

RESOLUTION NO. 5289

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Larry O Heer and Jacqueline Heer

Public Water Line Easement for 2200 Block of Oak
Street Water Line

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

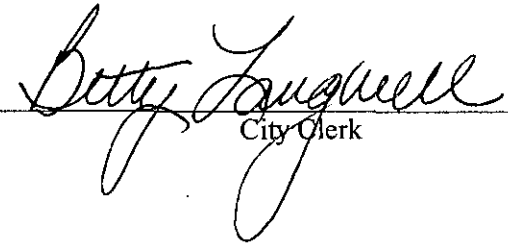
BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 28TH DAY OF JUNE 2006.



Council President

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 10 day of MARCH, 2006, by and between Larry O Heer and Jacqueline Heer, 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.

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

GRANTORS:

[Signature]
Larry O Heer

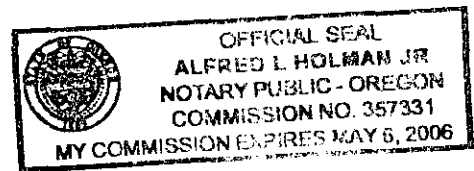
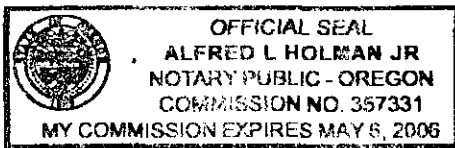
[Signature]
Jacqueline Heer

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 10 day of March, 2006, by Larry O Heer as his/her voluntary act and deed.

The foregoing instrument was acknowledged before me this 10 day of March, 2006, by Jacqueline Heer as his/her voluntary act and deed.



[Signature]
Notary Public for Oregon
My Commission Expires: May 6 2006

[Signature]
Notary Public for Oregon
My Commission Expires: May 6 2006

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 5289, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 28th day of June 2006.

[Signature]
City Manager

ATTEST:

[Signature]
City Clerk

EXHIBIT A

PERMANENT UTILITY EASEMENT

A permanent public utility easement across that property conveyed to Larry O Heer and Jacqueline Heer, described in Volume 1109, Page 108, 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 the Southeast corner of Tract 1, Morningside Tracts, City of Albany, Linn County, Oregon; thence South $89^{\circ} 4'$ West 50 feet; thence North $1^{\circ} 14'$ West 24 feet to the POINT OF BEGINNING; thence North $1^{\circ} 14'$ West approximately 52 feet along the eastern line of the property described in Linn County Survey 10397 to its intersection with the Northern line of said property; thence South $89^{\circ} 4'$ West 7 feet along said Northern line; thence South $1^{\circ} 14'$ East 52 feet; thence North $89^{\circ} 4'$ East 7 feet to the POINT OF BEGINNING.

EXHIBIT B

2230 Oak St. SE
2232 Oak St. SE
Larry O. Heer and Jacqueline Heer

Public Water Line Easement
WL-05-06



Geographic Information Services

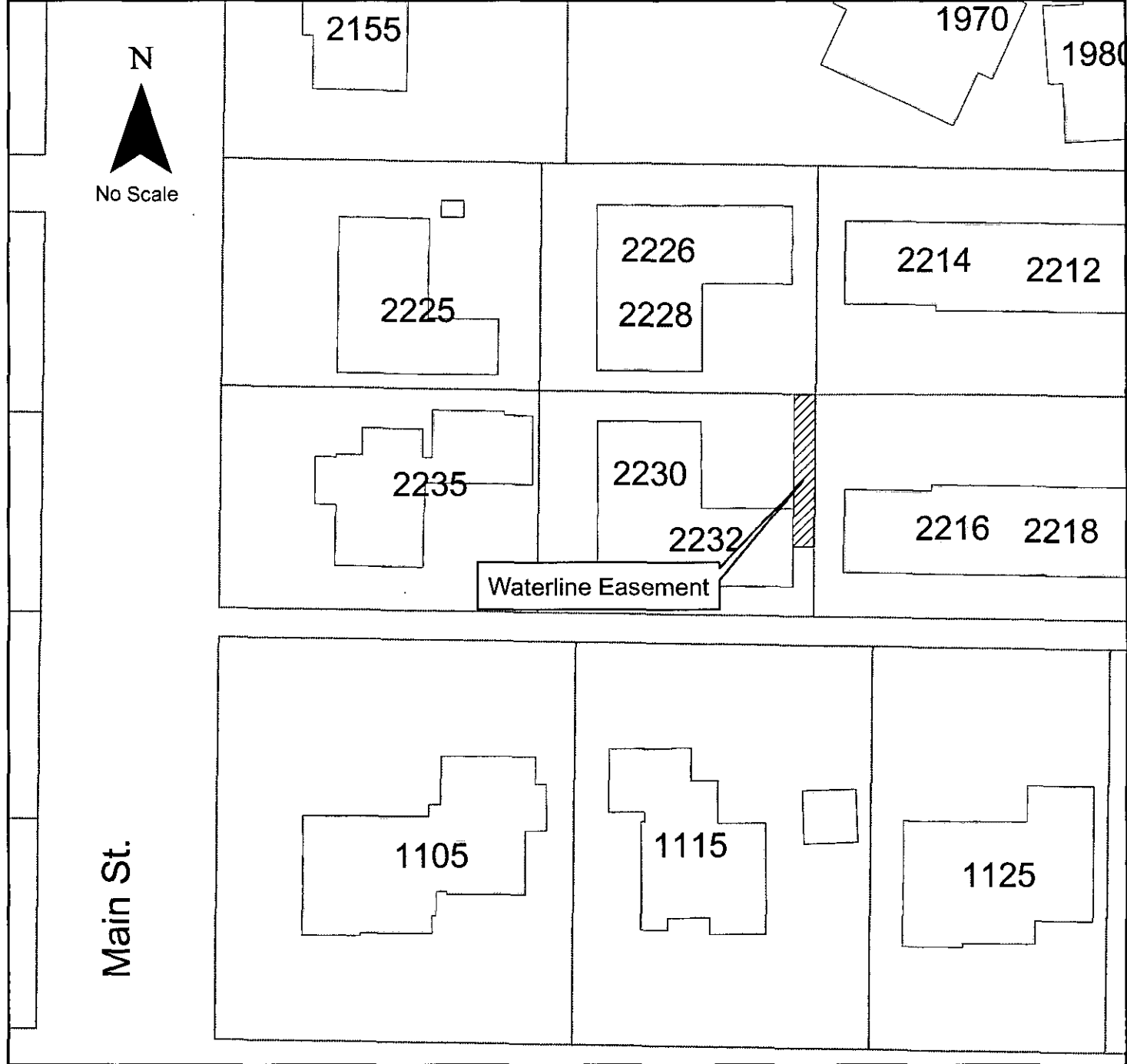
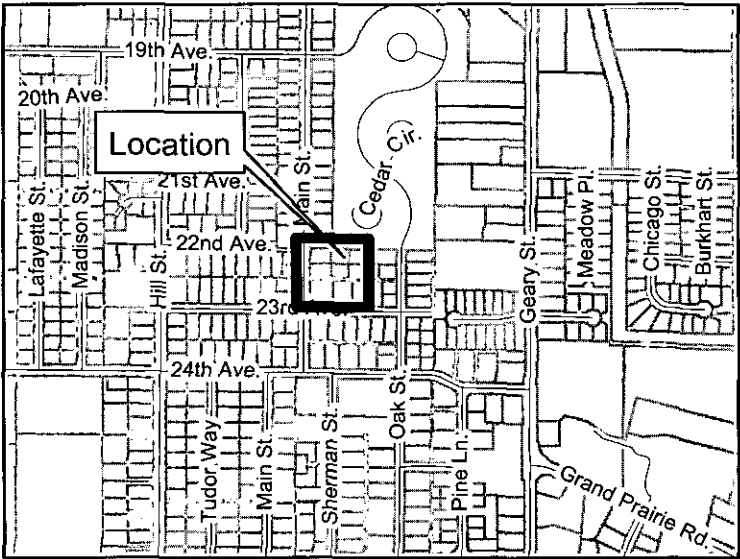
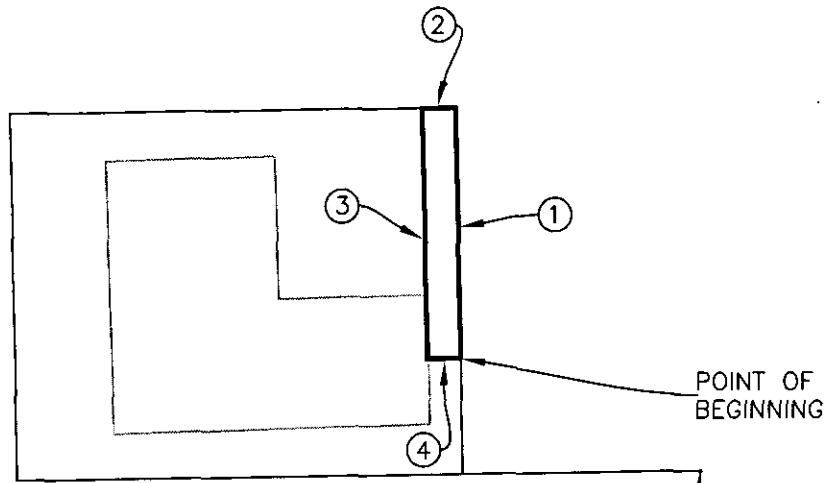
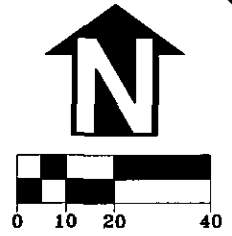




EXHIBIT C
WL-05-06, 2200 BLOCK OF OAK STREET AND NORTH OF 27TH AVENUE
PUBLIC WATER LINE EASEMENT

11S3W17BB01301
2230 OAK ST. SE
2232 OAK ST. SE



- ① N 01° 14' W 52'
- ② S 89° 04' W 7'
- ③ S 01° 14' E 52'
- ④ N 89° 04' E 7'

INITIAL REFERENCE POINT.
SOUTHEAST CORNER OF TRACT 1,
MORNINGSIDE TRACTS, CITY OF ALBANY, LINN
COUNTY, OREGON

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON
E-UT
Cnt=1 Stn=1 COUNTER
\$30.00 \$11.00 \$10.00

2006-16816

07/11/2006 02:05:06 PM

\$51.00



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk



After Recording Return To:

City of Albany Recorder

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Government Agency - Exempt

1. Name/Title of Transaction - by ORS 205.234 (a)

Easement for Public Utilities

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

Larry O Heer and Jacqueline Heer

3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

City of Albany

4. True and Actual Consideration (if there is one), ORS 93.030

\$1.00

Resolution No. 5289

Recorded Document Recorder File No. 4802