

RESOLUTION NO. 5300

A RESOLUTION TO EXECUTE A RELINQUISHMENT OF EASEMENT FOR PUBLIC UTILITIES FOR PROPERTY LOCATED IN THE NORTH ALBANY CENTER COMMERCIAL SUBDIVISION.

WHEREAS, the City of Albany obtained a sewer easement in 1993 across the property that has recently been developed as the North Albany Center; and

WHEREAS, a new building in the subdivision encroaches six inches into the existing 20-foot wide easement; and

WHEREAS, the City of Albany Engineering Division has determined that the City will be able to maintain the sewer if the easement is reduced to a 19-foot wide easement where the building encroaches into the existing easement; and

WHEREAS the North Albany Village, LLC has created a new sewer easement over the existing sewer main that is 20 feet wide over most of the site and 19 feet wide adjacent to the new building; and

WHEREAS, the 1993 sewer easement is no longer needed across the North Albany Center site.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Albany that the City Manager execute a Relinquishment of Easement for Public Utilities document to North Albany Village, LLC for that portion of the sanitary sewer easement that lies over the property.

DATED AND EFFECTIVE THIS 26TH DAY OF JULY 2006.


Mayor

ATTEST:


City Clerk

After Recording Return to:

City of Albany, Oregon
P.O. Box 490
Albany, OR 97321

BENTON COUNTY, OREGON 2006-407944
DE-REL
Cnt=1 Stn=7 COUNTER2 07/28/2006 02:17:13 PM
\$10.00 \$11.00 \$10.00 \$15.00 \$46.00



I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
James V. Morales - County Clerk



**RELINQUISHMENT OF EASEMENT
FOR PUBLIC UTILITIES**

The City of Albany, a municipal corporation duly organized and existing under the laws of the state of Oregon (the "City") hereby releases any and all interest in and to the twenty-foot (20') strip of land described on Exhibit 1 of that certain Easement for Public Utilities, entered in Circuit Court for Benton County under Case No. CV92-0276 on January 19, 1993, a certified copy of which was recorded June 17, 1993, as Microfilm No. 165712 ("Original Easement").

This Relinquishment of Easement shall only be effective upon the recording of the plat of North Albany Center (the "Plat"), which will dedicate to the public an easement for public utilities. Upon recording of the Plat, the Original Easement is reduced to a nineteen-foot (19') strip of land as described on the Plat.

The description and size of the Original Easement for Public Utilities lying east of the most eastern boundary of the Plat of North Albany Center will remain in full force and effect as it is described in M-165712-93.

Said Original Easement is hereby amended as shown on the Plat of North Albany Center.

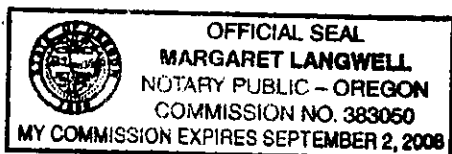
IN WITNESS WHEREOF, the City of Albany has executed this Relinquishment of Easement this July 26 day of July, 2006.

City of Albany, a municipal corporation
of the State of Oregon

Wes Hare
City Manager

STATE OF OREGON)
County of Linn) ss.

On July 26, 2006, personally appeared before me, Wes Hare, who being duly sworn, did say that he is the City Manager of the City of Albany, Oregon, and that this instrument was signed on behalf of the City by authority of its Council, and he acknowledged said instrument to be the City's voluntary act and deed.



Margaret Langwell
Notary Public for Oregon
My Commission Expires: Sept. 2, 2008

Resolution 5300

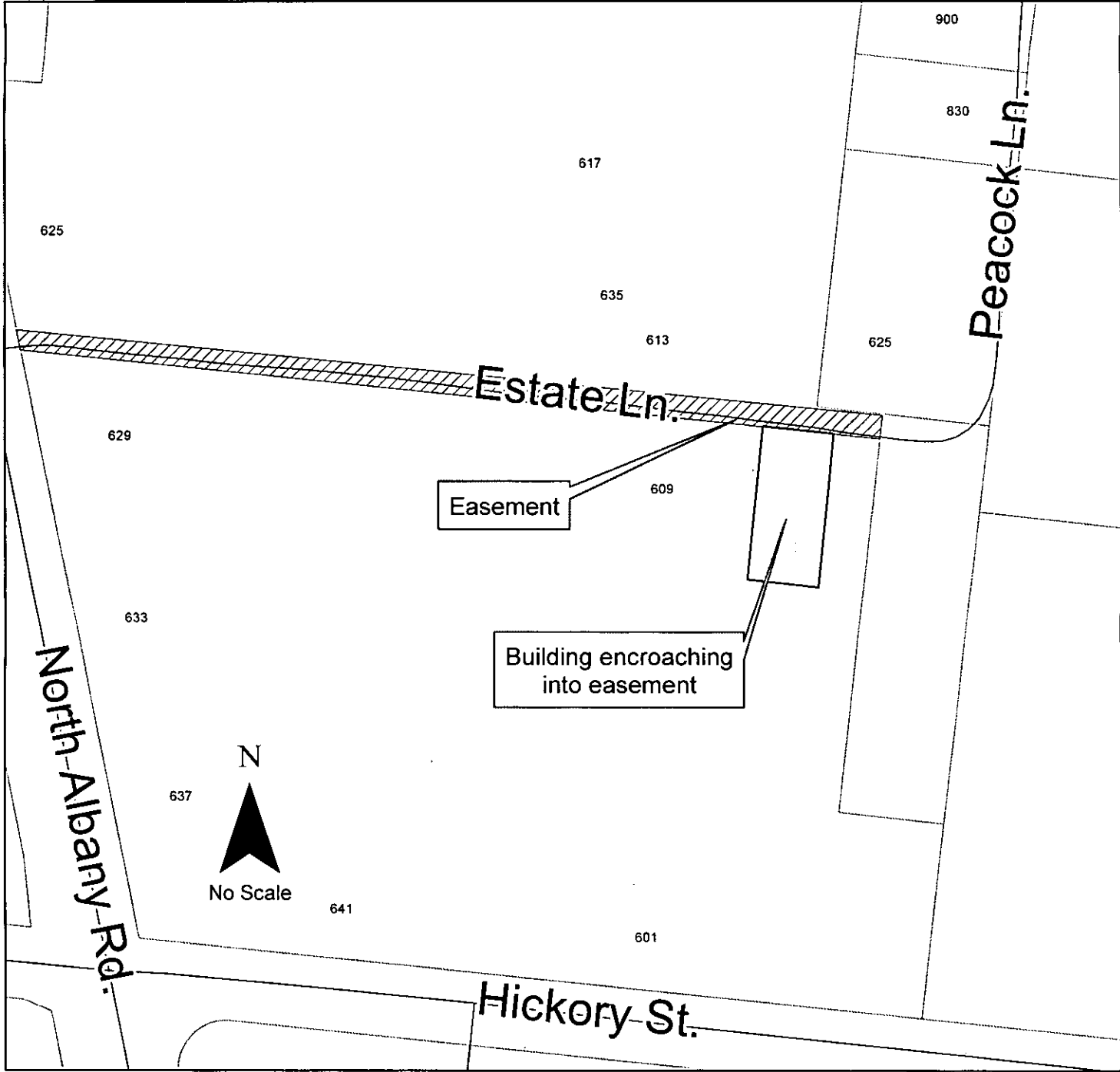
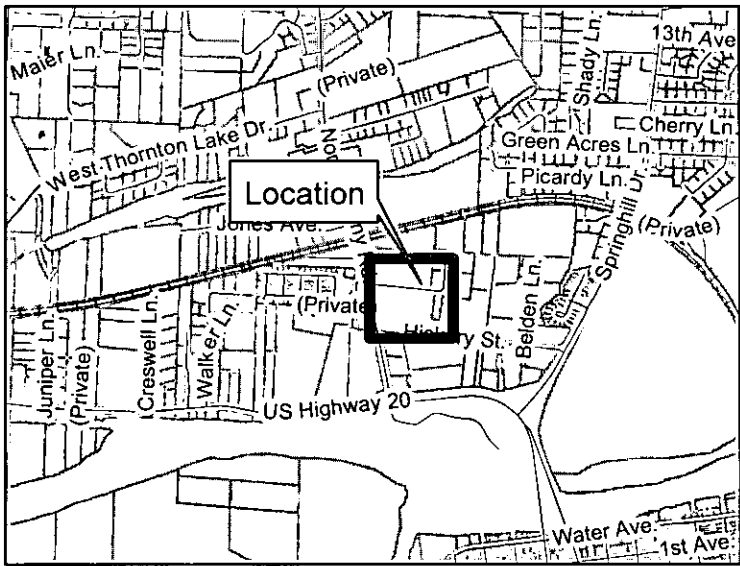
EXHIBIT A

11SO4W01AD01000

Sewer easement being
relinquished in North
Albany Center



Geographic Information Services



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Recorded Document Recorder File No. 4747