

RESOLUTION NO. 4914

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Gilbert and Robin Pouliot

Purpose

A permanent public utility easement more particularly shown in attached EXHIBIT B and described in attached EXHIBIT A.

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

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 24TH DAY OF NOVEMBER 2003.



Mayor

ATTEST:



City Recorder

EASEMENT FOR CITY OF ALBANY PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 10th day of October, 2003, by and between **Gilbert and Robin Pouliot**, 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 water services only, 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.

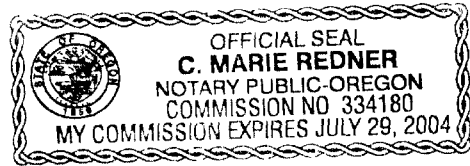
This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

A permanent public utility easement more particularly shown in attached EXHIBIT B and described in attached EXHIBIT A.
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 \$500.00, 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 his hand and seal the day and year above written.

Return to: City of Albany Recorder
P.O. Box 490, Albany, OR 97321



GRANTORS:

Gilbert Pouliot
Gilbert Pouliot

Robin Pouliot
Robin Pouliot

C. Marie Redner
Notary Public for Oregon
My Commission Expires: July 29, 2004

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

The foregoing instrument was acknowledged before me this 10TH day of OCTOBER, 2003, by **Gilbert and Robin Pouliot** as their voluntary act and deed.

CITY OF ALBANY:

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

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4914, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 24 day of November 2003.

Steve Bryant
City Manager

ATTEST:

[Signature]
City Recorder



Exhibit A

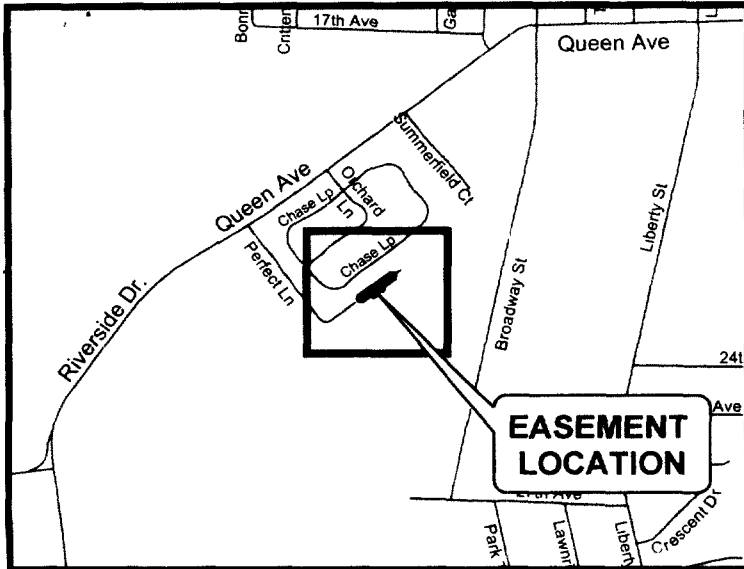
Legal Description for Pouliot-to-City of Albany utility easement:

Beginning at a point on the southeast boundary of Chase Orchards Planned Community – Phase 3, recorded in the Linn County Record Book of Plats Volume 19, Page 50 on April 16, 1998, said point lying 220 feet southwest of the westernmost property corner of that property conveyed to Richard and Cynthia Robideaux by a deed recorded in Linn County Microfilm Deed Records Volume 1198, Page 559; thence northeast 220 feet along the southeast boundary of said Chase Orchards Planned Community to the westernmost property corner of said Robideaux property; thence southeast 15.0 feet along the southwest property line of said Robideaux Property; thence southwest 87.5 feet, parallel to and 15 feet distance from the southeast boundary of said Chase Orchards Planned Community; thence southeast 15.0 feet to a point on the northwest property line of that property conveyed to Robert and Karen Young by a deed recorded in Linn County Microfilm Deed Records Volume 414, Page 539, said point lying 22.5 feet from the westernmost property corner of said Young property; thence southwest 15.0 feet along the northwest property line of said Young property to a point 7.5 feet from the westernmost property corner of said Young property; thence northwest 15.0 feet parallel with the southwest boundary of said Young property; thence southwest 35.0 feet, parallel to and 15 feet distance from the southeast boundary of said Chase Orchards Planned Community; thence southeast 15.0 feet to a point on the northwest property line of that property conveyed to Gilbert and Robin Pouliot by a deed recorded in Linn County Microfilm Deed Records Volume 609, Page 875, said point lying 27.5 feet southwest of the northernmost property corner of said Pouliot property; thence southwest 15.0 feet along the northwest property line of said Pouliot property to a point 42.5 feet from the northernmost property corner of said Pouliot property; thence northwest 15.0 feet parallel with the northeast property line of said Pouliot property; thence southwest 67.5 feet, parallel to and 15 feet distance from the southeast boundary of said Chase Orchards Planned Community; thence northwest 15.0 feet to the point of beginning.

As shown on the attached map labeled Exhibit B.

EXHIBIT B

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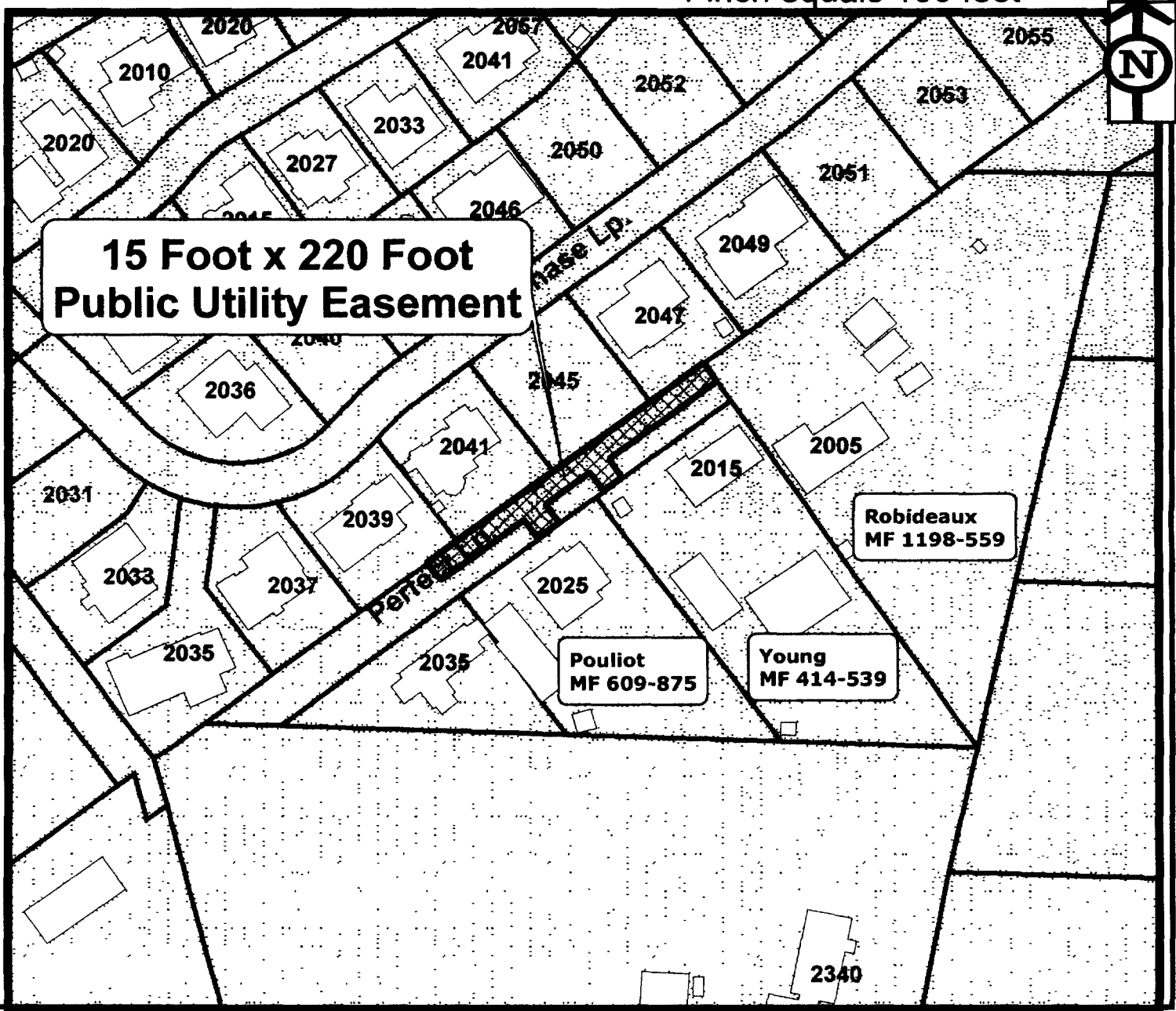
Gilbert J. and Robin L. Pouliot

11S04W13BA05699
City of Albany
Linn Co., OR

Perfect Lane Water Line
Public Utility Easement

VICINITY MAP

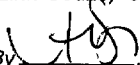
1 inch equals 100 feet



STATE OF OREGON
County of Linn

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk

By:  Deputy MF 1521
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Recorded Document Recorder File 4341