

RESOLUTION NO. 5158

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Rodney & Gloria Kempf

A public utility easement

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

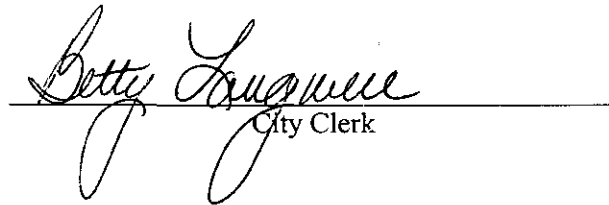
BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 22ND DAY OF JUNE 2005.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 25 day of May, 2005, by and between Rodney & Gloria Kempf, 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 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 Easement Map labeled Exhibit B, and attached Vicinity 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

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

GRANTORS:

Rodney Kempf
Rodney Kempf

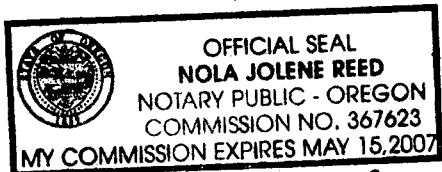
Gloria Kempf
Gloria Kempf

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

STATE OF OREGON)
County of Elliott Lane) ss.
City of Albany Eugene)

The foregoing instrument was acknowledged before me this 26th day of May, 2005, by **Rodney Kempf** as their voluntary act and deed.

The foregoing instrument was acknowledged before me this 25th day of May, 2005, by **Gloria Kempf** as their voluntary act and deed.



Nola Jolene Reed
Notary Public for Oregon
My Commission Expires: 5-15-07

Joni V Thomas
Notary Public for Oregon
My Commission Expires: 1-9-2008

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 5158, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 22 day of June 2005.

Steve Bryant
City Manager

ATTEST: Betty Langmuir
City Clerk

EXHIBIT A

PERMANENT UTILITY EASEMENT

A permanent public utility easement across that property conveyed to Rodney & Gloria Kempf, described in Volume 328, Page 888, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached Easement Map labeled "EXHIBIT B" and Vicinity Map labeled "EXHIBIT C".

Beginning at a 5/8" iron rod at the southwest corner of Lot 8 of the Lawndale Subdivision, Linn County; thence along the South line of said lot South 89°53'44" East 7.50'; thence South 00°05'15" West 40.00'; thence North 89°53'44" West approximately 7.50' to the East boundary line of the public utility easement described in Volume 532, Page 979, Linn County Microfilm Deed Records; thence along the East boundary of said easement North 00°05'15" East approximately 40.00' to the POINT OF BEGINNING.



EXHIBIT B
WL-05-01, EAST I-5 TRANSMISSION MAIN, PHASE II
PUBLIC UTILITY EASEMENT
T11S R3W SEC 16 TL 704

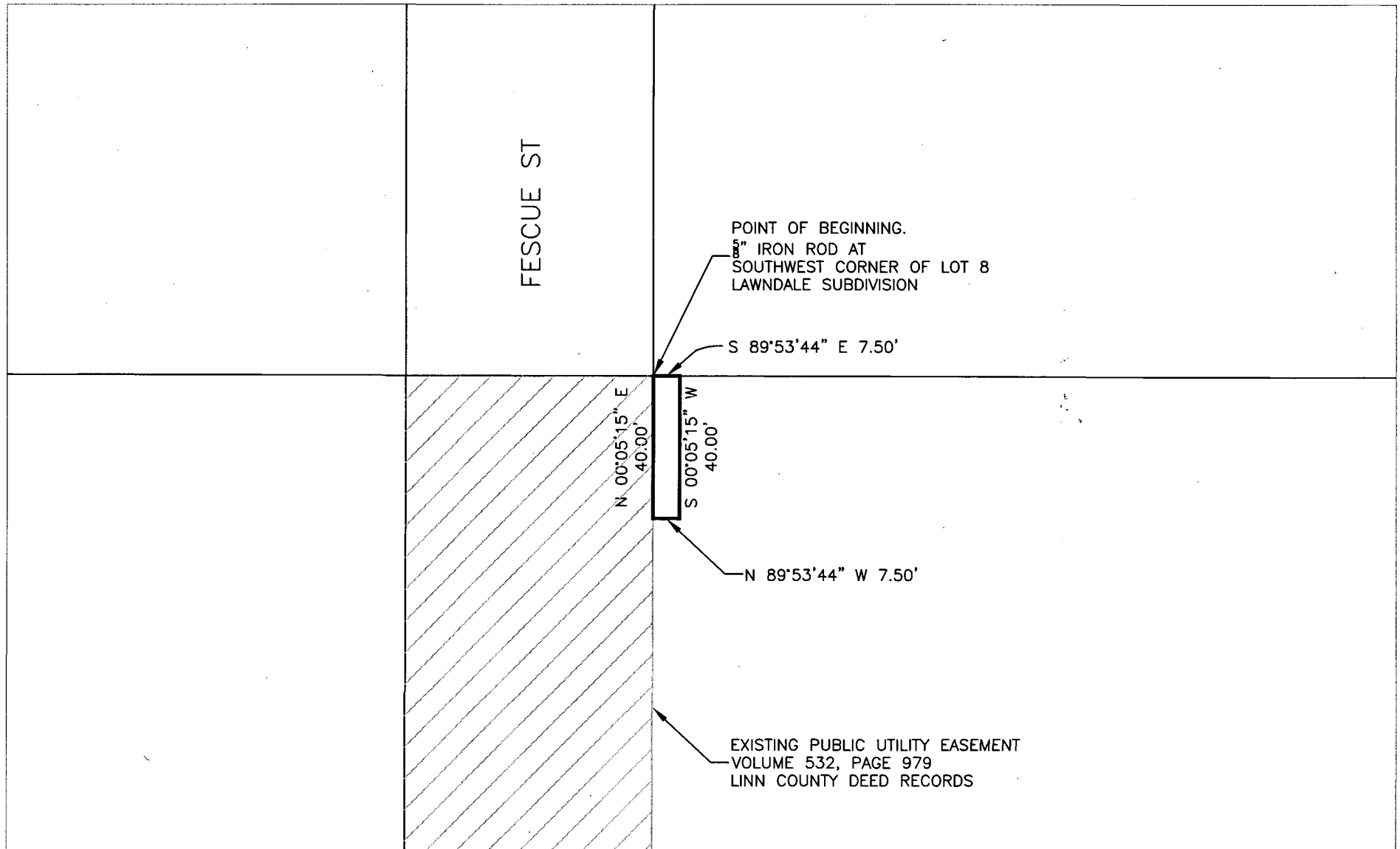
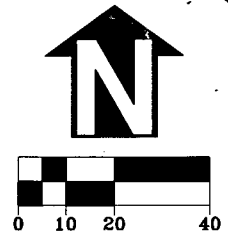
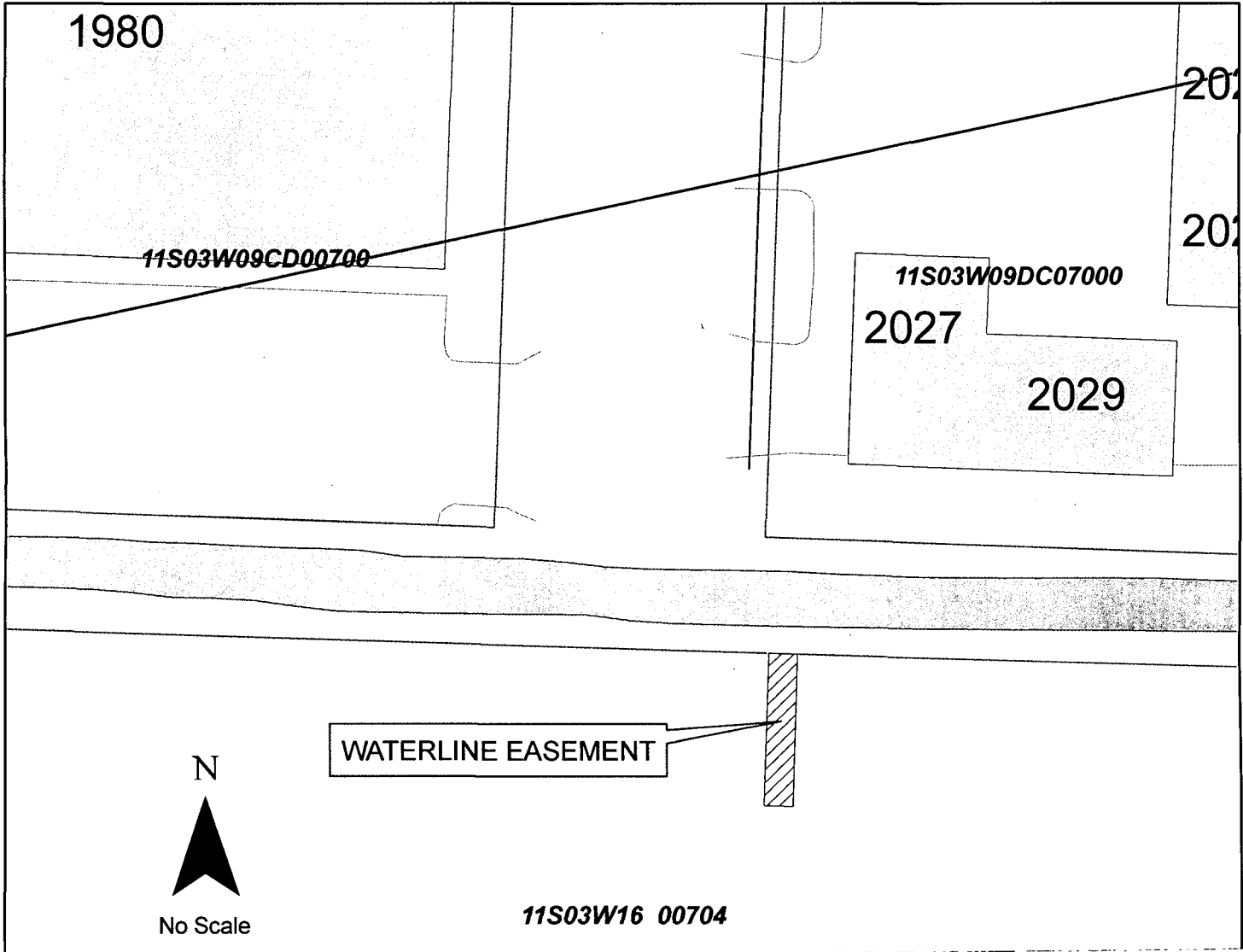
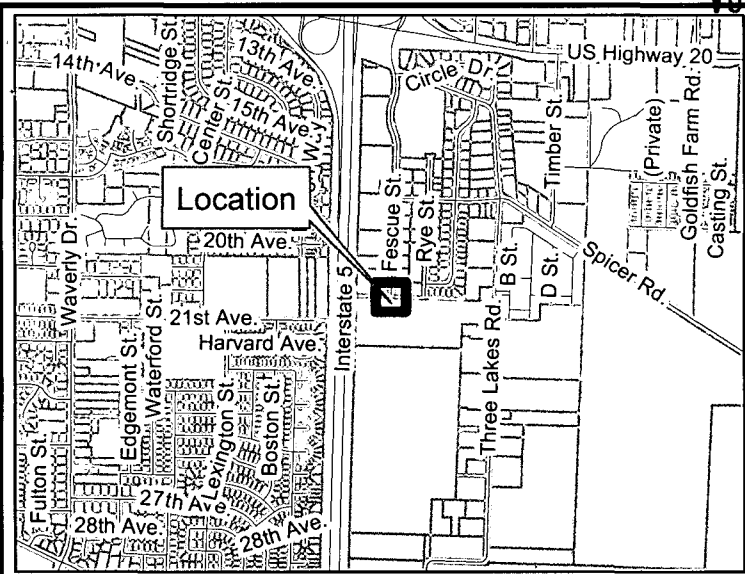


EXHIBIT C

WL-05-01
EAST I-5, TRANSMISSION MAIN, PHASE II
PUBLIC UTILITY EASEMENT
TAX LOT: 11S03W16 704



Geographic Information Services



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

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By AD Deputy PAGE 442

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Recorded Document Recorder File 4609