

RESOLUTION NO. 5994

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

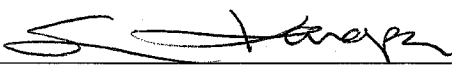
Wayne L. and Mary Kay Forslund

Purpose

A variable width water line easement across Tax Lot 11S04W03A 01500 as part of a water line replacement project on Kouns Drive.

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

DATED AND EFFECTIVE THIS 23TH DAY OF MARCH 2011.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

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Mayor

ATTEST:

  
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City Clerk

**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 **2013-501406**  
DE-EAS  
Cnt=1 Str=41 COUNTER1 **01/03/2013 3:49:48 PM**  
\$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:

Exempt

1. Name/Title of Transaction - by ORS 205.234 (a)

Easement for Public Utilities and Access

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

Wayne L. and Mary Kay Forslund

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

*Res-5994*

## EASEMENT FOR PUBLIC UTILITIES AND ACCESS

THIS AGREEMENT, made and entered into this 2<sup>nd</sup> day of Jan, <sup>2013 in D</sup> ~~2012~~, by and between Wayne L. and Mary Kay Forslund, 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:  
  
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.

GRANTORS:

Wayne Forslund  
Wayne Forslund

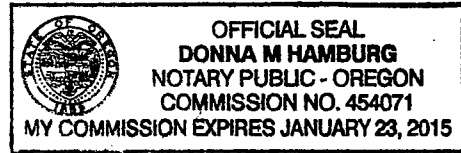
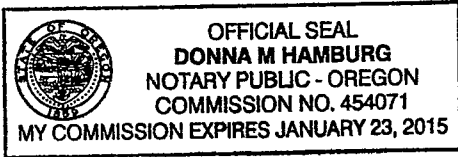
Mary Kay Forslund  
Mary Kay Forslund

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

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

The foregoing instrument was acknowledged before me this 1st day of November, 2012, by Wayne Forslund as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 1st day of November, 2012, by Mary Kay Forslund as her voluntary act and deed.



Donna M. Hamburg  
Notary Public for State of Oregon  
My Commission Expires: January 23rd 2015

Donna M. Hamburg  
Notary Public for State of Oregon  
My Commission Expires: January 23rd 2015

CITY OF ALBANY:

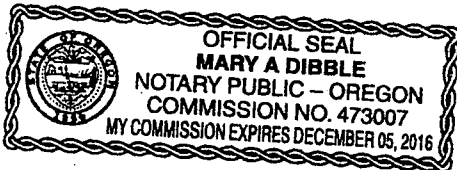
STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 5994, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 2nd day of January 2012. 2013 <sup>MP</sup>

Wes Hare  
City Manager

ATTEST:

Mary A. Dibble  
City Clerk



**K & D ENGINEERING, Inc.**

*Engineers • Planners • Surveyors*

**Exhibit "A"**  
(Waterline Easement)

An easement for utility purposes lying in the Northeast 1/4 of Section 3, Township 11 South, Range 4 West, Willamette Meridian, Benton County, Oregon, said easement being a portion of Parcel 2 of Partition Plat No. 95-35, a partition plat recorded in the Benton County Records and is more particularly described as follows:

Beginning at a point on the northerly boundary line of said Parcel 2 that bears South 58°18'53" West 7.91 feet from the most northerly corner thereof; thence South 11°24'13" West 129.12 feet; thence South 06°21'30" West 25.47 feet; thence South 05°33'12" West 23.89 feet; thence North 84°46'30" West 20.00 feet; thence North 05°33'12" East 4.14 feet to a point on the westerly boundary of said Parcel 2; thence on said westerly boundary the following three courses: 1) North 10°40'03" East 112.18 feet, 2) North 57°56'41" East 4.96 feet, 3) North 31°40'27" West 9.56 feet; thence leaving westerly boundary of said Parcel 2, North 11°24'13" East 35.02 feet to a point on the northerly boundary line of said Parcel 2; thence North 58°18'53" East, on said northerly boundary line, a distance of 27.39 feet to the Point of Beginning.

END OF DESCRIPTION

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JAN. 9, 2007  
JAMEY S. MONTOYA  
#78608

EXPIRES: 12/31/2011

January 24, 2011  
EXHIBIT "A" PARCEL 2  
WATERLINE EASEMENT  
(08-27) JSM:nm

Z:\Projects\2008\08-27\Surveying\Documents\KOUNS DR WL\PARCEL2EASE.doc

# EXHIBIT "B"

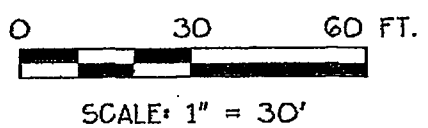
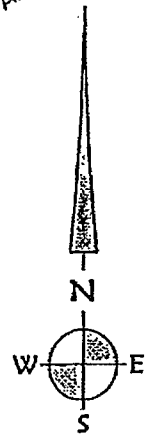
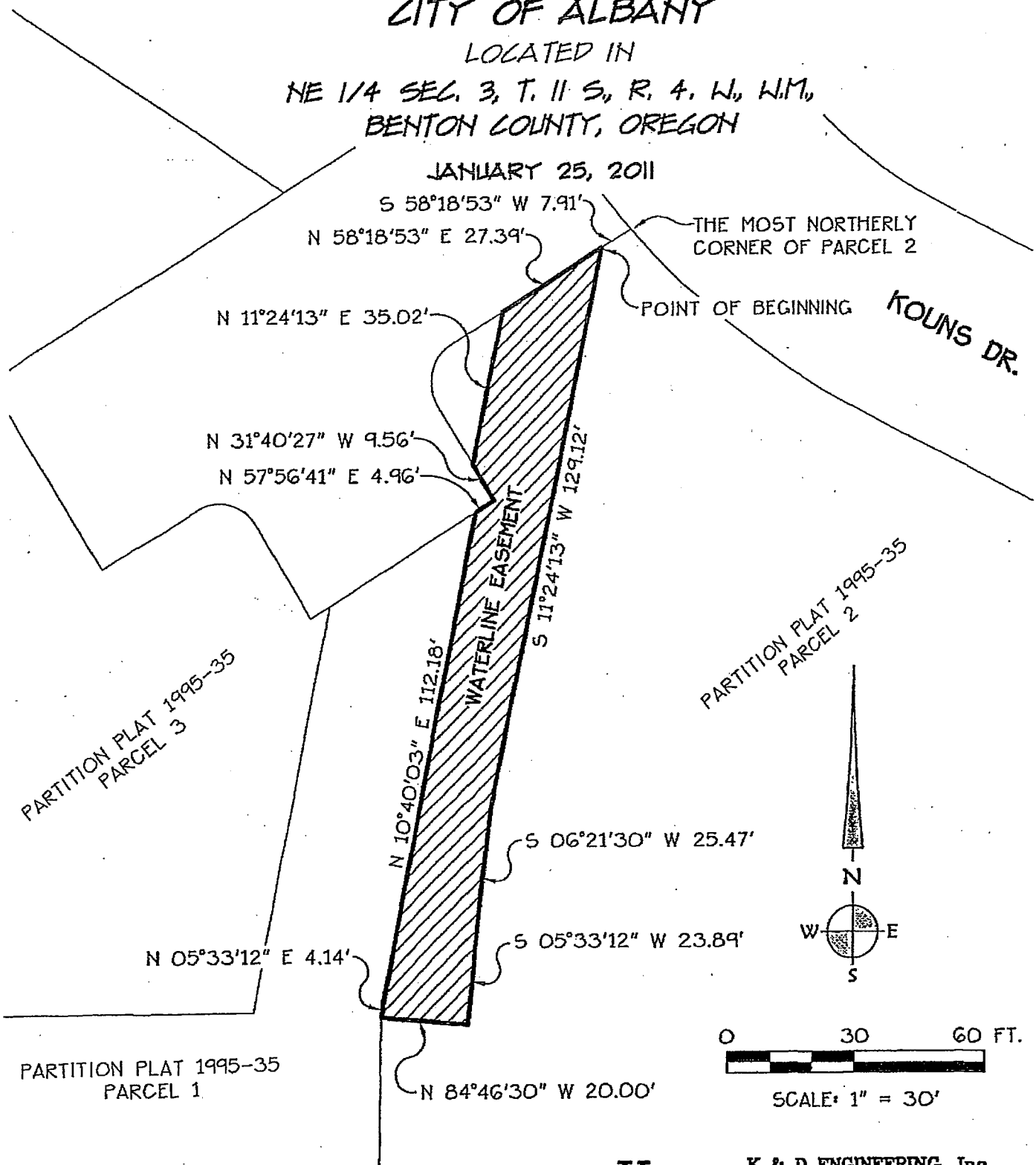
## WATERLINE EASEMENT

### FOR

## CITY OF ALBANY

LOCATED IN  
 NE 1/4 SEC. 3, T. 11 S., R. 4, W., W.M.,  
 BENTON COUNTY, OREGON

JANUARY 25, 2011



Date: 1/25/2011      Time: 13:38  
 Scale: 1=30  
 File: dwg\2008\08-27\seasement\_coa.dwg (Jamey M)

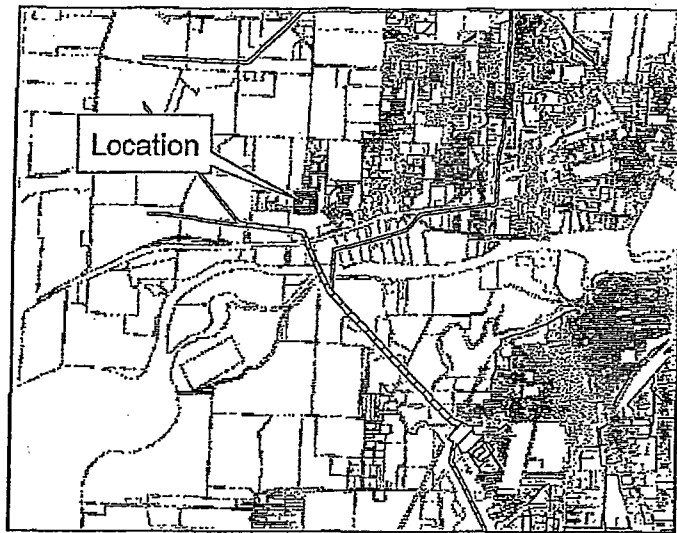


**K & D ENGINEERING, Inc.**  
 278 N.W. Hickory Street P.O. Box 725  
 Albany, Oregon 97321  
 (541) 928-2583

# EXHIBIT C

11S04W03A 01500

A variable width water line easement as part of a water line replacement project on Kouns Drive.



Geographic Information Services

