

RESOLUTION NO. 5828

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

1901 13TH AVENUE LLC

Purpose

A 20 foot-wide sanitary sewer easement for the Calapooia Interceptor sewer construction project.

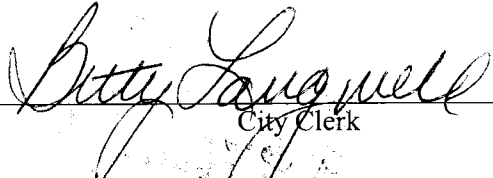
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 12TH DAY OF AUGUST 2009.

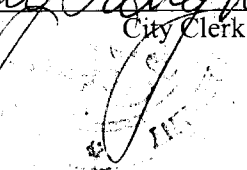


Mayor

ATTEST:



City Clerk



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 27th day of July, 2009, by and between 1901 13th Avenue LLC, 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 sanitary sewer 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:

See attached Legal Description labeled Exhibit A, attached Easement Map labeled Exhibit B and attached Vicinity Map labeled Exhibit 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:

1901 13th Avenue LLC

[Signature]

Byron Hendricks, Member

[Signature]
Mike Lydon, Member

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

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

The instrument was acknowledged before me this 27th day of July, 2009, by Byron Hendricks, Member, as a representative of 1901 13th Avenue LLC.

The instrument was acknowledged before me this 27th day of July, 2009, by Mike Lydon, Member, as a representative of 1901 13th Avenue LLC.



[Signature]
Notary Public for Oregon
My Commission Expires: 3/9/2013

[Signature]
Notary Public for Oregon
My Commission Expires: 3/9/2013

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 9828 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 17th day of August, 2009.

[Signature]
City Manager

ATTEST:

[Signature]
City Clerk

EXHIBIT "A"

AN EASEMENT FOR SEWER PURPOSES , OVER ACROSS AND UPON THAT PORTION OF "PARCEL IV" AS THE SAME IS DESCRIBED MF VOLUME 1755 AT PAGE 338 IN THE RECORDS OF LINN COUNTY, OREGON, LYING WITHIN A 20.00 FOOT WIDE STRIP OF LAND THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID "PARCEL IV" AND DISTANT 7.97 FEET WEST OF THE NORTHEAST CORNER THEREOF AND BEING THE NORTHERN TERMINUS OF THE CENTERLINE BEING DESCRIBED HEREIN, AND HAVING ENGINEERS STATION: 31+13.49 THENCE $S 18^{\circ}14'14'' W$ 7.30 FEET TO AN ANGLE POINT DISTANT 10.00 FEET WEST OF THE EAST LINE OF SAID "PARCEL IV", THENCE $S 02^{\circ}06'15'' W$ PARALLEL WITH SAID EAST LINE AND DISTANT 10.00 FEET WEST THEREFROM, A DISTANCE OF 48.08 FEET, THENCE $S 24^{\circ}38'58'' W$ A DISTANCE OF 315.39 FEET, THENCE $S 02^{\circ}05'26'' W$ A DISTANCE OF 4.10 FEET TO A POINT ON THE NORTH LINE OF "BLOCK 44", OF THE "HAZELWOOD ADDITION TO ALBANY", A LEGAL SUBDIVISION IN LINN COUNTY, OREGON AND DISTANT 1.00 FEET WEST OF THE NORTHEAST CORNER THEREOF AND BEING THE SOUTHERN TERMINUS OF THE CENTERLINE BEING DESCRIBED HEREIN AND HAVING ENGINEERS STATION: 34+88.36.
THE SIDELINES OF SAID EASEMENT TO BE LENGTHENED OR SHORTENED TO TERMINATE AT THE NORTH AND SOUTH BOUNDARIES OF SAID "PARCEL IV".

END OF DESCRIPTION

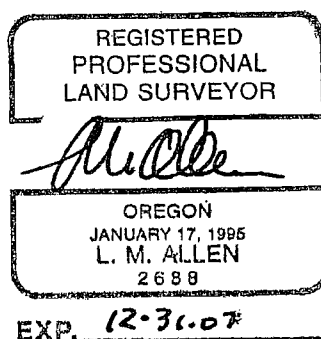
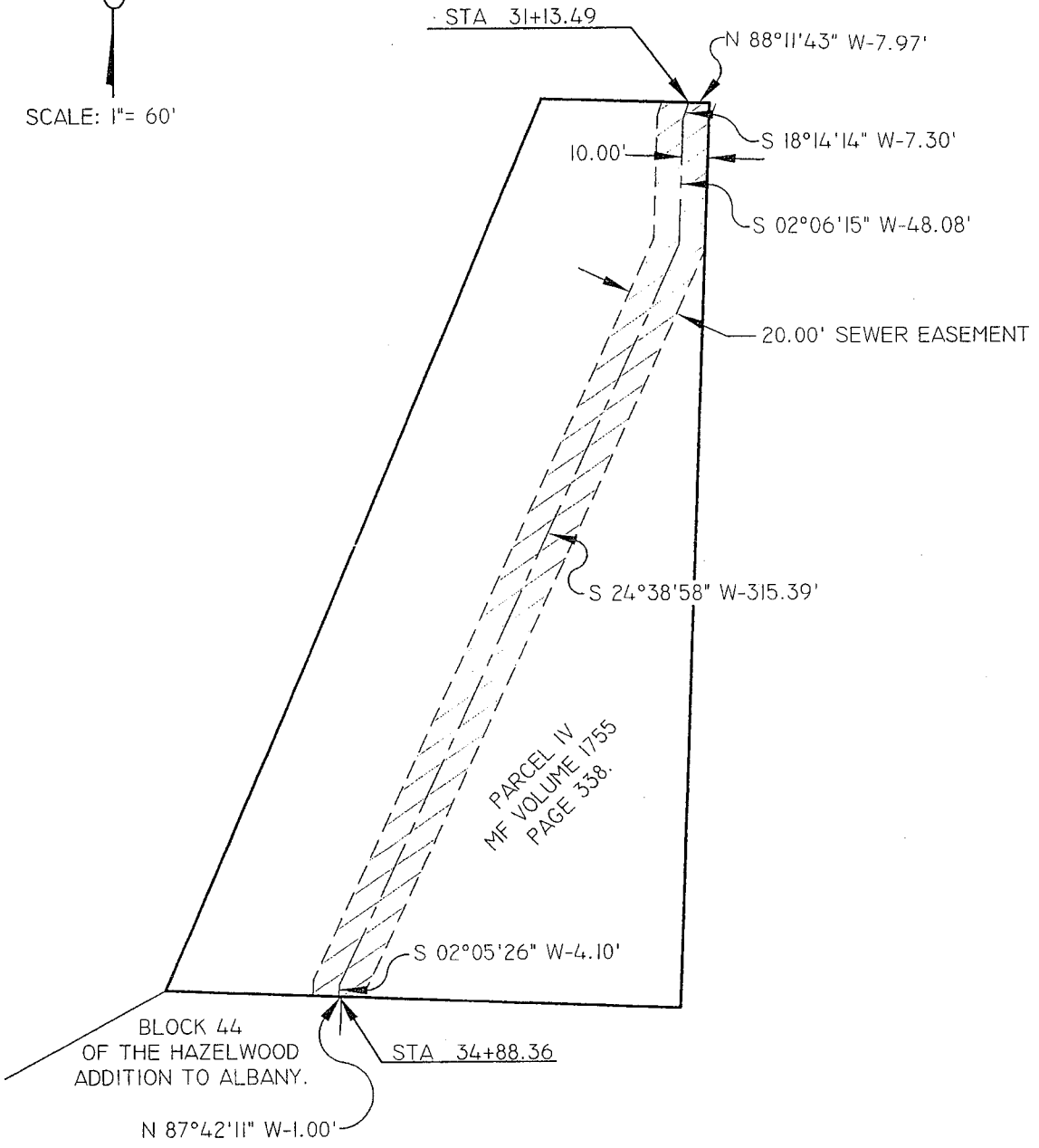


EXHIBIT "B"



SCALE: 1" = 60'



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

DWG: EXHIBITS.DWG
DATE: 6/25/07
PROJECT: 06-035

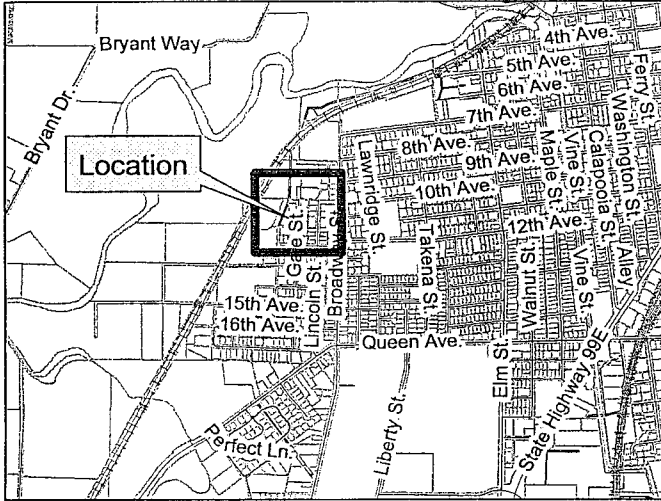


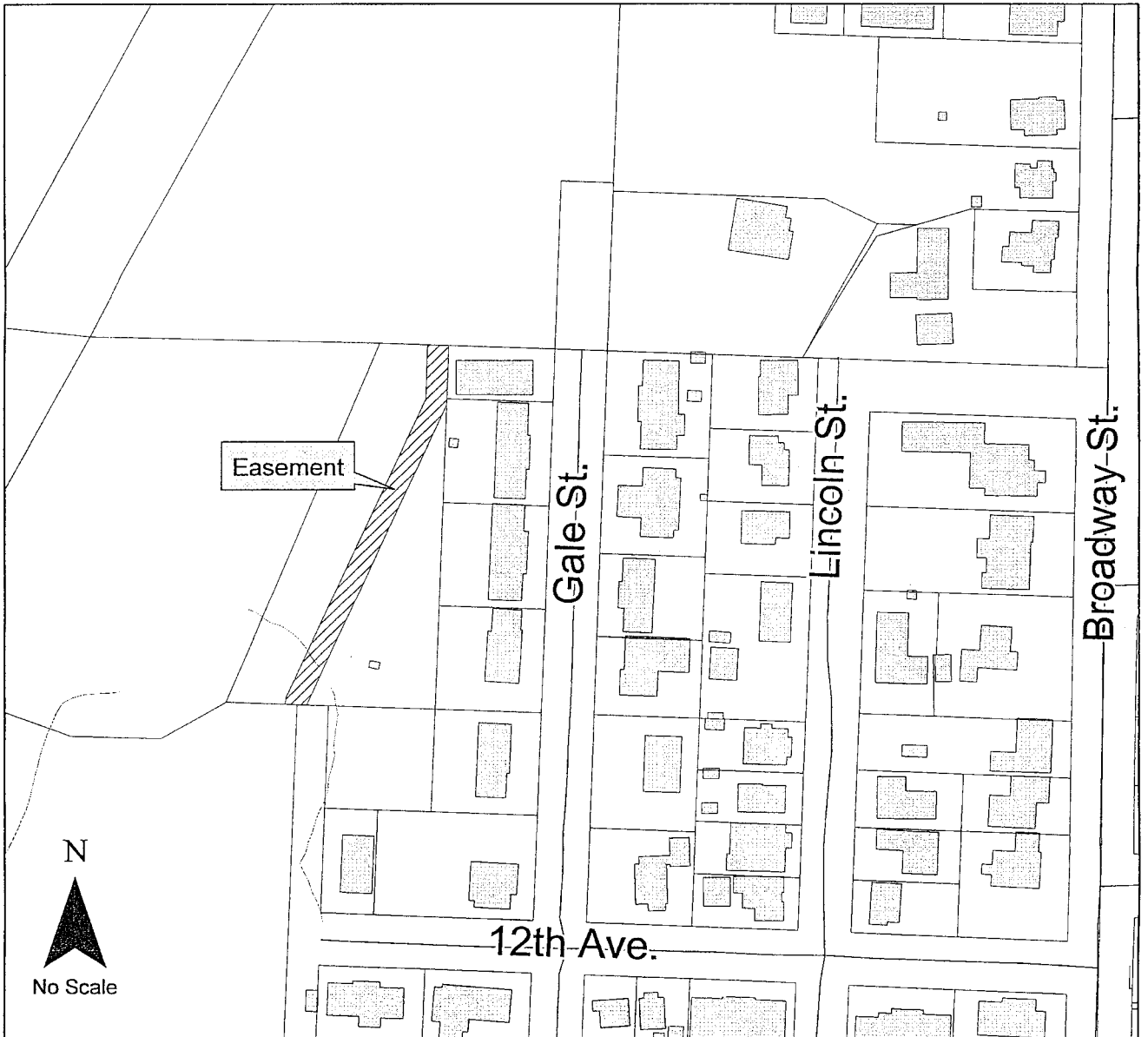
EXHIBIT C

11SO4W12BC00100

Sanitary Sewer Easement
for SS-07-01 - Calapooia
Interceptor Replacement



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON 2009-14791
E-PU
Cnt=1 Str=1 COUNTER 08/18/2009 02:16:36 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:

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

1901 13th Avenue LLC.

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. 5828

Recorded Document Recorder File No. 5361