

RESOLUTION NO. 5682

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Jack Utterback

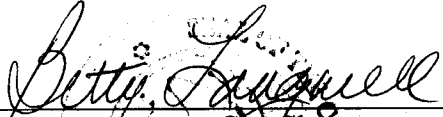
A 20-foot wide public utility easement for the purpose of constructing a sewer force main.

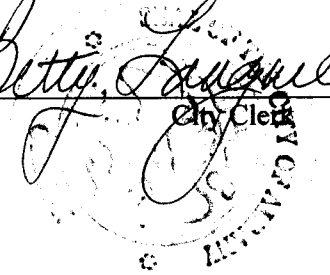
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 8TH DAY OF OCTOBER 2008.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 16 day of September, 2008, by and between Jack Utterback, 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 20-foot wide public utility easement for the purpose of constructing a sewer force main, described in the attached legal description labeled Exhibit A and map labeled 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 \$700.00, 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.

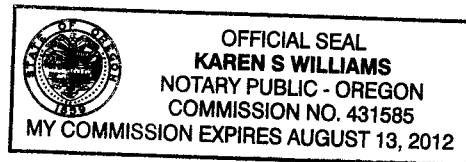
IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

**GRANTOR:**

*Jack Utterback*  
Jack Utterback

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

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of September, 2008, by Jack Utterback as his voluntary act and deed.



*Karen Williams*  
Notary Public for Oregon  
My Commission Expires: 8-31-2012

**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 5682, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9<sup>th</sup> day of October 2008.

*Wes Hare*  
City Manager

ATTEST:

*Debbie Paughel*  
City Clerk

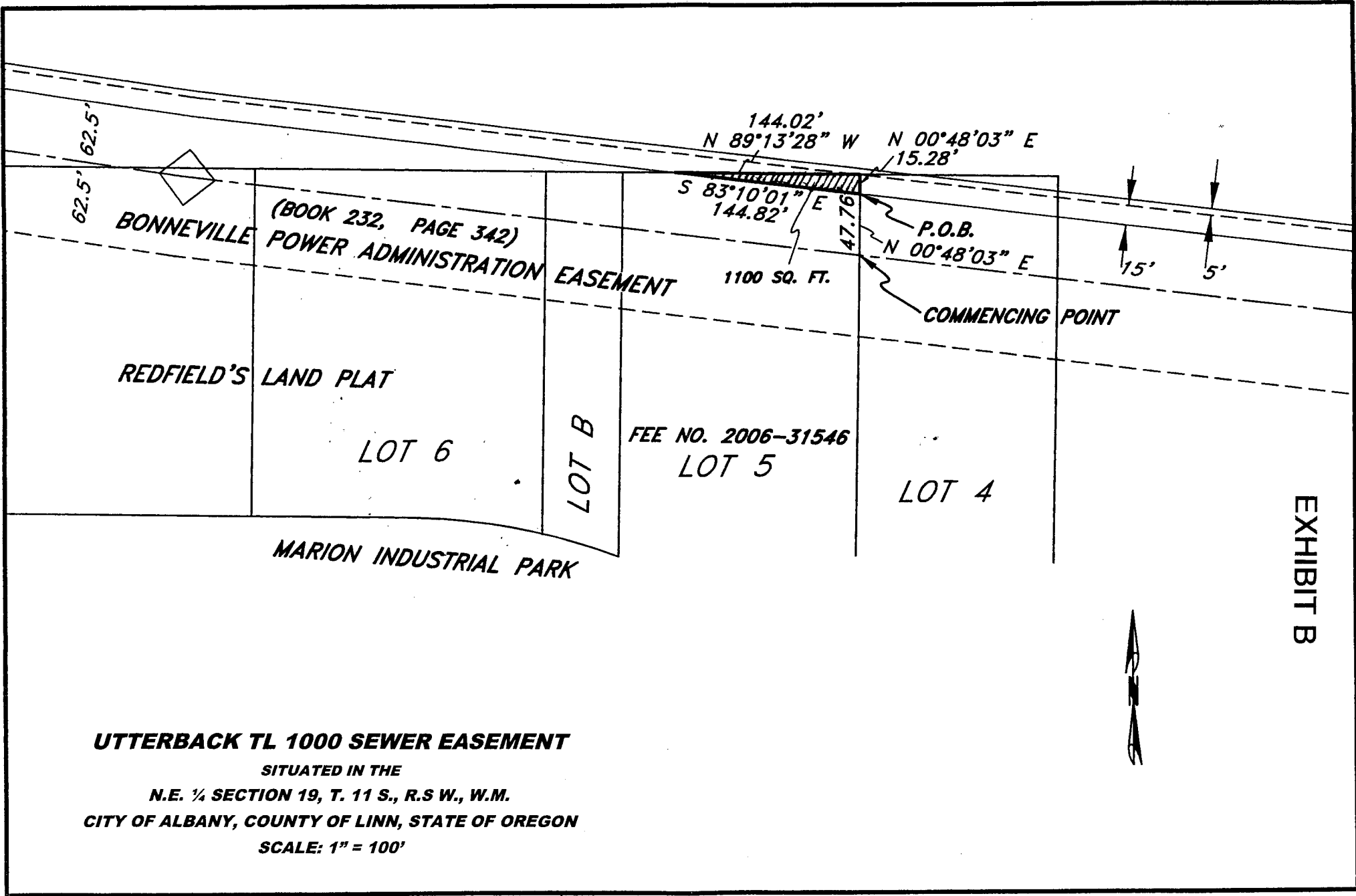
A circular notary seal for Debbie Paughel, City Clerk of Albany, Oregon. The seal contains the text "DEBBIE PAUGHEL CITY CLERK ALBANY OREGON" around the perimeter.

## EXHIBIT A

A strip of land lying on the north side of Parcel 1 of fee No. 2008-17311, situated in the N.E.  $\frac{1}{4}$  of Section 19, Township 11 South, Range 3 West of the Willamette Meridian in the city of Albany, County of Linn, State of Oregon, being more particularly described as follows:

Commencing at the centerline intersection of the 125.0 foot wide Bonneville Power Administration Easement recorded in Book 232, Page 342, May 1953, with the east line of said Parcel 1 of Fee No. 2008-17311; thence North  $0^{\circ}48'03''$  East, along said east line, which is also the east line of Lot 5 of "Marion Industrial Park" a distance of 47.76 feet to a point that is 15.00 feet southwesterly when measured perpendicular to the north line of said Bonneville Power Administration Easement said point being the POINT OF BEGINNING; thence North  $0^{\circ}48'03''$  East, along said east line, a distance of 15.28 feet to the northeast corner of said Lot 5; thence North  $89^{\circ}13'28''$  West, along the north line of said Lot 5, a distance of 144.02 feet to a point that is 15.00 feet southwesterly when measured perpendicular to the north line of said Bonneville Power Administration Easement; thence South  $83^{\circ}10'01''$  East, parallel with the north line of said Bonneville Power Administration Easement, a distance of 144.82 feet to the POINT OF BEGINNING.

This tract contains 1,340 square feet more or less.



**UTTERBACK TL 1000 SEWER EASEMENT**

SITUATED IN THE

N.E. ¼ SECTION 19, T. 11 S., R.5 W., W.M.

CITY OF ALBANY, COUNTY OF LINN, STATE OF OREGON

SCALE: 1" = 100'

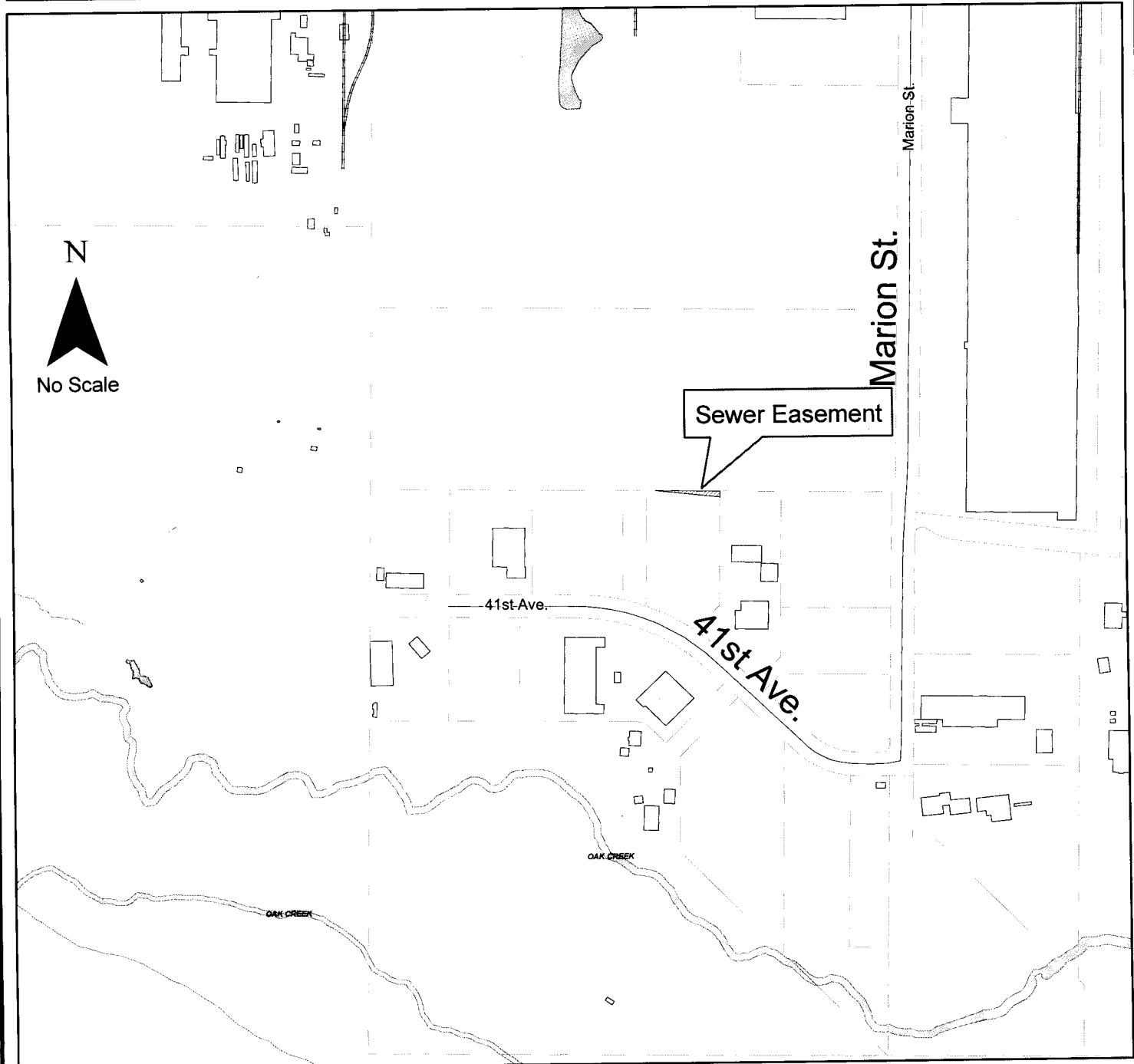
# EXHIBIT C

11SO3W19A 01000

SS-07-05  
Oak Creek Sewer  
Force Main



Geographic Information Services



**LINN COUNTY**  
Recording Cover Sheet  
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2008-20312**  
E-UT  
Cnt=1 Stn=1 COUNTER **10/24/2008 02:26:40 PM**  
\$30.00 \$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 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

Jack Utterback

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

\$700.00

Resolution No. 5682

Recorded Document Recorder File No. 5204