

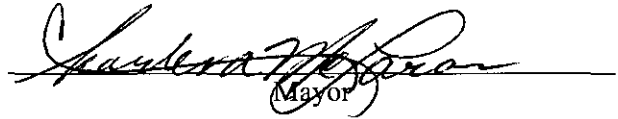
RESOLUTION NO. 5328

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

<u>Grantor</u>	<u>Purpose</u>
Waverly Land Management, an Oregon General Partnership	A 7-foot wide utility and sidewalk easement between Killdeer Avenue and Oakwood Avenue along Airport Road. This easement satisfies a Condition of Approval of Site Plans SP-23-06 and SP-107-92.

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

DATED AND EFFECTIVE THIS 13TH DAY OF SEPTEMBER 2006.


Mayor

ATTEST:


City Clerk

EASEMENT FOR UTILITIES AND SIDEWALKS

THIS AGREEMENT, made and entered into this 1 day of September 2006, by and between Waverly Land Management, an Oregon General Partnership, 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 and sidewalks for the purpose maintaining a sidewalk and 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 7 foot wide utility and sidewalk easement between Killdeer Avenue and Oakwood Avenue along Airport Road. 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 \$1.00, 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.

GRANTOR:

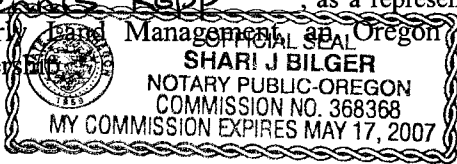
Waverly Land Management, an Oregon General Partnership

Dennis Rapp
Signature

Dennis Rapp Partner
Printed Name and Title

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

The instrument was acknowledged before me this 1st day of Sept, 2006, by Dennis Rapp, as a representative of Waverly Land Management, an Oregon General Partnership.



Shari J Bilger
Notary Public for Oregon
My Commission Expires: 5.17.07

~~Signature~~

~~Printed Name and Title~~

~~STATE OF OREGON)
County of _____) ss.
City of _____)~~

~~The instrument was acknowledged before me this ___ day of _____, 2006, by _____, as a representative of Waverly Land Management, an Oregon General Partnership.~~

~~Notary Public for Oregon
My Commission Expires: _____~~

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 5328 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 15 day of September, 2006.

Wes Hare
City Manager

ATTEST:

Betty Langwell
City Clerk

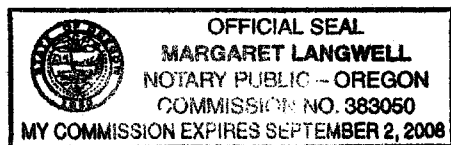
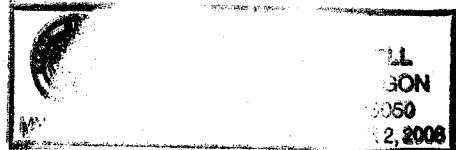


EXHIBIT A

PERMANENT UTILITY EASEMENT

A permanent 7 foot wide utility easement across that property conveyed to Waverly Land Management, an Oregon General Partnership, described as 11-3W-4CB Tax Lot 105 in Volume 545, Page 406, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled "EXHIBIT B".

Beginning at the Southeast Corner of that property described as 11-3W-4CB Tax Lot 105 in Volume 545, Page 406, Linn County, Oregon Microfilm Deed Records, said point also being the intersection of the West right-of-way line of Airport Road and the North right-of-way line of Oakwood Avenue; thence North 414.0 feet along the West right-of-way of Airport Road to the South right-of-way line of Killdeer Avenue; thence West 7.00 feet along the south right-of-way line of Killdeer Avenue to a point; thence South 414.0 feet parallel with and 7 feet distance from the West right-of-way line of Airport Road to the North right-of-way line of Oakwood Avenue; thence East 7.0 feet along the North right-of-way line of Oakwood Avenue to the point of beginning.

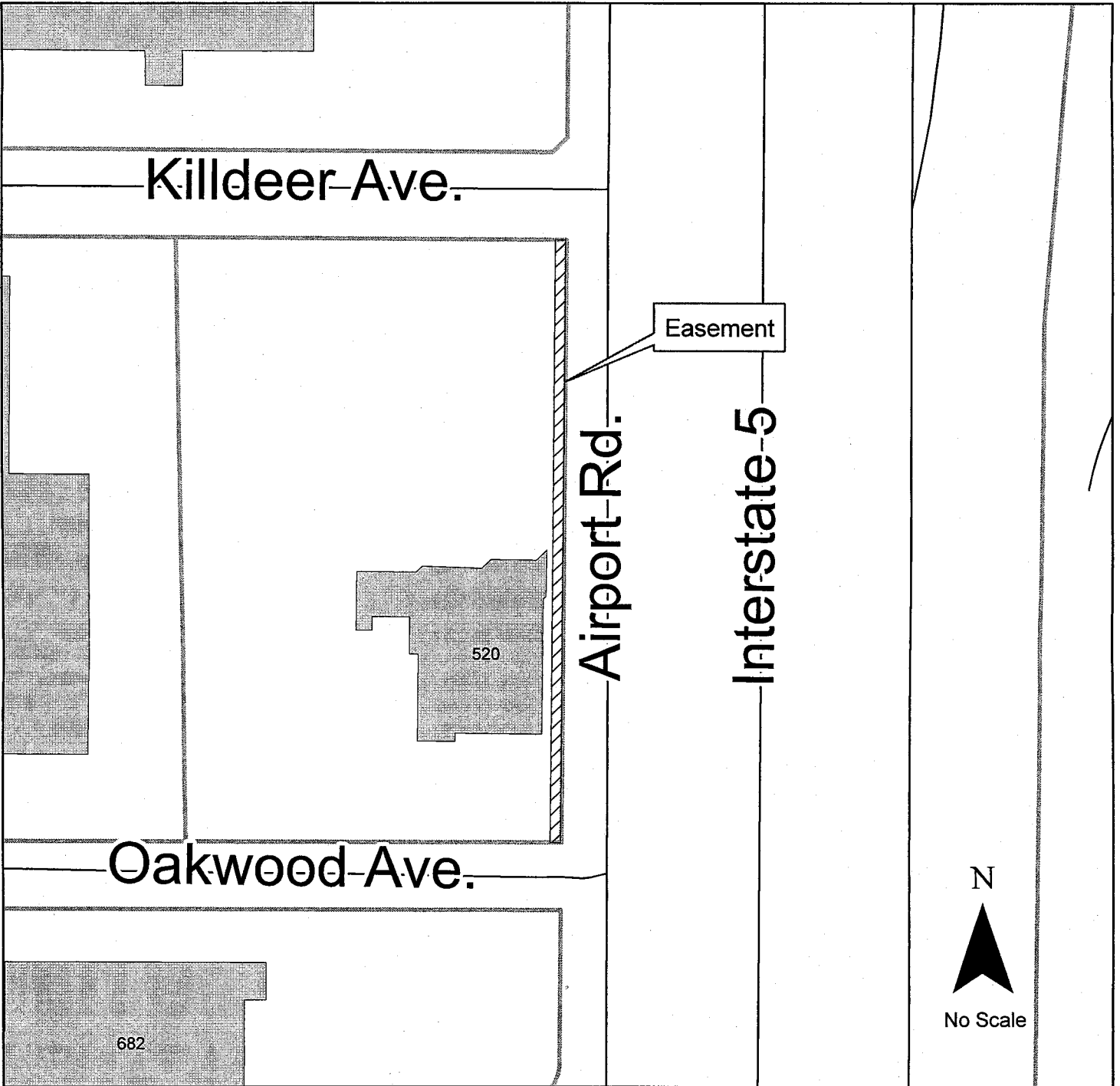
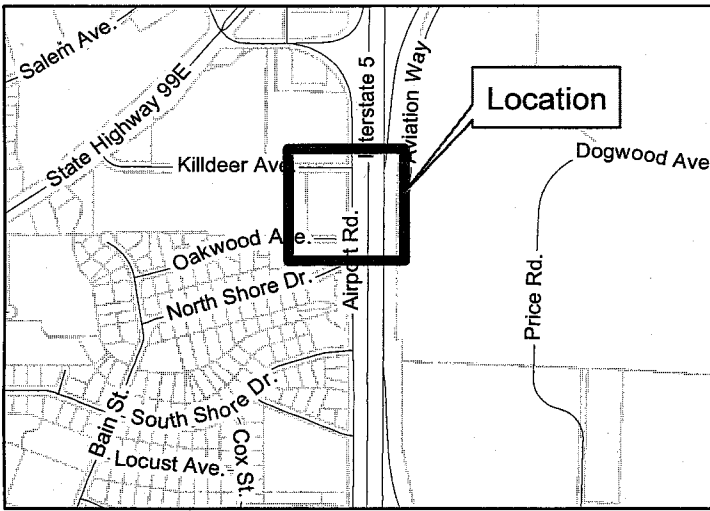
EXHIBIT B

11S03W04CB00105

7' Wide Sidewalk and Utility Easement

Waverly Land Management
520 Airport Rd. SE

Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2006-25980**
E-UT
Cnt=2 Stn=1 COUNTER **10/24/2006 12:11:45 PM**
\$25.00 \$5.00 \$11.00 \$10.00 **\$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 UTILITIES AND SIDEWALKS

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

Waverly Land Management

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. 5328

Recorded Document Recorder File No. 4817