

RESOLUTION NO. 5862

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Elvira B. Williamson QTIP Trust

A 7-foot wide public utility easement along the south property line of the Williamson parcel for the North Creek subdivision Project.


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


BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 28RD DAY OF OCTOBER 2009.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 14 day of October, 2009, by and between the Elvira B. Williamson QTIP 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, 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 7 foot wide public utility easement for the Albany Heights 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.

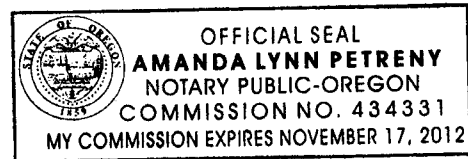
**GRANTOR:**

Elvira B. Williamson QTIP Trust

\_\_\_\_\_  
Signature  
Dennis A. Williamson  
Dennis A. Williamson, Trustee

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

The instrument was acknowledged before me this 16 day of October, 2009, by Dennis A. Williamson, Trustee for the Elvira B. Williamson QTIP Trust, on behalf of the trust.



Amanda Petreny  
Notary Public for Oregon  
My Commission Expires: 11.17.2012

**CITY OF ALBANY:**

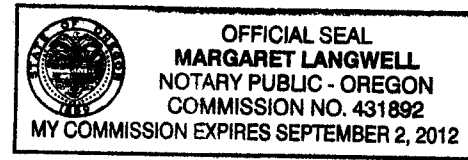
STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 5862 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 29 day of October, 2009.

Wes Hare  
City Manager

**ATTEST:**

Margaret Langwell  
City Clerk

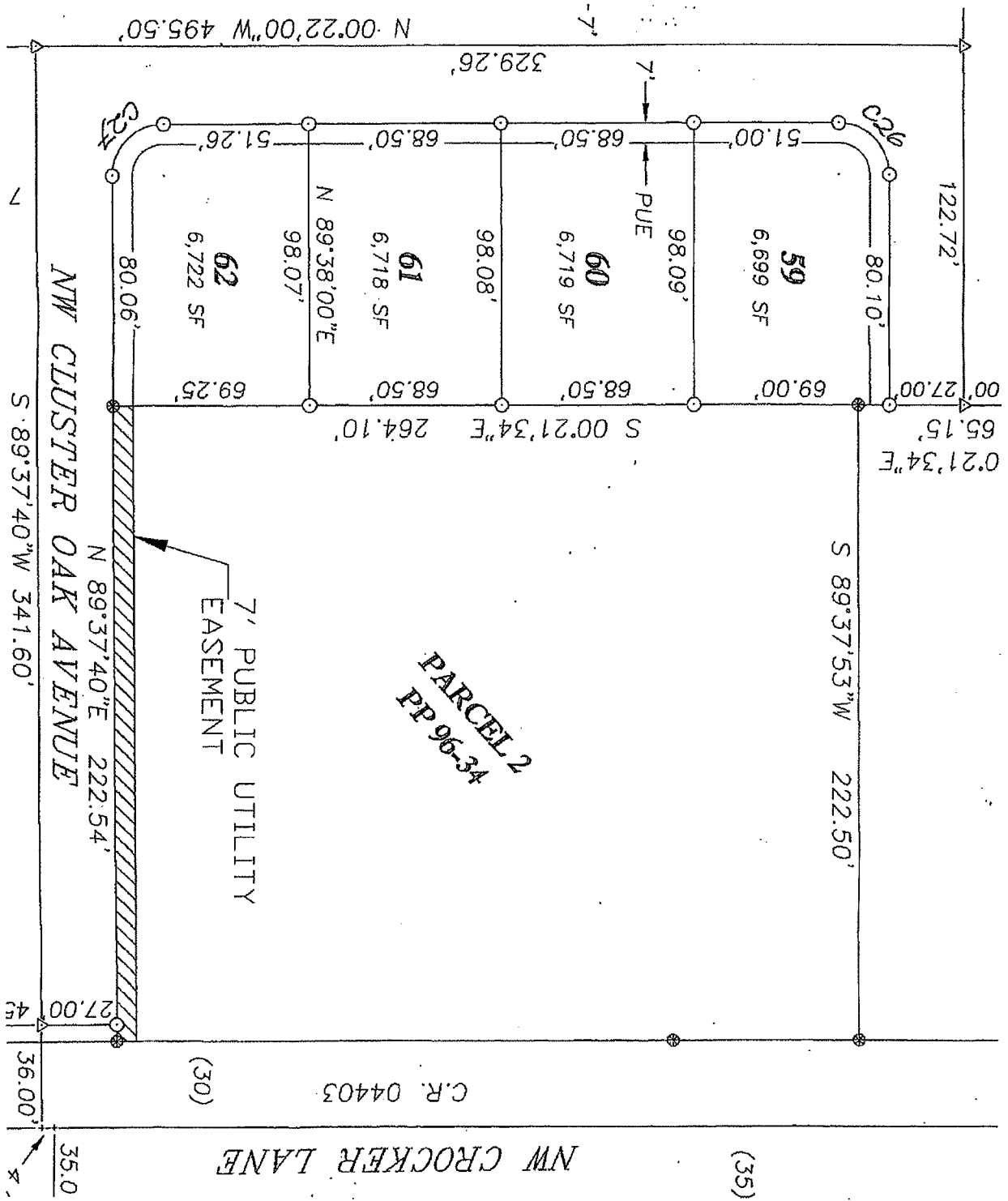


# Exhibit A

## ***PUBLIC UTILITIES EASEMENT***

The Southerly 7 feet of even width of Parcel 2, Partition Plat 96-34, in the city of Albany, Benton County, Oregon.

# Exhibit B



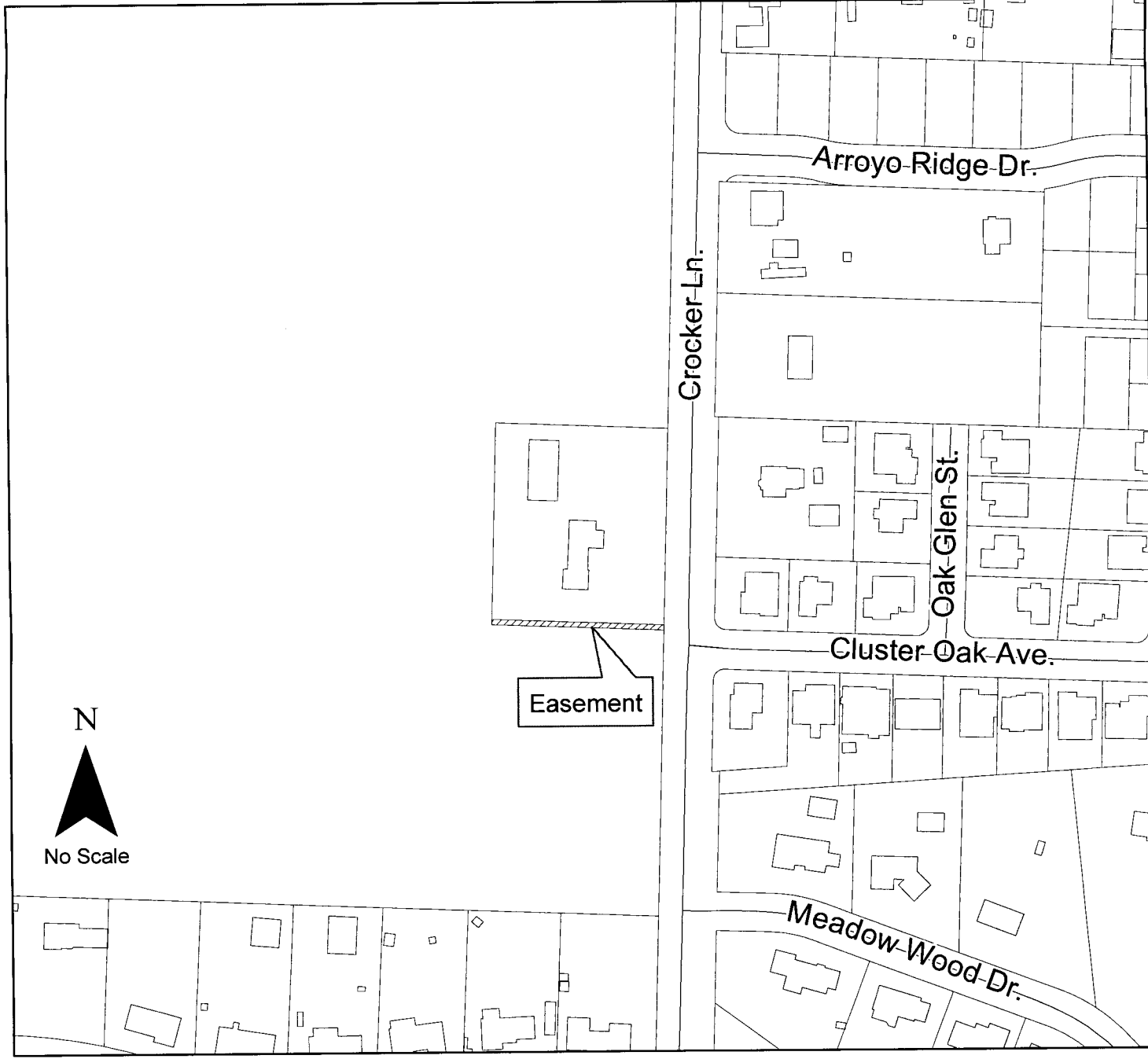
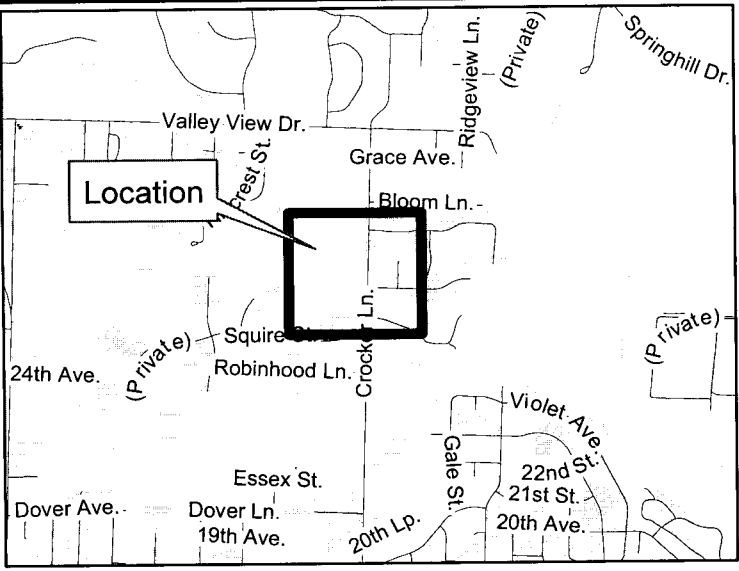
# EXHIBIT C

10SO4W25 01700

A 7 foot-wide public utility easement for the North Creek 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.

BENTON COUNTY, OREGON **2009-458692**  
DE-EAS  
Cnt=1 Str=9 KH **11/04/2009 11:29:01 AM**  
\$30.00 \$11.00 \$17.00 \$10.00 \$20.00 **\$88.00**



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 - 01700

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

Elvira B. Williamson QTIP 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. 5862

Recorded Document Recorder File No. 5419