

RESOLUTION NO. 5311

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

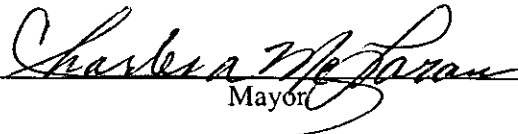
Donald A Coon and MaryAnn Helen Coon

Purpose

A public water line easement over a section of Perfect Lane as part of the Department of Energy project to connect several properties to City water service.


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

DATED AND EFFECTIVE THIS 9TH DAY OF AUGUST 2006.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this _____ day of _____, 2006, by and between Donald A Coon and MaryAnn Helen Coon, 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:

A public water line easement over a section of Perfect Lane as part of the Department of Energy project to connect several properties to City water service. See legal description on attached Exhibit A and map on attached Exhibit B.
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 \$1,250.00, 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:

Donald A. Coon
Donald A. Coon

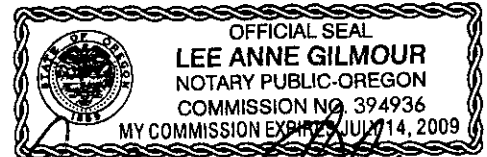
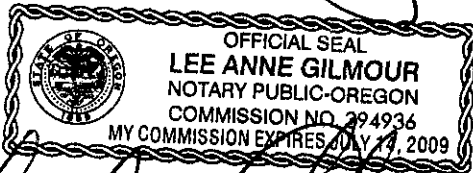
MaryAnn Helen Coon
MaryAnn Helen Coon

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 24 day of July, 2006, by **Donald A. Coon** as his/her voluntary act and deed.

The foregoing instrument was acknowledged before me this 24 day of July, 2006, by **MaryAnn Helen Coon** as his/her voluntary act and deed.



Lee Anne Gilmour
Notary Public for Oregon
My Commission Expires: 7-14-09

Lee Anne Gilmour
Notary Public for Oregon
My Commission Expires: 7-14-09

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 5311, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9th day of August 2006.

Wes Hare
City Manager

ATTEST:

Betty Langwell
City Clerk

EXHIBIT A

PERMANENT UTILITY EASEMENT

A permanent public utility easement across that property conveyed to Donald A Coon and MaryAnn Helen Coon, described in Volume 977, Page 968, Linn County, Oregon, Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled "EXHIBIT B".

Beginning at the Southernmost corner of Chase Orchards Planned Community – Phase 3, recorded in the Linn County Record Book of Plats Volume 19, Page 50, on April 16, 1998, said point also being the westernmost property corner of that property conveyed to Donald A. and MaryAnn Helen Coon by a deed recorded in Linn County, Oregon Microfilm Deed Records Volume 977, Page 968; thence North $51^{\circ} 35'$ East, 41.45 feet along the Southeast boundary of the Chase Orchards Planned Community – Phase 3, to the north property line of the aforementioned Coon property; thence East 49.5 feet along the north property line of said Coon property to the Southeast property line of the Gilbert and Robin Pouliot tract described in Linn County, Oregon Microfilm Deed Records Volume 616, Page 201; thence South 51° West, 92.5 feet to the easternmost property corner of that tract conveyed to Loretta F. Cherry and the Douglas & Emily Killin Revocable Living Trust, described in Volume 1747, Page 150, Linn County, Oregon, Microfilm Deed Records; thence North $16^{\circ} 15'$ West, 33.0 feet along the East property line of said Cherry and Killin tract, to the point of beginning.

EXHIBIT B

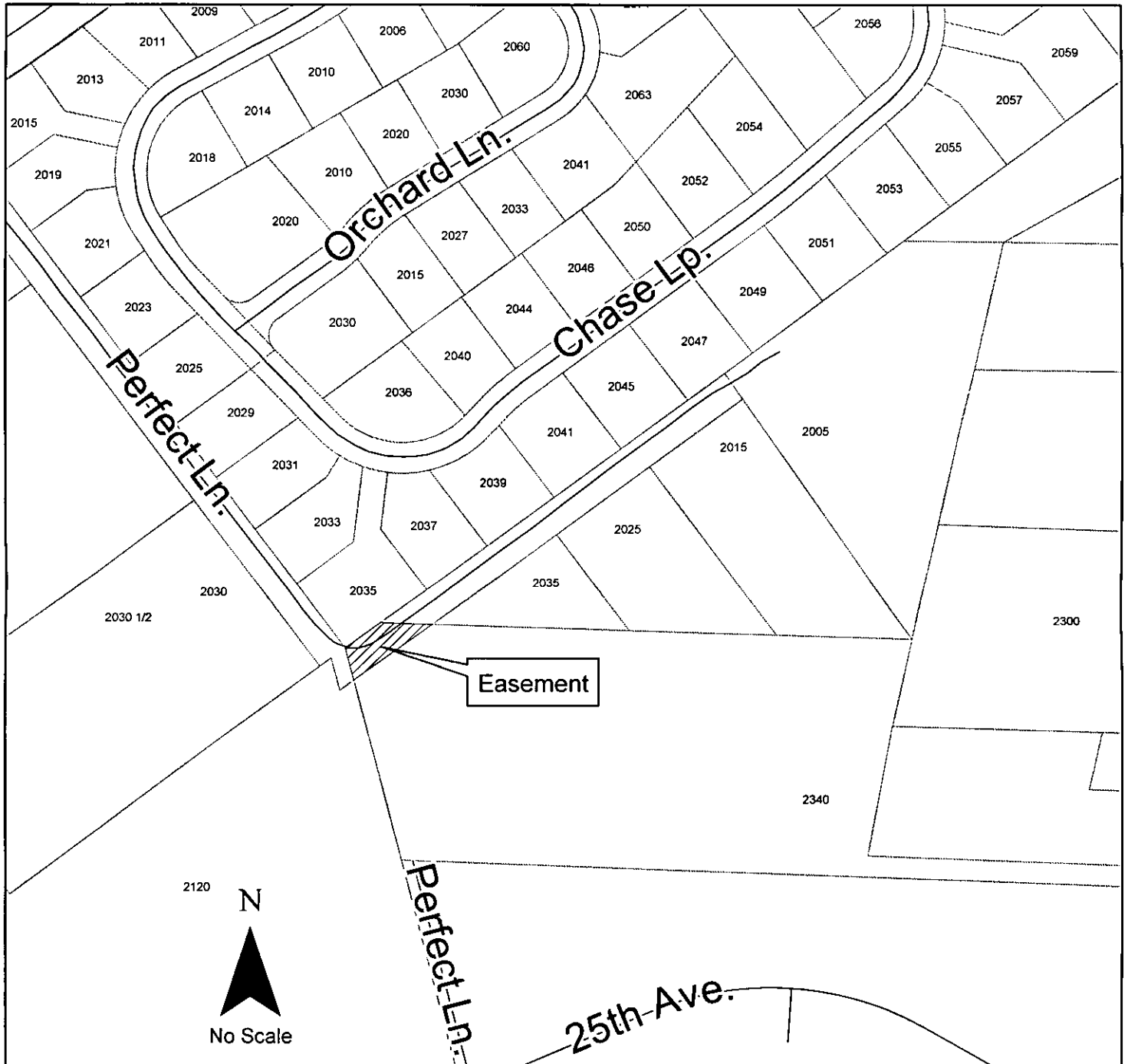
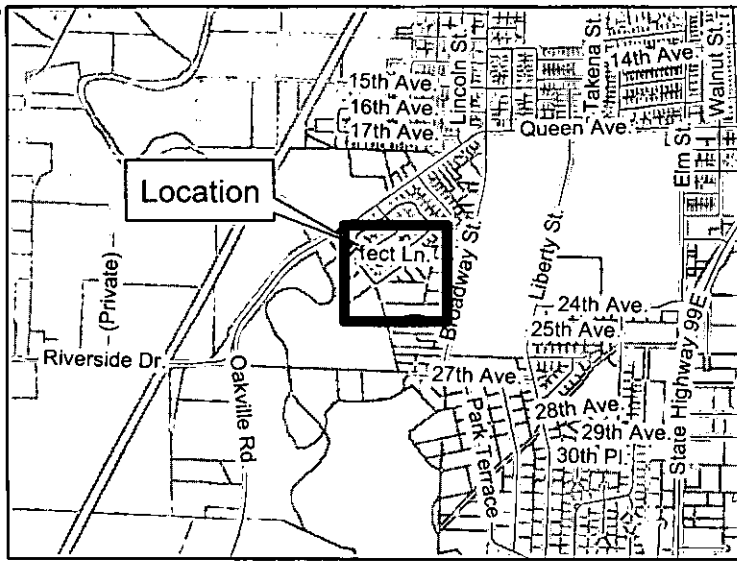
11SO4W13B 04100

A public water line easement over
a section of Perfect Lane.

Donald A. Coon and
Mary Ann Helen Coon



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2006-20728**
E-EAS
Cnt=1 Str=7 M. FISHER **08/23/2006 11:40:22 AM**
\$25.00 \$11.00 \$10.00 **\$46.00**



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

Donald A. Coon and MaryAnn Helen Coon

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

\$1,250.00

Resolution No. 5311

Recorded Document Recorder File No. 4808