Ave. water line



Geographic Information Services

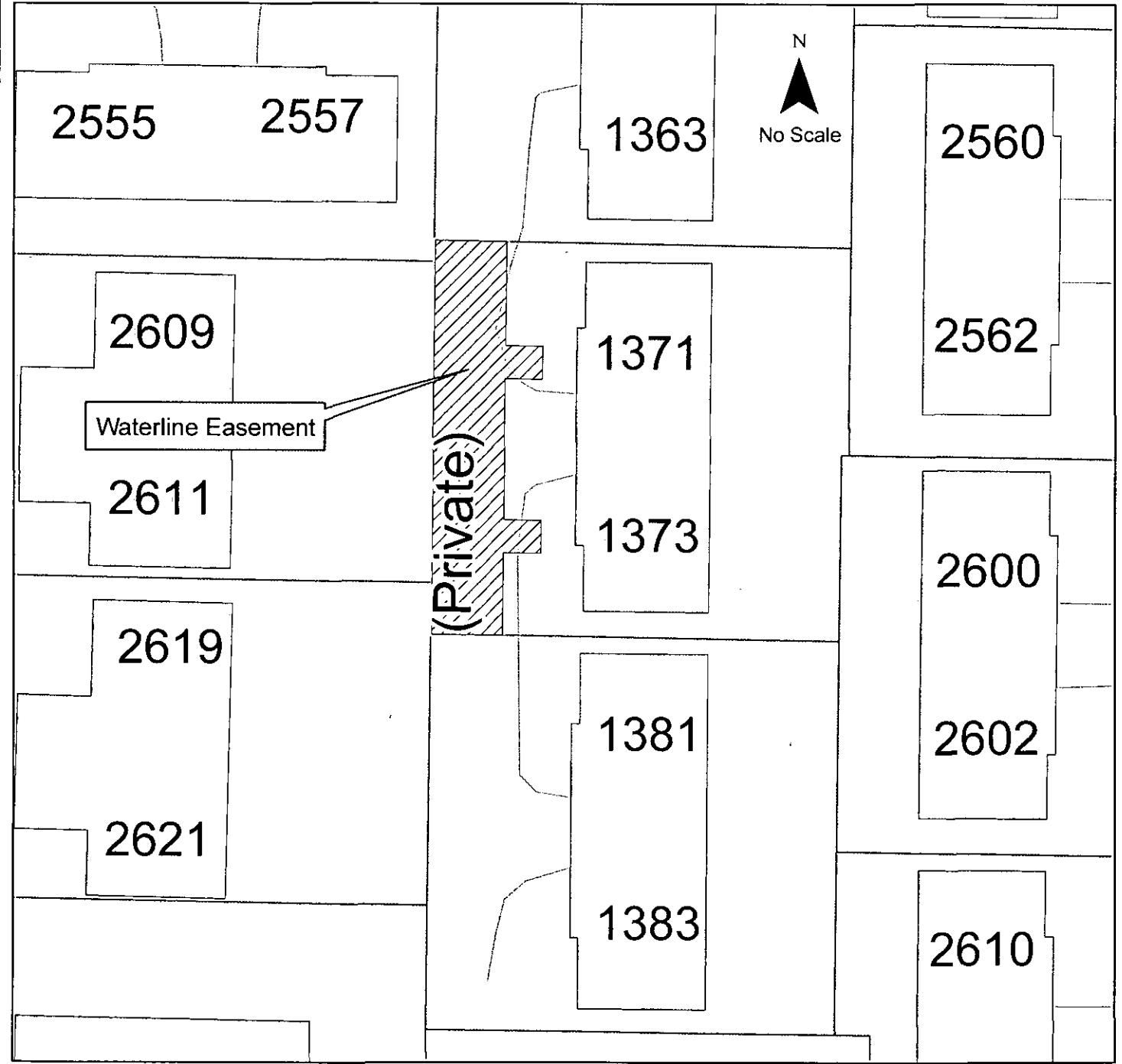
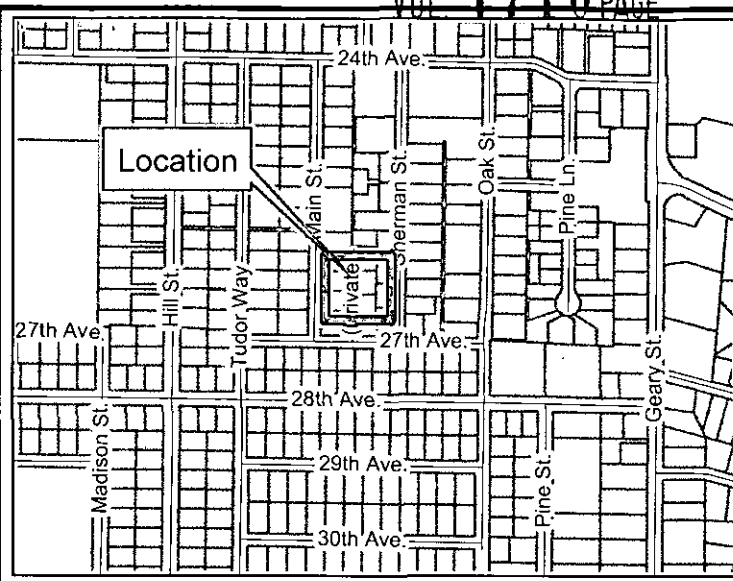
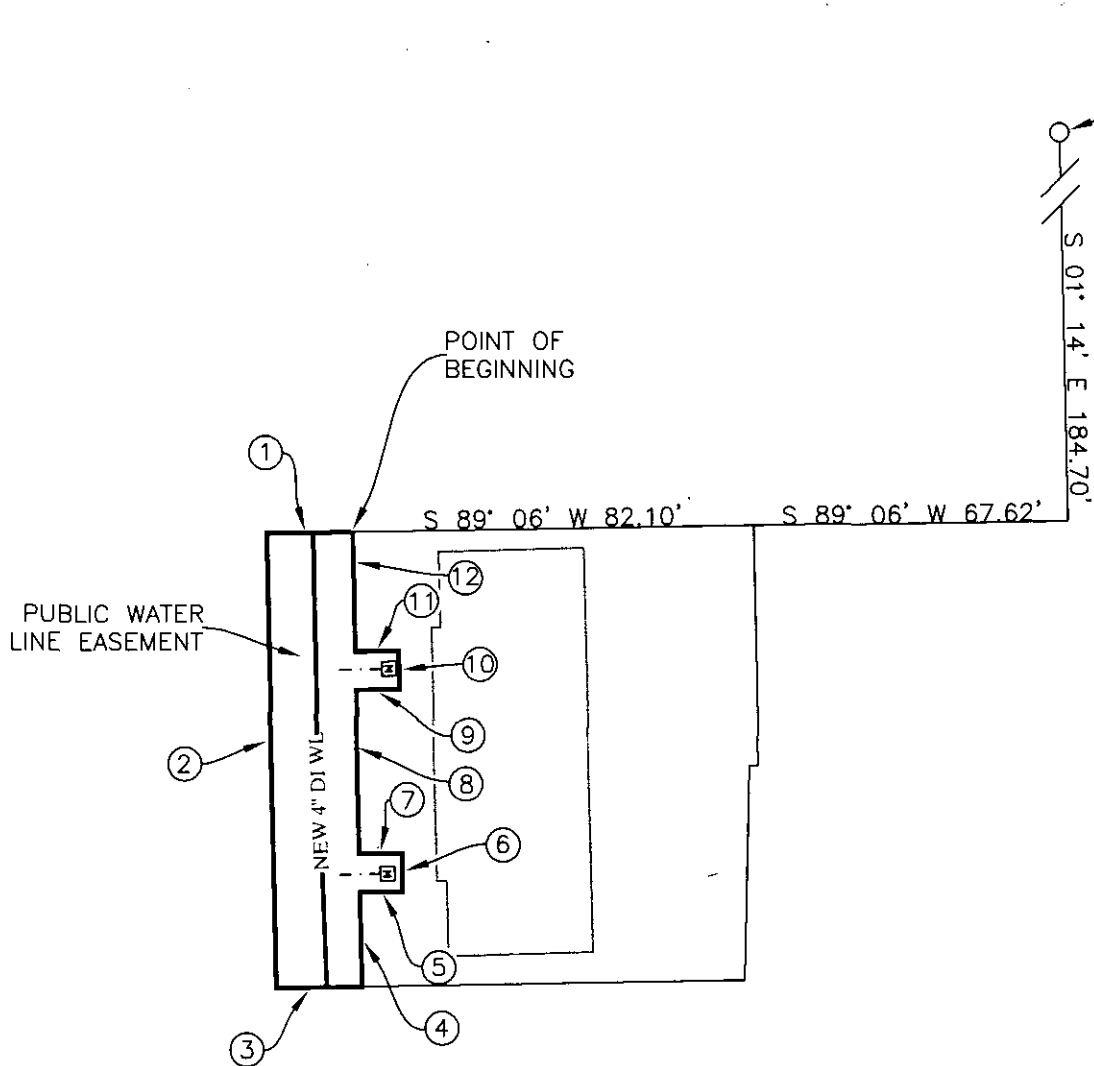
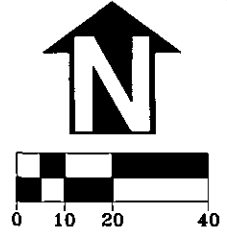




EXHIBIT C
 WL-05-06, 2200 BLOCK OF OAK STREET AND NORTH OF 27TH AVENUE
 PUBLIC WATER LINE EASEMENT

11S3W17BC02504
 1371 27TH AVENUE SE
 1373 27TH AVENUE SE



INITIAL REFERENCE POINT.
 3/4" BOLT AT THE NORTHEAST CORNER OF
 TRACT 3, SOUTHERN ADDITION TO
 MORNINGSIDE TRACTS, LINN COUNTY
 OREGON

- ① S 89° 06' W 17.90'
- ② S 01° 14' E 95.00'
- ③ N 89° 06' E 17.90'
- ④ N 01° 14' W 20.00'
- ⑤ N 89° 06' E 9.00'
- ⑥ N 01° 14' W 8.00'
- ⑦ S 89° 06' W 9.00'
- ⑧ N 01° 14' W 34.00'
- ⑨ N 89° 06' E 9.00'
- ⑩ N 01° 14' W 8.00'
- ⑪ S 89° 06' W 9.00'
- ⑫ N 01° 14' W 25.00'

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 WAO Deputy PAGE 58 MF 1710
 2005 MAY 12 A 10:15

416

Resolution No. 5120

Recorded Document Recorder File 4546