

RESOLUTION NO. 6099

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

First Church of God, Albany, Oregon

Purpose

A 20-foot wide water line easement across Tax Lot 11S04W01DA00200 as part of WL-11-01, Broadway Reservoir Transmission Main, Phase I


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

DATED AND EFFECTIVE THIS 14TH DAY OF MARCH 2012.

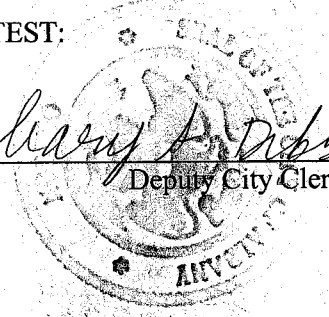


Mayor

ATTEST:



Deputy City Clerk



EASEMENT FOR PUBLIC UTILITIES AND ACCESS

THIS AGREEMENT, made and entered into this 29th day of February, 2012, by and between First Church of God, Albany, Oregon, 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 granted and by these presents does transfer unto the City of Albany, an easement for the purpose of installing a public water line, including the right to enter upon the real property hereinafter described, and to maintain and repair said public water line for the purpose of conveying public water 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 easement 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 \$680.00, 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 grant an easement over 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.
7. The City agrees to terminate said easement at any point in the future that the City determines the easement is no longer required, and convey the easement right to Grantor or successor.
8. In the event that the City does not begin construction on the public utilities authorized under this easement within five (5) years of the date of the execution of this easement, then this easement shall become void and the City shall reconvey the easement rights to Grantor or its successors.

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

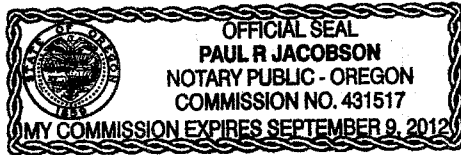
GRANTOR:

Connie ShROUT

Connie ShROUT, Chairman of the Board

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

The foregoing instrument was acknowledged before me this 29th day of February, 2012, by Connie ShROUT as her voluntary act and deed.



Paul R Jacobson

Notary Public for Oregon

My Commission Expires: 9/9/2012

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 _____, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____ 2012.

City Manager

ATTEST:

City Clerk

EXHIBIT "A"

Waterline Easement Description
Over Tax Lot 200 (11-4W-1DA)

A 20.00 foot wide strip of land located in Section 1, Township 11 South, Range 4 West, Willamette Meridian, Benton County, Oregon, said strip being located over a portion of that tract conveyed to First Church of God, Albany, Oregon (hereinafter referred to as "First Church of God Tract") described by deed recorded in M-299149-01 in the Benton County Deed Records on May 24, 2001, the centerline of said strip being more particularly described as follows:

Commencing at a 5/8 inch rod at the southwest corner of Parcel 5 of Partition Plat Number 98-12, a partition plat recorded in Benton County, Oregon; thence South 19°57'05" West 171.34 feet to 5/8 inch rod at the intersection of the northerly line of said First Church of God Tract with the most westerly right-of-way line of North Albany Road dedicated to the City of Albany by deed recorded in M-318590-02 in the Benton County Deed Records; thence South 62°55'59" West, along the north line of said First Church of God Tract, 103.25 feet to the TRUE POINT OF BEGINNING of the hereinafter described centerline; thence South 10°23'56" West 28.54 feet to a point on the north right-of-way line of U.S. Highway 20 and which point being the southerly terminus of the herein described centerline.

The northerly terminus of the above described strip is the northerly boundary line of said First Church of God Tract. The southerly terminus of the above described strip is the north right-of-way line of U.S. Highway 20. The bearings used in this description are based upon County Survey Number 9769 filed in the office of the Benton County Surveyor.

END OF DESCRIPTION

Feb. 9, 2012
EXHIBIT "A"
TL 200 EASEMENT DESCRIPTION
(10-106) JJC:ls

File: Titan/Projects/2010/10-106/Surveying/Documents/most updated Tax Lot 200-Exhibit.doc

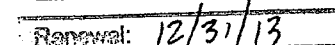
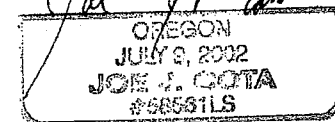
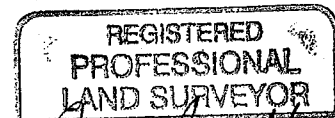


EXHIBIT "B" EASEMENT MAP

0 60 120 FT.



SCALE: 1" = 60'

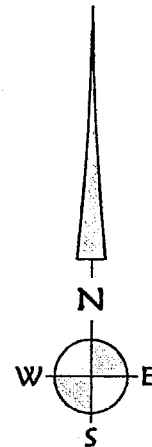
LOCATED IN
E 1/2 SEC. 1, T. 11 S., R. 4 W., W.M.
CITY OF ALBANY, BENTON COUNTY, OREGON
FEBRUARY 9, 2012

RIGHT-OF-WAY DEDICATION RECORDED IN
M-318590-02, BENTON COUNTY DEED RECORDS

SLOPE AND PUBLIC UTILITY EASEMENT
RECORDED IN M-318590-02, BENTON
COUNTY DEED RECORDS

FIRST CHURCH OF GOD,
ALBANY, OREGON
(M-215766-96)

(TAX LOT 300)
11-4W-1DA



POINT OF
COMMENCEMENT
SW COR. PARCEL
5 P.P. 98-12;
FOUND 5/8" ROD

RIGHT-OF-WAY
LINE ANGLE POINT

5/8" ROD ON NORTHERLY LINE
OF TRACT DESCRIBED IN
M-299149-01

510°23'56"W 28.54'

562°55'59"W
103.25'

POINT OF
BEGINNING

(TAX LOT 200)
11-4W-1DA

N'LY R-O-W LINE

U.S. HIGHWAY 20

FIRST CHURCH OF GOD,
ALBANY, OREGON
(M-299149-01)

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 2002
JOE J. COTA
#58561LS

Renewal: 12/31/13

Date: 2/9/2012

Time: 10:24

Scale: 1=60

File: dwg\2010\10-106\ easex.dwg (lan)

K & D

K & D ENGINEERING, Inc.

276 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583

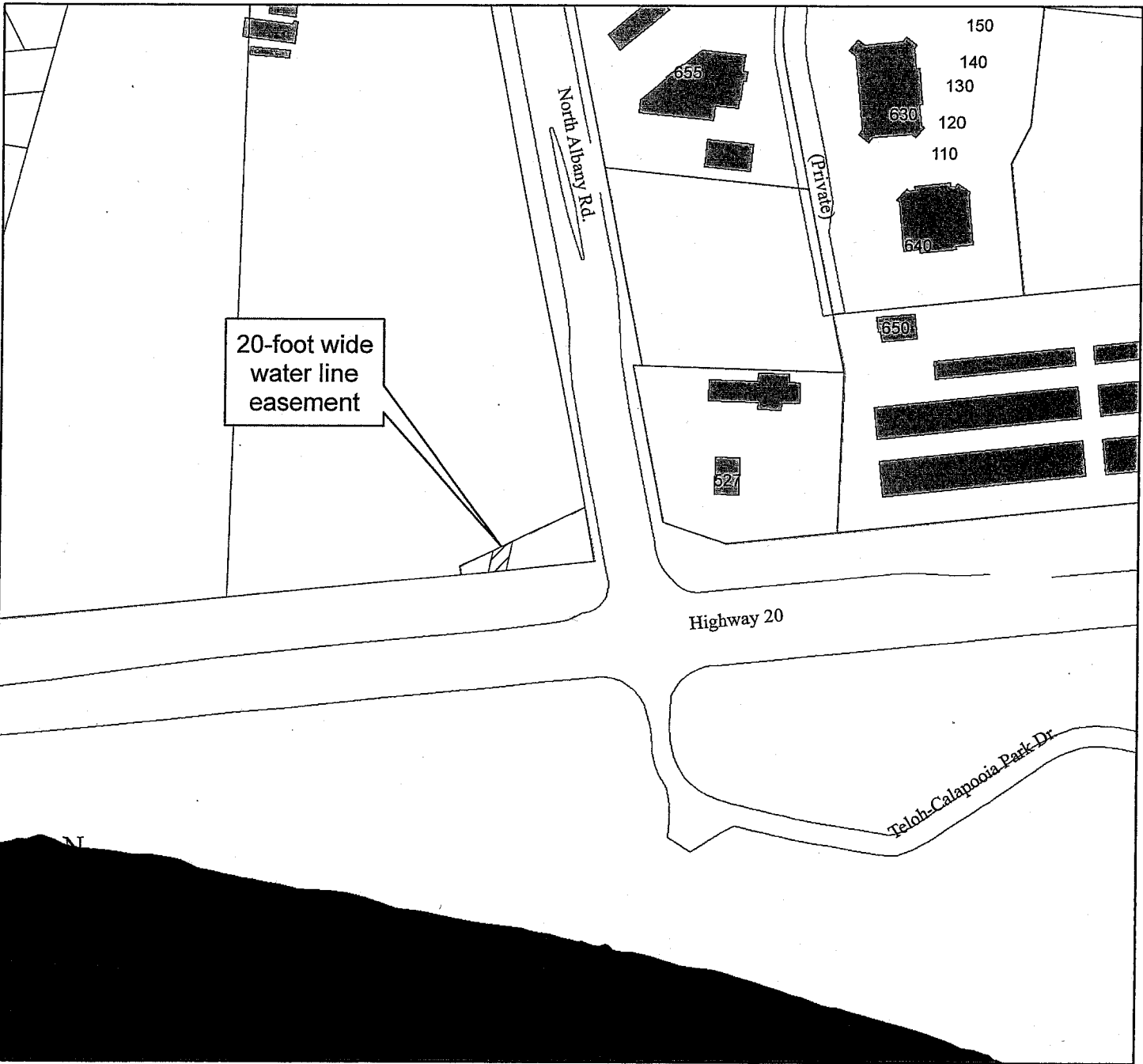
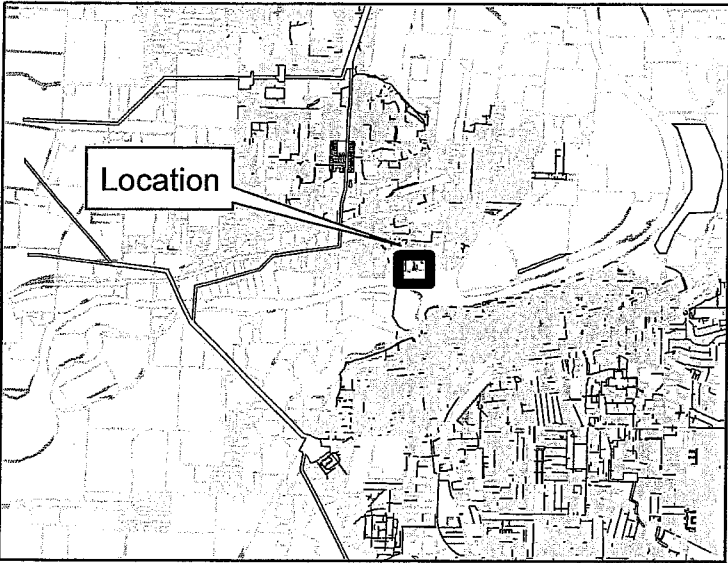
EXHIBIT C

11S04W01DA00200

A 20-foot wide water line easement across Tax Lot 11S04W01DA00200 as part of WL-11-01, Broadway Reservoir Transmission Main, Phase 1



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 **2012-489839**
DE-EAS
Cnt=1 Stn=41 COUNTER1 **04/03/2012 03:46:18 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

First Church of God

1225 15th Avenue SW

Albany, OR 97321

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

\$ 680

Res. No. 6099

EASEMENT FOR PUBLIC UTILITIES AND ACCESS

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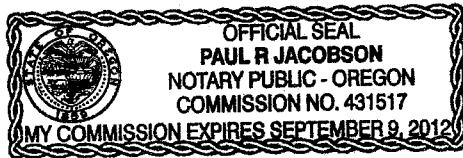
GRANTOR:

Connie ShROUT

Connie ShROUT, Chairman of the Board

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

The foregoing instrument was acknowledged before me this 29th day of February, 2012, by Connie ShROUT as her voluntary act and deed.



Paul R. Jacobson

Notary Public for Oregon

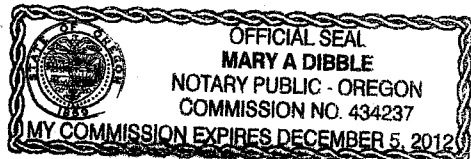
My Commission Expires: 9/9/2012

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 6099, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 19 day of March 2012.

Wes Hare
City Manager



ATTEST:

Mary A. Dibble
Deputy City Clerk

EXHIBIT "A"

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Over Tax Lot 200 (11-4W-1DA)

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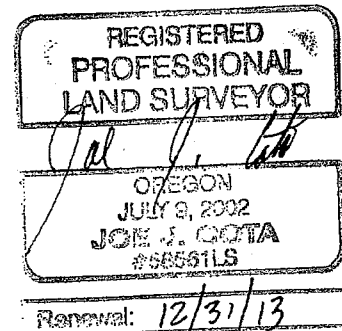
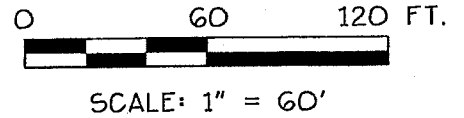


EXHIBIT "B" EASEMENT MAP



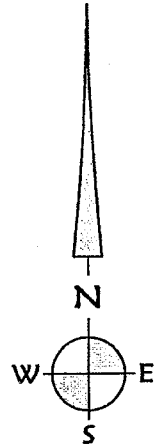
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FIRST CHURCH OF GOD,
ALBANY, OREGON
(M-215766-96)

(TAX LOT 300)
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U.S. HIGHWAY 20

REGISTERED
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LAND SURVEYOR

OREGON
JULY 9, 2002
JOE J. COTA
#58561LS

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Date: 2/9/2012 Time: 10:24
Scale: 1=60
File: dwg\2010\10-106\ easex.dwg (lan)

K & D

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EXHIBIT C

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