

RESOLUTION NO. 5486

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

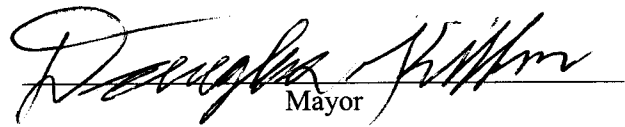
Grantor

Purpose

CFT Developments, LLC, a California Limited Liability Company A fifteen foot-wide public water line easement.

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

DATED AND EFFECTIVE THIS 26TH DAY OF SEPTEMBER 2007.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 7TH day of SEPTEMBER, 2007, by and between CFT Developments, LLC, a California Limited Liability Company, 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 fifteen foot-wide public water line easement. See legal description on attached Exhibit A and maps on attached Exhibits B and 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.

Approved as to form

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

GRANTOR:

CFT Developments, LLC, a California limited liability company

[Signature]

Signature
Manager

Title

by Daniel P. Burke

Signature

Title

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

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

The instrument was acknowledged before me this ___ day of _____, 2007, by _____, (Title) _____, as a representative of CFT Developments, LLC, a California limited liability company.

The instrument was acknowledged before me this ___ day of _____, 2007, by _____, (Title) _____, as a representative of CFT Developments, LLC, a California limited liability company.

please see California acknowledgement attached

Notary Public for _____
My Commission Expires: _____

Notary Public for _____
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 _____ do hereby accent on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26 day of September, 2007.

Wes Hare

City Manager

ATTEST:
Betty Langmuir

City Clerk

5486

EXHIBIT "A"
(City Water Line Easement)

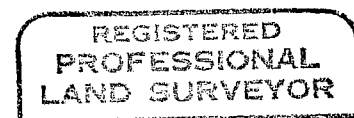
CFT Developments, LLC to City

A tract of land for easement purposes located in that Quinn Parcel recorded by Land Sales Contract in Volume MF 1695, Page 84 of the Linn County, Oregon Deed Records on March 31, 2005, said easement tract being more particularly described as follows:

Beginning at a point on the south line of "Derringer Subdivision", a subdivision of record in Linn County, Oregon, that is North 89°17'30" East 9.61 feet from the southwest corner of Lot 12, Block 2 of said "Derringer Subdivision"; thence South 01°34'35" East 23.39 feet; thence South 17°32'10" West 105.67 feet to a point on the west line of that tract identified as AREA "B" on C.S. No. 24494, a survey of record filed in the office of the Linn County, Oregon Surveyor; thence North 01°35'00" West, along said west line, 46.88 feet; thence North 88°25'00" East 0.38 feet; thence North 17°32'10" East 58.73 feet; thence North 01°34'35" West 21.53 feet to a point on the said south line of "Derringer Subdivision"; thence South 86°04'20" East, along the said south line, 5.41 feet to the said southwest corner of Lot 12; thence North 89°17'30" East, along said south line, 9.61 feet to the Point of Beginning.

August 30, 2007
EXHIBIT "A"
CFT TO CITY WATER LINE EASEMENT
(07-32) JRB:ls

File Ref: nlm/shared documents/legal/07-32 Exh A-CFT to City Waterline Ease desc.doc



Jack R. Burrell
OREGON
JULY 14, 1978
JACK R. BURRELL
1630
RENEWAL DATE 12/31/07

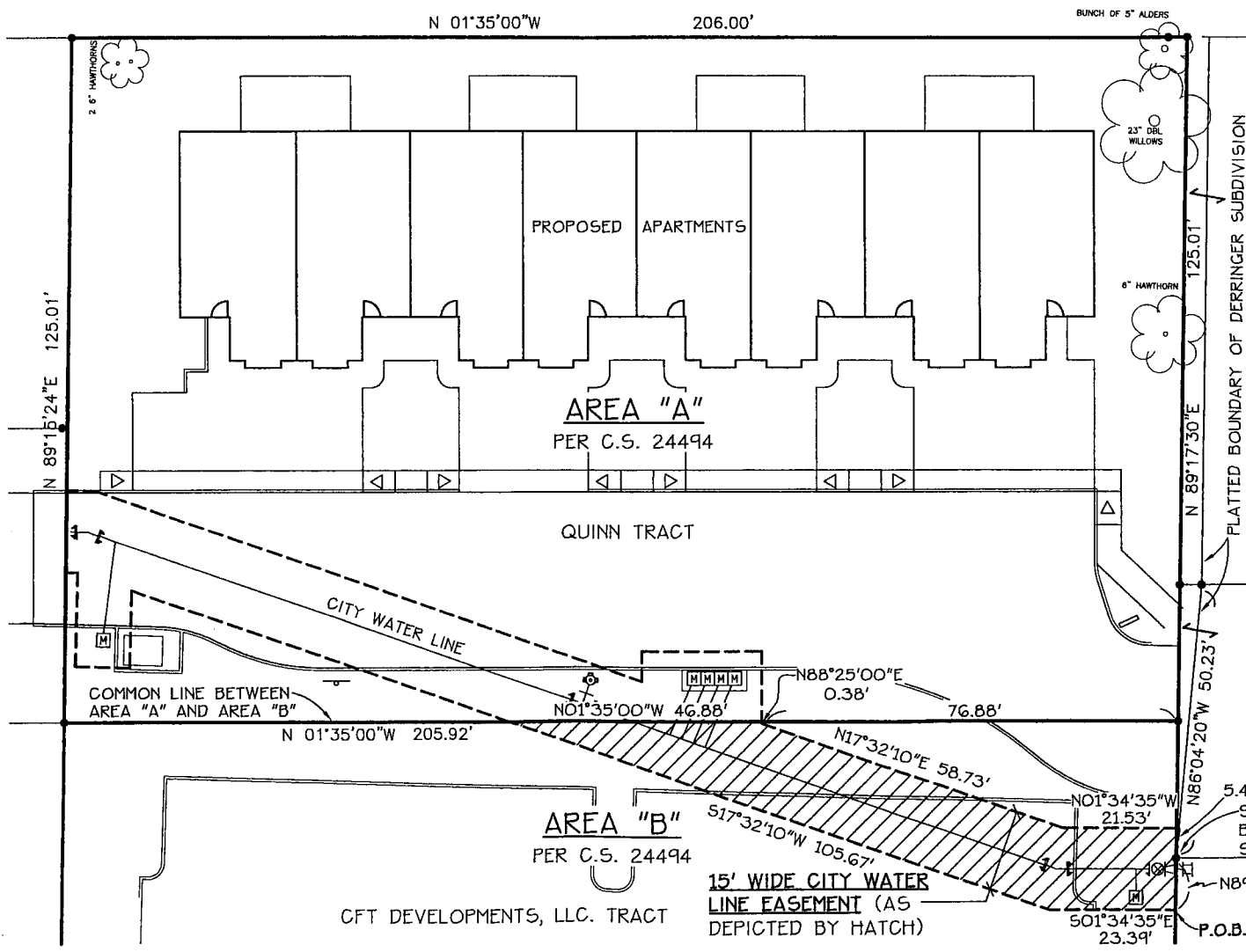
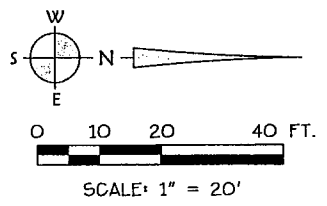


EXHIBIT "B"
CITY WATER LINE EASEMENT
OVER CFT DEVELOPMENTS, LLC. TRACT
 LOCATED IN
 NW 1/4 SEC. 8, T. 11 S., R. 3W., W.M.,
 CITY OF ALBANY, LINN COUNTY, OREGON.
 AUGUST 29, 2007



K & D ENGINEERING, Inc.
 276 N.W. Hickory Street P.O. Box 725
 Albany, Oregon 97321
 (541) 928-2583

Date: 8/29/2007 Time: 9:15
 Viewtwist: 268d25°0' Scale: 1=20
 File: dwg\2007\07-32\32-ex2b.dwg (Brian E)

CLEVELAND STREET
 (PLATTED AS PINE STREET)

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Jack R. Burrell
 OREGON
 JULY 14, 1878
 JACK R. BURRELL
 1630

RENEWAL DATE 12/31/07

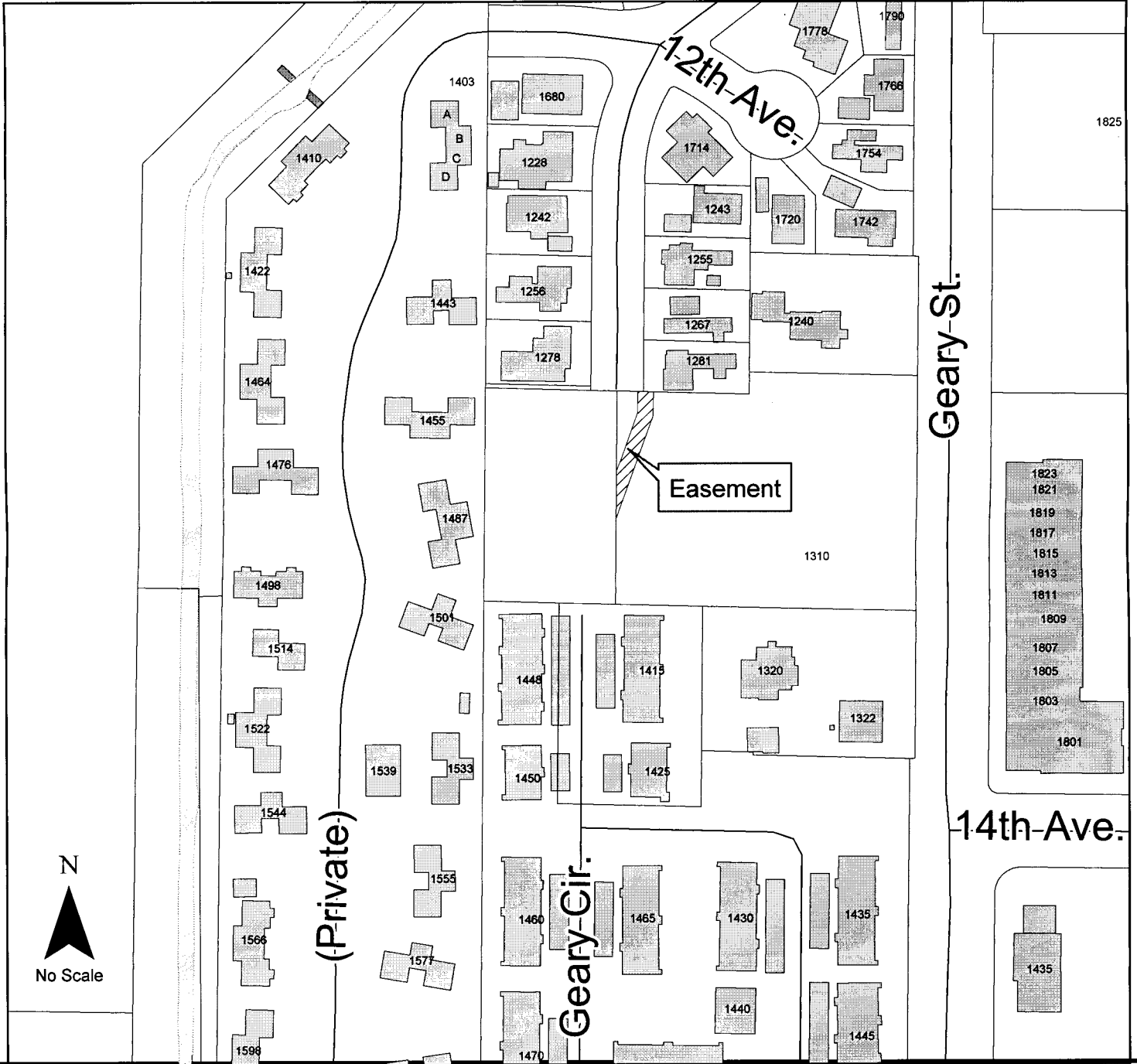
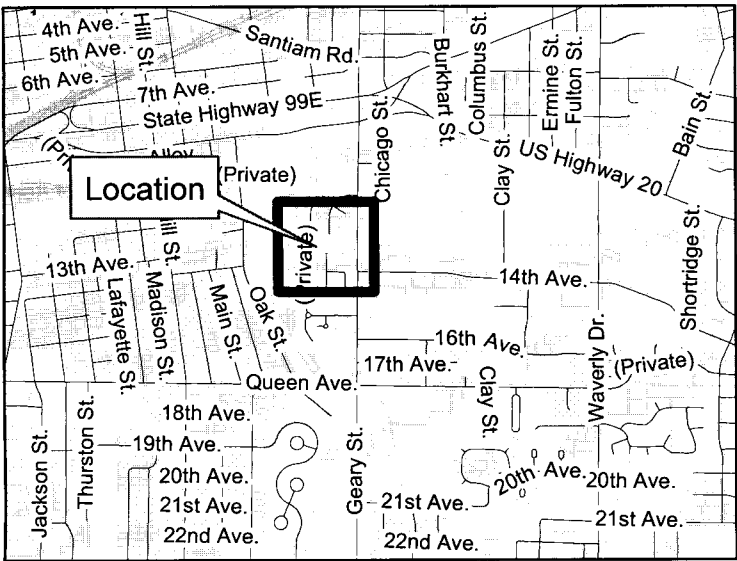
EXHIBIT C

11SO3W08BC01600

A fifteen foot-wide public water line easement.



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2007-24906**
E-UT
Cnt=1 Stn=1 COUNTER **10/19/2007 02:37:46 PM**
\$35.00 \$11.00 \$10.00 **\$56.00**

After Recording Return To:

City of Albany City Clerk _____

PO Box 490 _____

Albany, OR 97321 _____

All Tax Statements Should Be Sent To:

Exempt _____



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



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

CFT Developments, LLC, a California Limited Liability Company

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. 5486

Recorded Document Recorder File No. 4984