

RESOLUTION NO. 5601

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Leroy L. Laack Trust

Purpose

A 5-foot-wide franchise utility easement for utilities providing service to the Hertz site at Oakwood and Airport Road.

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

DATED AND EFFECTIVE THIS 14TH DAY OF MAY 2008.



Mayor

ATTEST:



City Clerk

EASEMENT FOR FRANCHISED PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 3RD day of MARCH, 2008, by and between LEROY LAACK L-TRUST, 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 and Utility Companies with Franchise Agreements with the City, 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 franchised utilities 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: See legal description on attached Exhibit A and map on attached Exhibit B.
2. The permanent easement described herein grants to the City and its franchised utility companies, and to their 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 Utility Company performing the maintenance shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

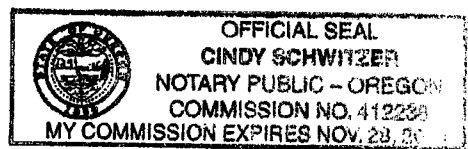
IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

GRANTOR:

Leroy L Laack Trust
Signature

STATE OF Oregon)
County of Marion) ss.
City of Salem)

The foregoing instrument was acknowledged before me this 4 day of March, 2008, by Leroy Laack as his/her voluntary act and deed.



Cindy A. Schwitzer
Notary Public for Oregon
My Commission Expires: 11-28-2010

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 5601, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14 day of May 2008.

Wes Hare
City Manager

ATTEST:

Betty Longwell
City Clerk

Exhibit "A"

a 5.00 foot wide utility easement described as follows:

Beginning at the Northwest corner of Block 4 FREEWAY ADDITION as platted and recorded in Volume 12, Page 2, Book of Town Plats for Linn County, Oregon, and being situated in the Southwest Quarter of Section 4, Township 11 South, Range 3 West of the Willamette Meridian in Linn County, Oregon;

thence North 88°01'00" East along the North line of said Block 4, a distance of 381.79 feet;

thence South 46°49'39" East 18.59 feet;

thence South 01°39'43" East 107.74 feet to a point on the northerly right-of-way line of North Shore Drive;

thence southwesterly along said right-of-way line on the arc of a 30.00 foot radius curve to the right (the chord of which bears South 39°12'42" West 7.64 feet) a distance of 7.66 feet;

thence North 01°39'43" West 111.43 feet;

thence North 46°49'39" West 14.43 feet;

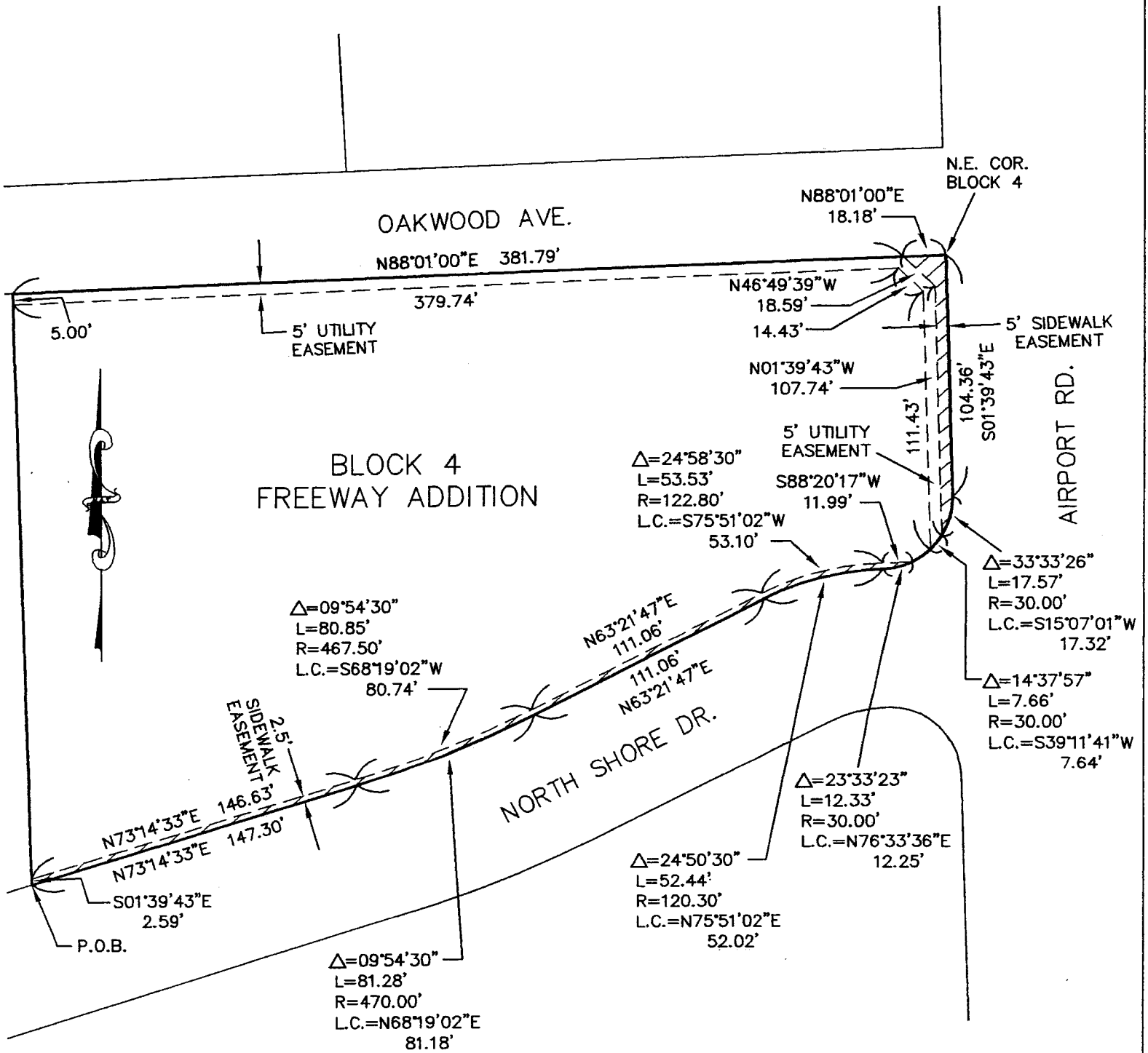
thence South 88°01'00" West parallel with the North line of said Block 4, a distance of 379.74 feet to the West line of said Block;

thence North 01°39'43" West 5.00 feet to the Point of Beginning.

EXHIBIT "B"

SCALE: 1"=60'

FEBRUARY 14, 2008



BARKER SURVEYING CO.
2035 25TH STREET S.E.
SALEM, OREGON 97302
PHONE (503) 588-8800
FAX (503) 588-8804
EMAIL: SURVEYING@WVI.COM

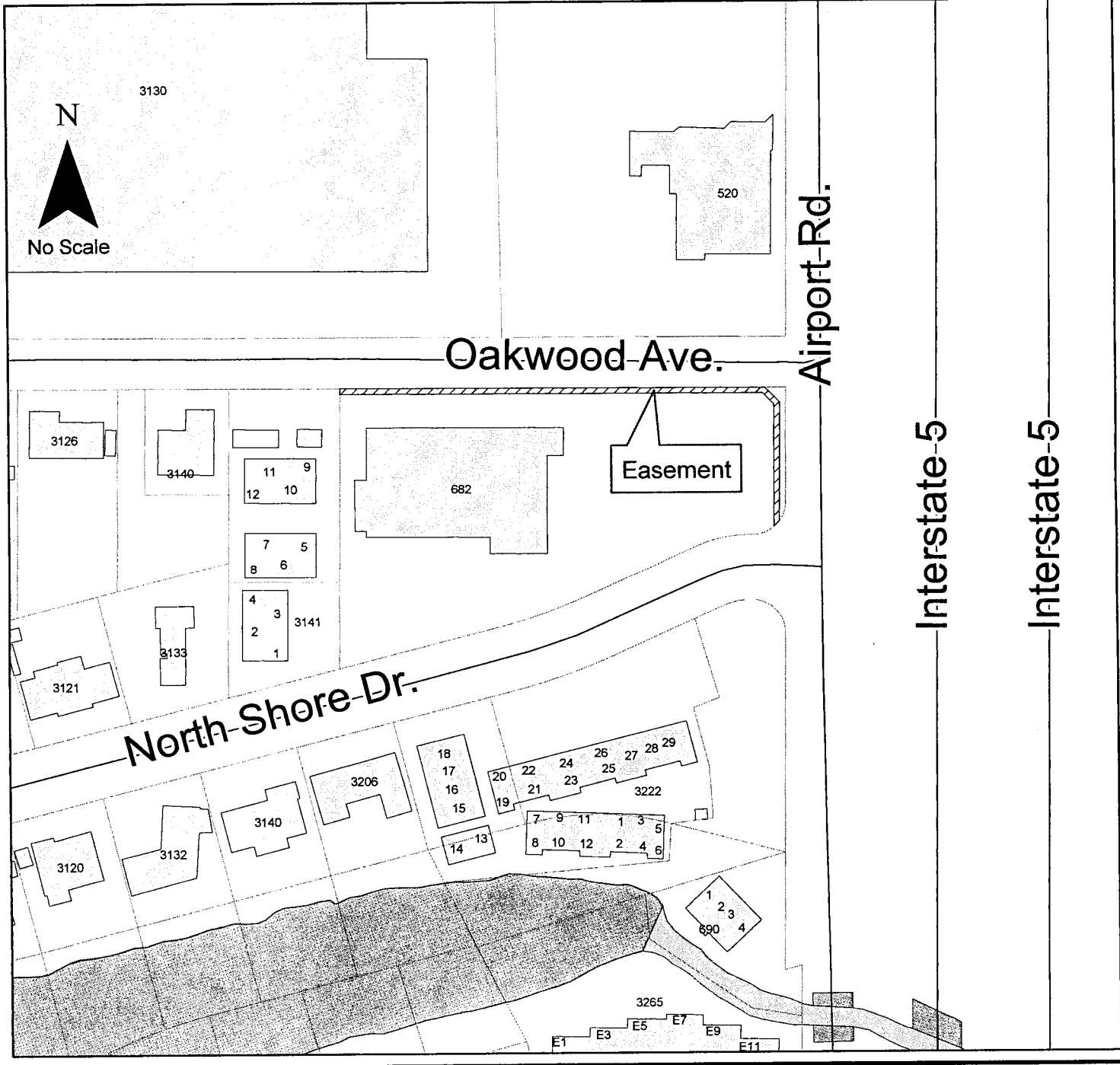
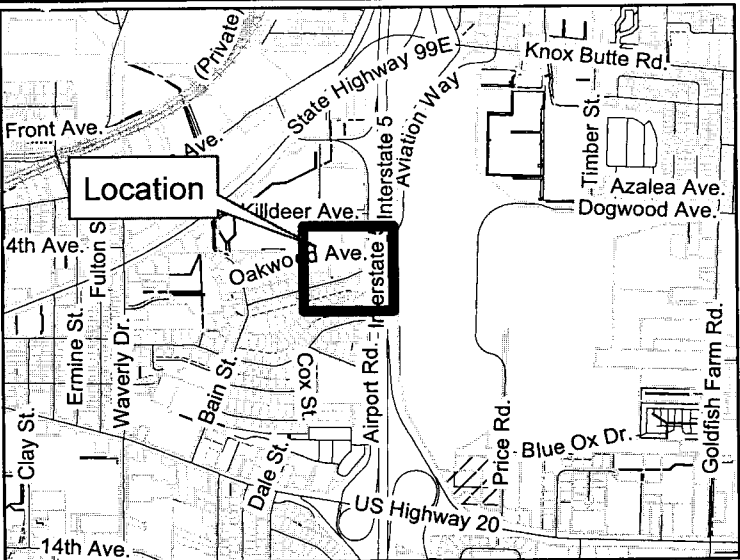
EXHIBIT C

11SO3W04CC01200

A 5-foot wide franchise utility easement.



Geographic Information Services



LINN COUNTY

Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2008-11024**
E-UT
Cnt=1 Stn=1 COUNTER **06/02/2008 11:08:55 AM**
\$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 City Clerk

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

City of Albany - 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

LEROY LAACK . TRUST

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. 5601

Recorded Document Recorder File No. 5082