

RESOLUTION NO. 5890

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

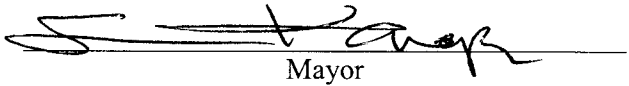
Donald G. Loring

Purpose

A variable width easement over a public sanitary sewer line as part of a sewer replacement project.

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

DATED AND EFFECTIVE THIS 10TH DAY OF FEBRUARY 2010.



Mayor

ATTEST:



Betty Louquell
City Clerk

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON
E-PU
Cnt=1 Str=1 COUNTER 2010-04209
03/09/2010 11:37:38 AM
\$25.00 \$11.00 \$15.00 \$9.00 \$10.00 \$70.00

00130433201000042090050050
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

Donald G. Loring

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

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 10 day of February, 2010, by and between Donald G. Loring, 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 variable width easement over a public sanitary sewer line as part of a sewer replacement project. See legal description on attached Exhibit A and map on attached 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 \$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:

Donald G. Loring
Donald G. Loring

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

The foregoing instrument was acknowledged before me this 2nd day of February, 2010, by Donald G. Loring as his voluntary act and deed.



Kevin L. Hamilton
Notary Public for Oregon
My Commission Expires: October 7, 2011

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 5890, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 19 day of February 2010.

Wes Hare
City Manager

ATTEST:

Margaret Spurgeon
City Clerk

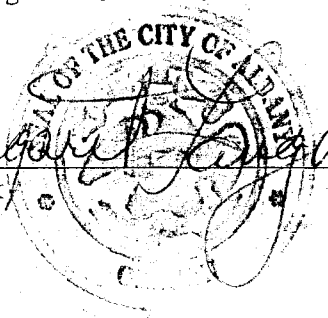


EXHIBIT A

PERMANENT UTILITY EASEMENT

A 10-foot wide north-south easement centered over an existing sewer main, and a 7 foot wide southwest-to-northeast easement which lies 5 feet north of and 2 feet south of an existing sewer main, both easements lying over the property at 1133 Sherman Street SE in Albany, Oregon. More particularly described as follows and as shown on the attached map labeled as Exhibit B.

Beginning at the North corner of Tax Lot 3400 as shown on the 12/2/2009 Linn County, Oregon Assessor's Map 11S03W07AD, said corner lying on the right-of-way line of Sherman Street SE; thence Southeast 4.0 feet along the Northeast property line of said tax lot 3400; thence South 34.5 feet; thence West 12.5 feet; thence Southwest 48 feet, passing adjacent to the North-Northwestern corner of the existing house, to the West property line of said tax lot 3400; thence North 7.5 feet along the West property line of tax lot 3400; thence Northeast 51 feet, parallel to the aforementioned 48 foot long line; thence North 20 feet to the right-of-way line of Sherman Street SE; thence Northeasterly 10 feet along the right-of-way line of Sherman Street to the point of beginning. As shown on the attached map labeled Exhibit B, attached hereto and incorporated herein by this reference.

EXHIBIT B

11SO3W07AD03400

A variable width easement over a public sanitary sewer line as part of a sewer replacement project.



Geographic Information Services

