

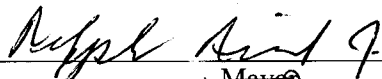
RESOLUTION NO. 5763

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

<u>Grantor</u>	<u>Purpose</u>
KELLER DEVELOPMENT COMPANY, INC.	A 15-foot wide storm drainage easement as part of the Clairwood Subdivision project.

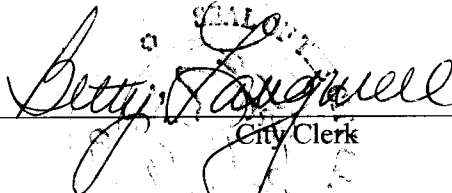
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 25TH DAY OF MARCH 2009.

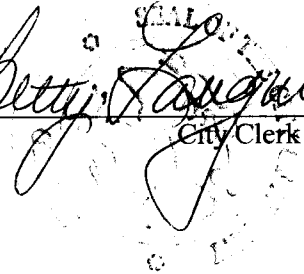


Mayor
Council President

ATTEST:



City Clerk



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 6 day of March, 2009, by and between Keller Development Company, Inc., 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 15-foot wide storm drainage easement as part of the Clairwood Subdivision project. 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.

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

GRANTOR:

Keller Development Company, Inc.

Rodney J. Keller
Rodney J. Keller
Rodney J. Keller
President., Keller Development, Inc.

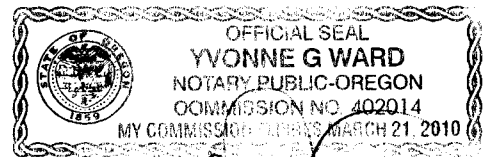
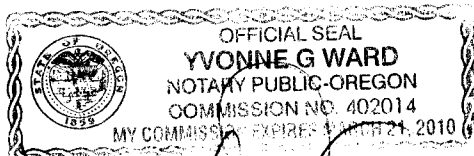
Barbara S. Keller
Barbara S. Keller
Barbara S. Keller
Secretary, Keller Development, Inc.

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

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

The instrument was acknowledged before me this 6th day of March 2009, by Rodney J. Keller, President of Keller Development Company, Inc., on behalf of Keller Development Company, Inc.

The instrument was acknowledged before me this 6th day of March 2009, by Barbara S. Keller, Secretary of Keller Development Company, Inc., on behalf of Keller Development Company, Inc.

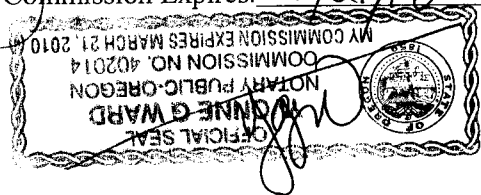


Yvonne G Ward
Notary Public for OR
My Commission Expires: 3/21/10

Yvonne G Ward
Notary Public for OR
My Commission Expires: 3/21/10

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 5763 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 30 day of March, 2009.

Wes Hare
City Manager

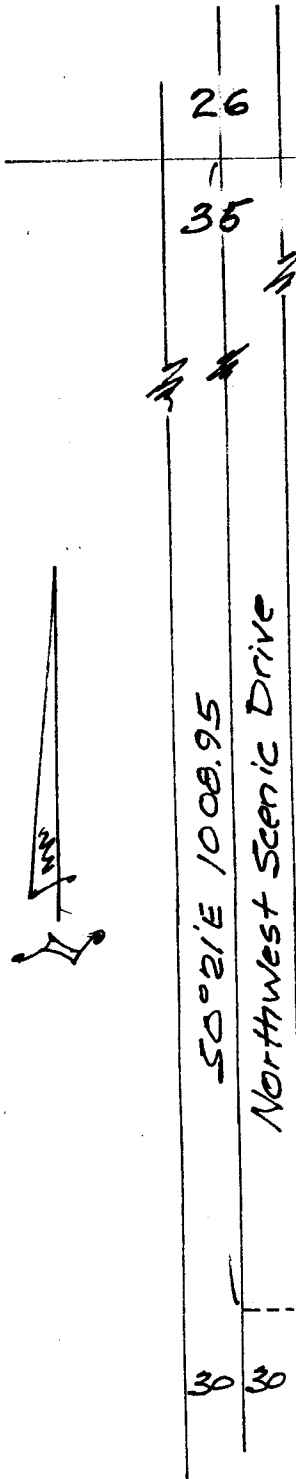
ATTEST:

Debbie Longwell
City Clerk

Exhibit A
March 2, 2009

Exhibit A South
Revised

An easement over a 15 foot strip of land for storm drain purposes, the south line of which is described as follows: Beginning at the intersection of the East right of way line of Northwest Scenic Drive and a point on the south line of that parcel conveyed to Jeffrey S. Garner and Claire Friedrich, husband and wife, by deed recorded in Benton County Deed Records 2004-367900, which point is 1008.95 feet South 0°21' East, and 30 feet North 89°32' East of the North Quarter Section Corner of Section 35, Township 10 South, Range 4 West, Willamette Base and Meridian, Benton County, Oregon; thence North 89°32' East along the south line of said, Garner and Friedrich parcel 344.50 feet, and there terminating.



North Quarter Section
Corner of Section 35

Exhibit B

Location of Storm Drain Easement
For Keller Development Co.
In the
Northwest Quarter of Section 35
Township 10 South, Range 4 West
of the Willamette Base and Meridian
Benton County, Oregon
Scale: 1"=100' March 2, 2000

15 Ft. Storm Drain Easement

South line of
Jeffrey S. Garner and
Claire Friedrich h/w
2004-367900

N89°32'E 344.50

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Willie C. Wiley

OREGON
MAY 12, 1993
WILLIE C. WILEY
10000

Expires 12/31/2010

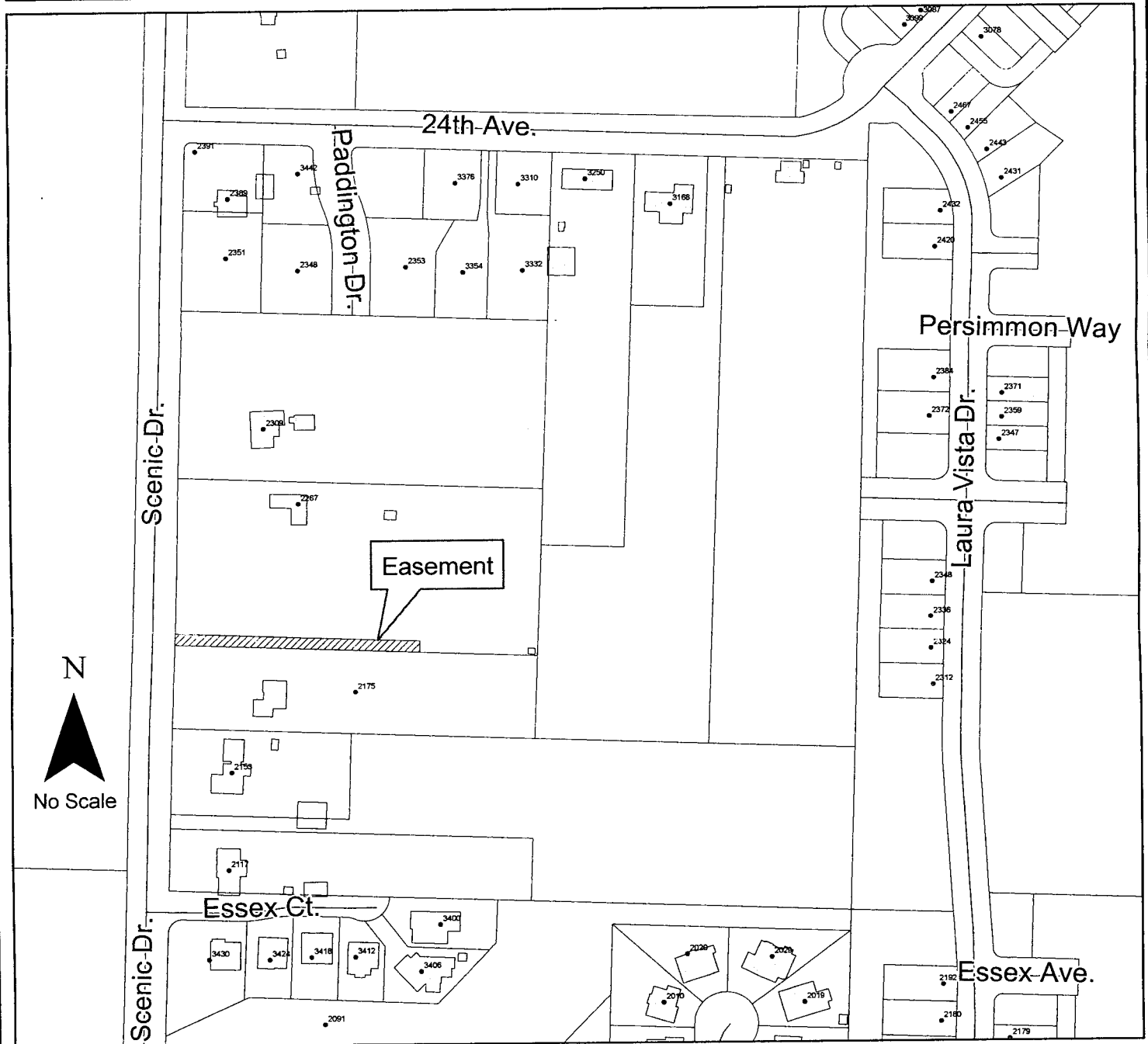
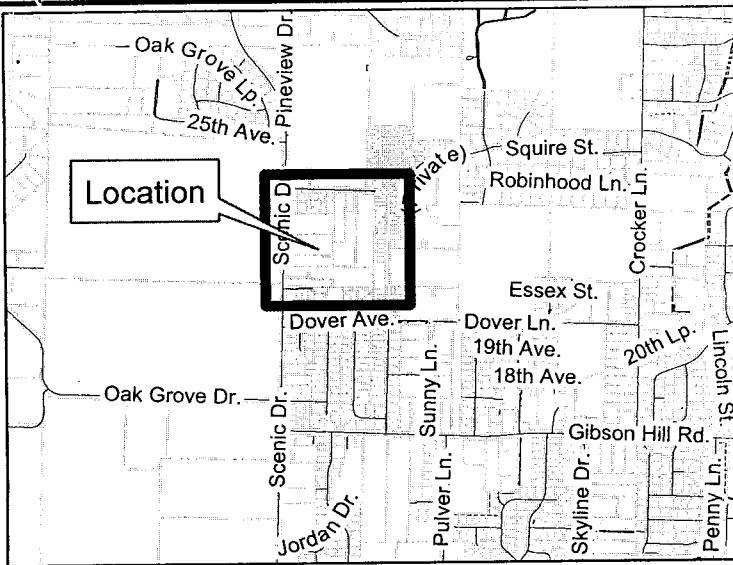
EXHIBIT C

10SO4W35AB00600

A 15-foot wide storm drainage easement as part of the Clairwood Subdivision project.



Geographic Information Services



RECORDING COVER SHEET (Please Print or Type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.



I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



James V. Morales - County Clerk

AFTER RECORDING RETURN TO:

✓ City of Albany Recorder _____

PO Box 490 _____

Albany, OR 97321 _____

All Tax Statements Should Be Sent To:

NA _____

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

Keller Development Company, Inc. _____

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 _____

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON 2009-05808
E-EAS 03/31/2009 02:49:40 PM
Cnt=1 Stn=1 COUNTER \$51.00
\$30.00 \$11.00 \$10.00



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:

NA

*Incorrectly recorded at
Linn Co. should be
Denton Co.
Corrected 4-24-09*

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

Keller Development Company, Inc.

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. 5763

Recorded Document Recorder File No. 5306