

RESOLUTION NO. 5329

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

John R. Pegg Jr.
Judy A Pegg
Jerine M. Pegg

Purpose

The described easement is a 15-foot waterline easement. The City plans to construct a waterline in this location as part of a larger transmission main construction project. The completion of this project will increase fire flows in the southwest Albany area, provide redundancy, as southwest Albany is currently served by a single transmission main, and defer construction of a new reservoir.

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

DATED AND EFFECTIVE THIS 13 DAY OF September 2006.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 07 day of August, 2006, by and between John R. Pegg Jr., Judy A. Pegg, and Jerine M. Pegg, 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 strip of land as described in Exhibit A and as shown in Exhibit B and Exhibit C.

The described easement is a 15-foot waterline easement. The City plans to construct a waterline in this location as part of a larger transmission main construction project. The completion of this project will increase fire flows in the southwest Albany area, provide redundancy, as southwest Albany is currently served by a single transmission main, and defer construction of a new reservoir.

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 \$10,000, 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:

John R. Pegg Jr.
John R. Pegg Jr.

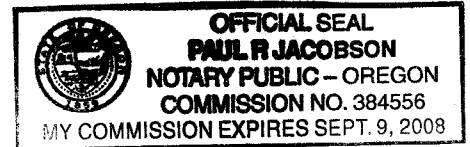
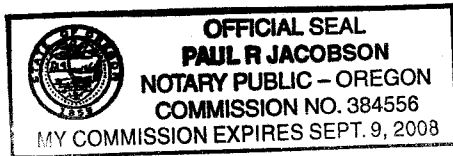
Judy A. Pegg
Judy A. Pegg

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 7th day of August, 2006, by **John R. Pegg Jr.** as his/her voluntary act and deed.

The foregoing instrument was acknowledged before me this 7th day of August, 2006, by **Judy A. Pegg** by as his/her voluntary act and deed.



Paul R. Jacobson
Notary Public for Oregon
My Commission Expires: 9/9/08

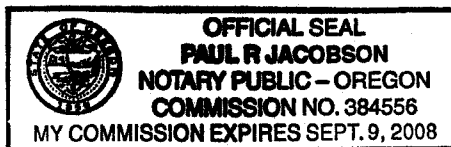
Paul R. Jacobson
Notary Public for Oregon
My Commission Expires: 9/9/08

Notary Public for Oregon
My Commission Expires: 9/9/08

Jerine M. Pegg
Jerine M. Pegg

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

The foregoing instrument was acknowledged before me this 7th day of August, 2006, by **Jerine M. Pegg** as his/her voluntary act and deed.

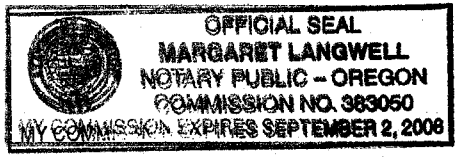


Paul R. Jacobson

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 5329, 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"

A strip of land 15.00 feet in width over across and upon that certain Parcel as described by the deed recorded in Volume MF 1305, Page 968 of the Linn County Deed Records, Linn County, Oregon; Said strip more particularly described as follows:

Beginning at the northeast corner of said Parcel, thence N 89°22'00" W on the prolongation west of the north line of said Parcel a distance of 108.62 feet to the west line of said Parcel, thence S 43°08'00" W on said west line a distance of 77.66 feet, thence leaving said west line S 24°02'18" W a distance of 54.31 feet to the centerline of Oak Creek, thence S 58°15'00" E following the centerline of said Oak Creek a distance of 15.14 feet, thence leaving said centerline N 24°02'18" E a distance of 53.83 feet to a point 15.00 feet distant southeasterly of the west line of said Parcel, thence N 43°08'00" E parallel with the west line of said Parcel and 15.00 feet distant southeasterly therefrom, a distance of 68.53 feet to a point 15.00 feet distant southerly of the north line of said Parcel, thence S 89°22'00" E parallel with the north line of said Parcel and 15.00 feet distant southerly therefrom, a distance of 102.02 feet to the east line of said Parcel, thence N 00°38'00" E on said east line a distance of 15.00 feet to the Point of Beginning, and containing 3494 square feet, more or less.

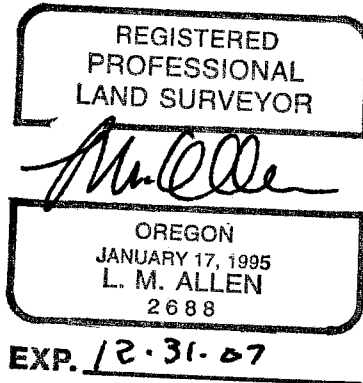
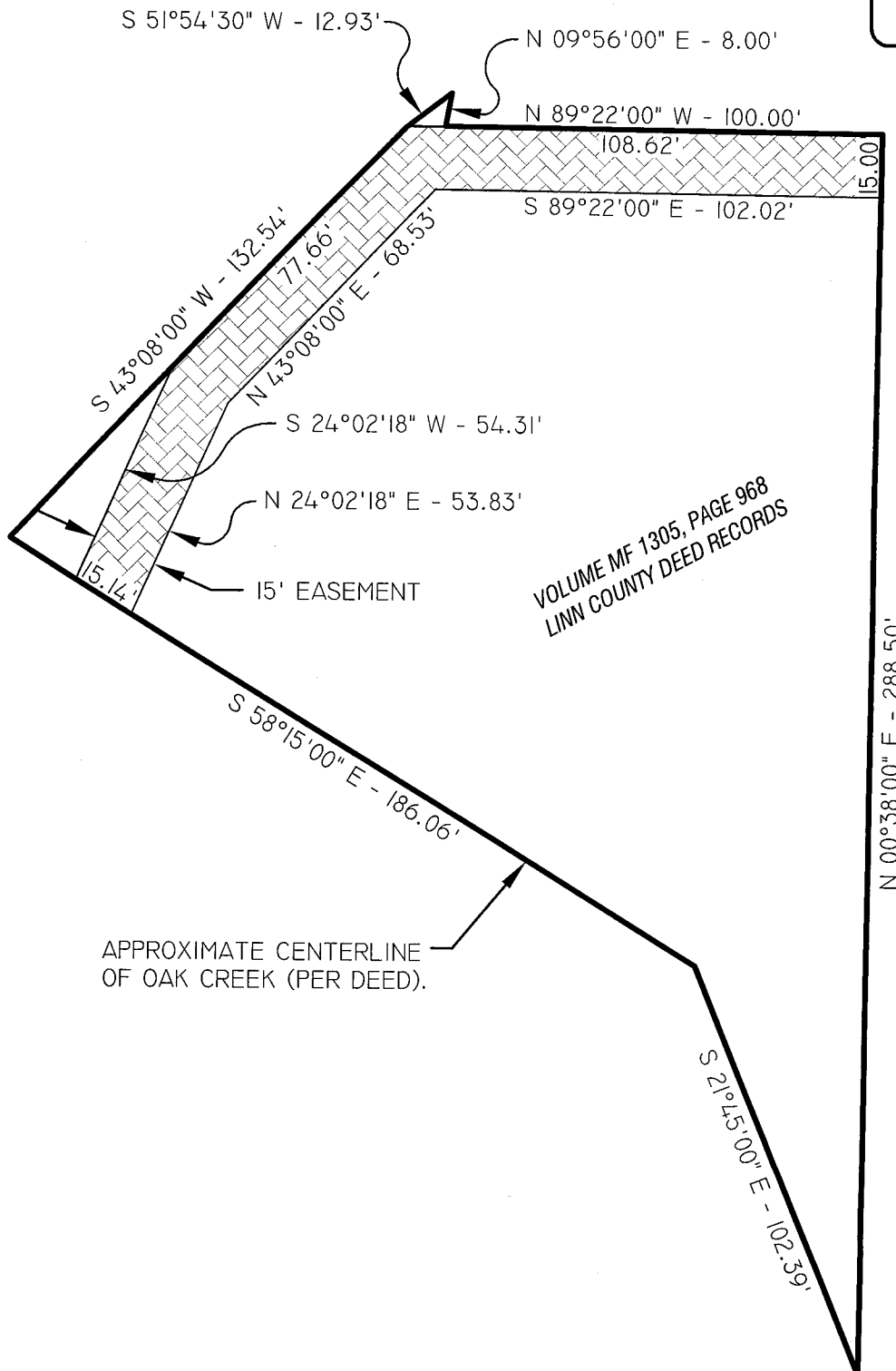


EXHIBIT "B"



SCALE: 1" = 40'

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

**OREGON
JANUARY 17, 1995
L.M. ALLEN
2688**

EXP. 12.31.07



PacWest Engineering
1530 Ninth Avenue SE
Albany, OR 97321
Phone (541) 926-7634
Fax (541) 926-7539

DWG: EXHIBIT.DWG
DATE: 8/7/06
PROJECT: 05-059

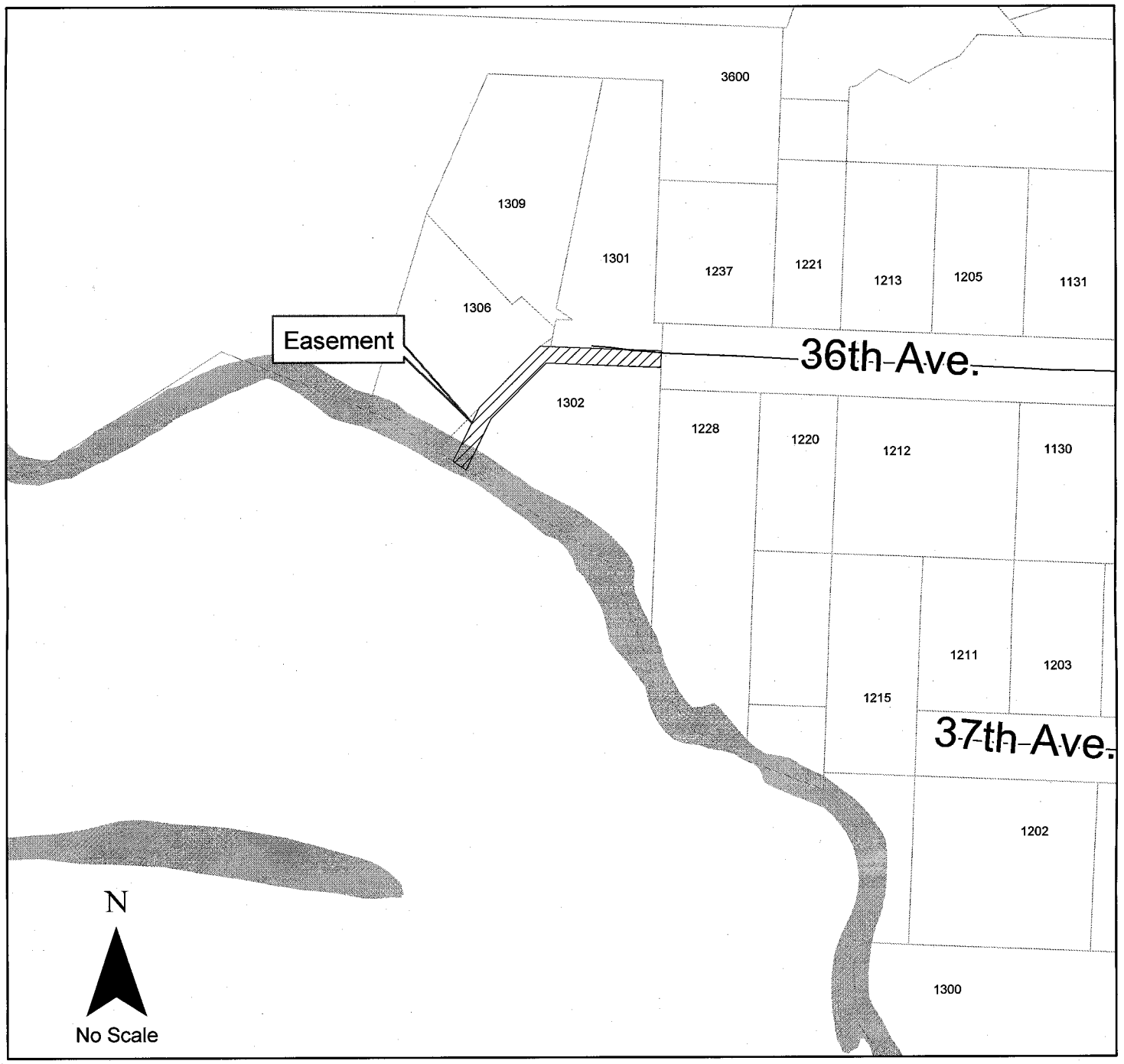
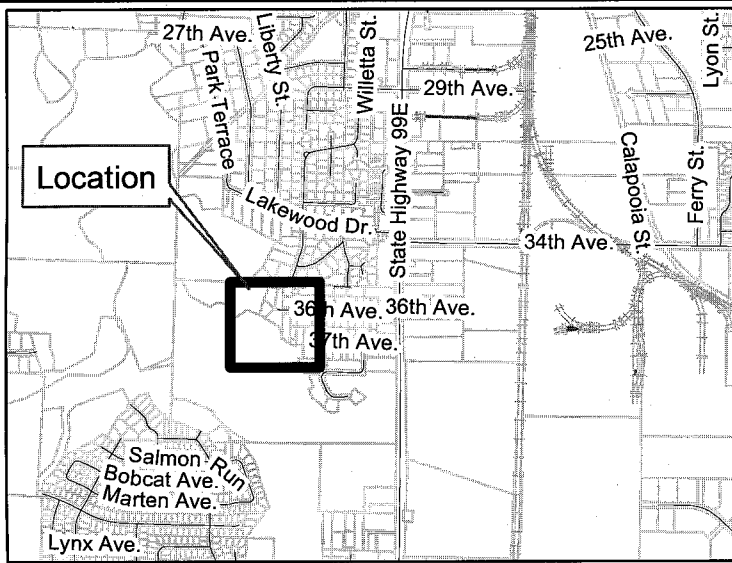
EXHIBIT C

11SO4W13DC04800

15-foot waterline easement
bordering north and west
sides of Pegg property.



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON
E-EAS
Crit=1 Stn=1 COUNTER 10/24/2006 12:11:45 PM
\$35.00 \$11.00 \$10.00
\$56.00



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

John R. Pegg Jr., Judy A. Pegg, and Jerine M. Pegg

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

\$10,000.00

Resolution No. 5329

Recorded Document Recorder File No. 4818