

RESOLUTION NO. 6111

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

James William Rettinger and K. Cheryl McKenzie

A 10-foot wide water line easement across Tax Lot 10S03W31CD01900 as part of WL-12-01, Shady Lane, south of Dogwood Lane, water line replacement

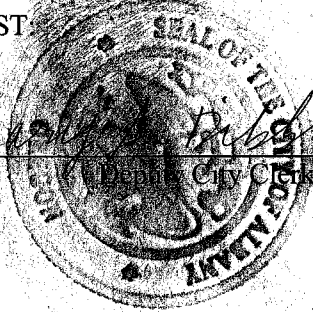

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 14TH DAY OF MARCH 2012.



Mayor

ATTEST

City Clerk

EASEMENT FOR PUBLIC UTILITIES AND ACCESS

THIS AGREEMENT, made and entered into this 21st day of Dec., 2011, by and between James William Rettinger and K. Cheryl McKenzie, 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 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 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 \$1,790.00, 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:

James William Rettinger
James William Rettinger

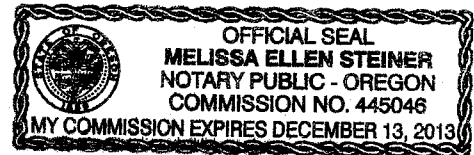
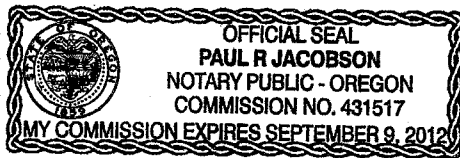
K. Cheryl McKenzie
K. Cheryl McKenzie

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 21st day of December, 2011, by James William Rettinger as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 27 day of December, 2011, by K. Cheryl McKenzie as her voluntary act and deed.



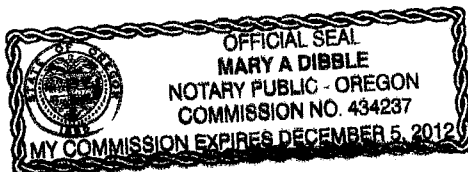
Paul R. Jacobson
Notary Public for Oregon
My Commission Expires: 9/9/2012

Melissa Ellen Steiner
Notary Public for Oregon
My Commission Expires: 12-13-2013

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 6111, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 19 day of March 2011. 2012.^{mo}



Wes Hare
City Manager

ATTEST:

Mary A. Dibble
Deputy City Clerk

Exhibit A

Legal Description for water easement

A 10 foot wide water easement lying over the eastern 10 feet of the property of which an undivided one-half interest was conveyed to K. Cheryl McKenzie from James William Rettinger by deed recorded in Benton County, Oregon deed records M189825-94, in the SW 1/4 Section 31, T10South, R3West, Willamette Meridian, City of Albany, Benton County, Oregon, more particularly described as follows;

A 10 foot wide by 137.22 foot long strip lying along the east property line of said Mckenzie and Rettinger tract. As shown on the attached maps labeled Exhibit B and Exhibit C, attached hereto and made a part hereof this description.

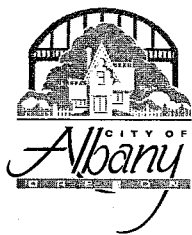
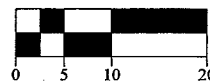


EXHIBIT B
PUBLIC WATER LINE EASEMENT
T10S R3W SEC 31CD TL1900



MCKENZIE TRACT
(D.R. M189825-94)

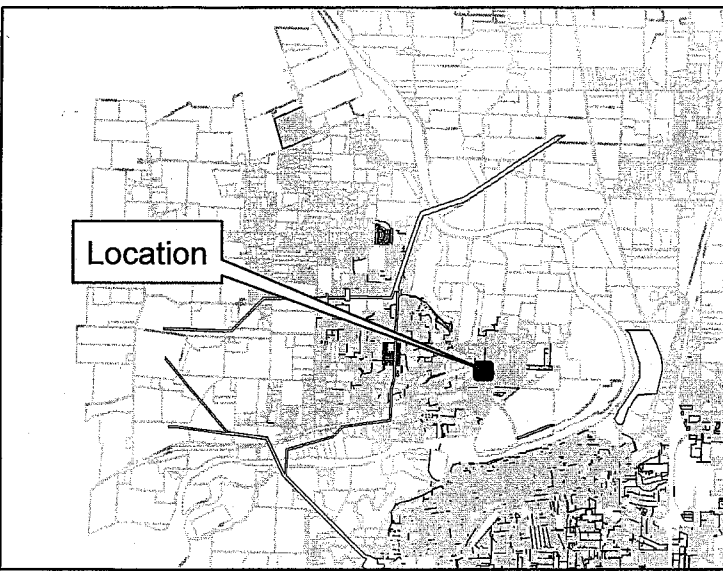
EASEMENT

10'

EXHIBIT C

10S03W31CD01900

A 10-foot wide water line easement across Tax Lot 10S03W31CD01900 as part of WL-12-01, Shady Lane, south of Dogwood Lane, water line replacement.



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 **2012-489475**
DE-EAS
03/26/2012 11:42:05 AM
Crit=1 Stn=5 MR
\$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

James William Rettinger and K. Cheryl McKenzie

1310 Shady Lane NW

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

\$ 1,790

Res No 6111