

RESOLUTION NO. 5107

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

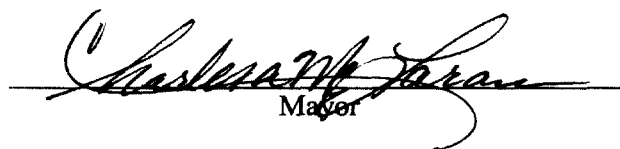
Mary Olive Matney

Shady Lane Waterline Replacement

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

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 13TH DAY OF APRIL 2005.

  
Mayor

ATTEST:

  
City Clerk

RECEIVED  
FEB 17 2005  
PUBLIC WORKS/ENGINEERING

**EASEMENT FOR PUBLIC UTILITIES**

THIS AGREEMENT, made and entered into this 15th day of February, 2005, by and between **Mary Olive Matney**, herein 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 grantors have this day bargained and sold and by these presents do 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 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 Grantors do 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.

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

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

GRANTOR:

Mary Olive Matney  
Mary Olive Matney

CITY OF ALBANY:

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

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 5107, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13 day of April, 2005.

STATE OF OREGON )  
County of Benton )  
City of Corvallis )

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of February, 2005, by Mary Olive Matney, as her voluntary act and deed.

Steve Bryant  
City Manager

ATTEST:

Inge King  
Notary Public for Oregon  
My Commission Expires: 6-10-2005

Betty Langwell  
City Recorder



Exhibit A

Legal Description  
for Mary Olive Matney easement to the City of Albany

A 25 foot wide waterline easement across the eastern 25 feet of even width of that property conveyed to Mary Olive Matney by a deed recorded in Benton County, Oregon microfilm deed records M377159-04, as shown on the attached map labeled Exhibit B.

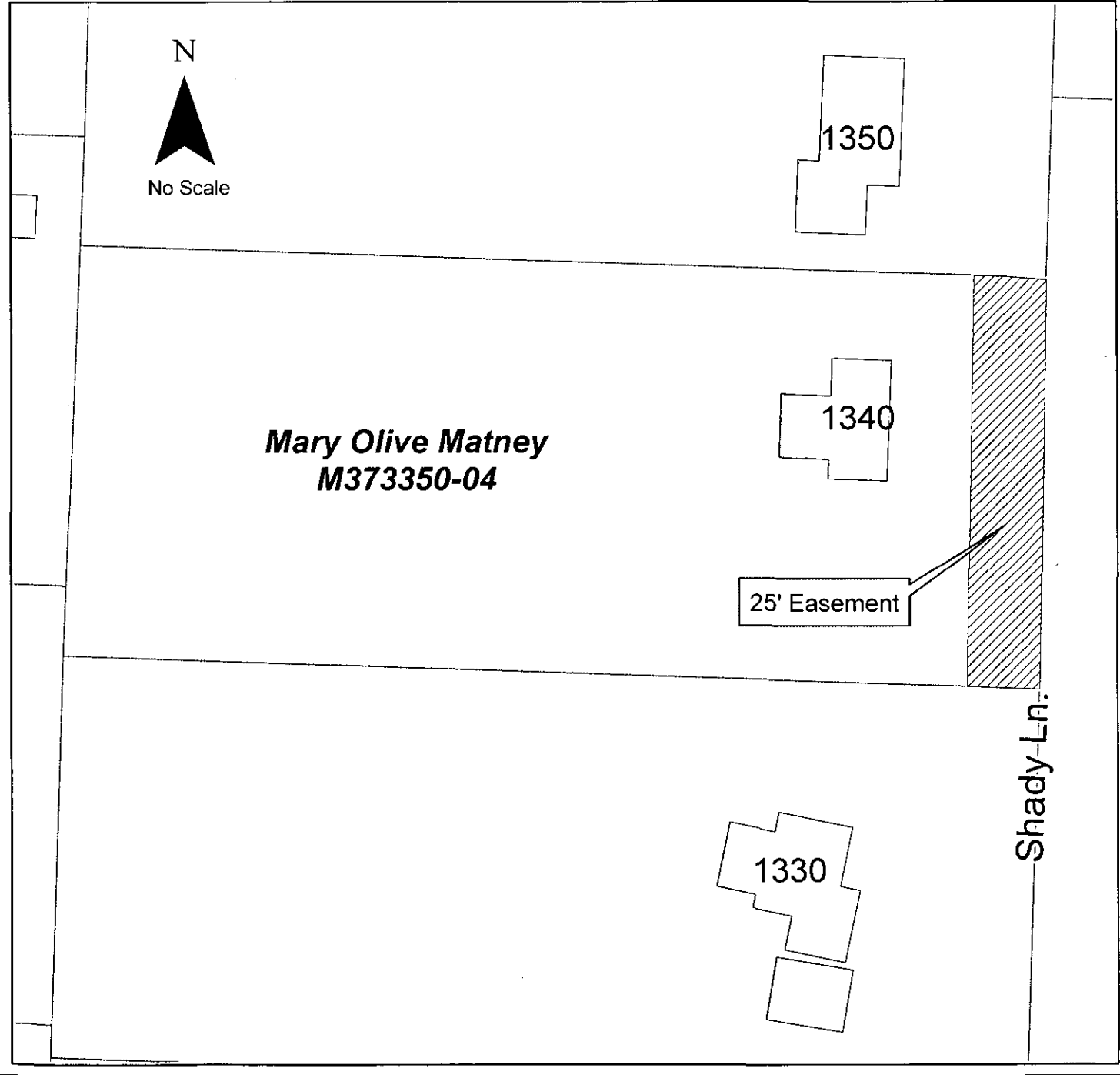
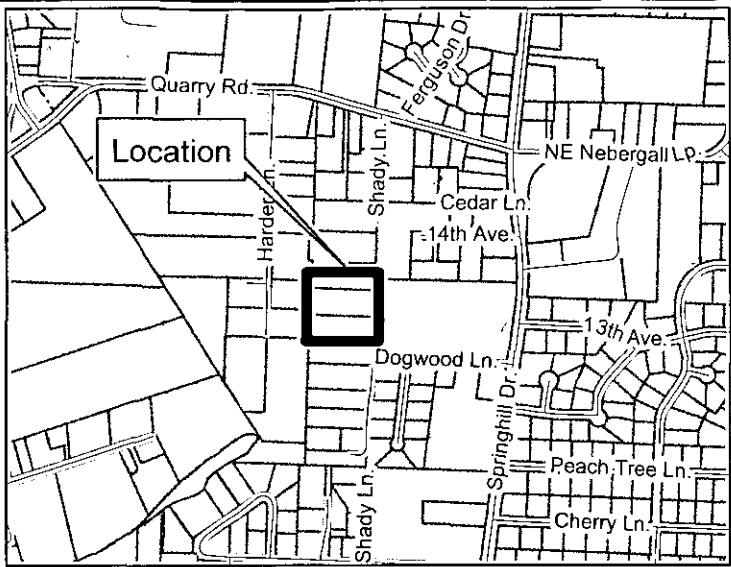
# EXHIBIT B

Mary Olive Matney

Easement over existing waterline  
on Shady Lane



Geographic Information Services



**RECORDING COVER SHEET**

**ALL TRANSACTIONS, ORS: 205.234**

This cover sheet has been prepared by the person Presenting the attached instrument for recording. Any errors in this cover sheet DO NOT affect the Transaction(s) contained in the instrument itself.

BENTON COUNTY, OREGON **2005-385515**  
DE-EAS  
Cnt=1 Str=6 NE **05/19/2005 01:32:01 PM**  
\$25.00 \$11.00 \$10.00 \$15.00 **\$81.00**



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:*

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

1.) NAME(S) OF THE TRANSACTION(S) required by ORS 205.234(a)

Easement for Public Utilities

2.) DIRECT PARTY / GRANTOR, required by ORS 205.125(1)(b) and ORS 205.160

Mary Olive Matney

3) INDIRECT PARTY / GRANTEE, required by ORS 205.125(1)(a) and ORS 205.160

City of Albany

4) TRUE and ACTUAL CONSIDERATION (if any), ORS 93.030

0

5) ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

N/A

6) FULL OR PARTIAL SATISFACTION ORDER or WARRANT FILED IN THE COUNTY CLERKS LIEN RECORDS, ORS 205.121(1)(e)

7) THE AMOUNT OF THE CIVIL PENALTY or THE AMOUNT, INCLUDING PENALTIES, INTEREST AND OTHER CHARGES FOR WHICH THE WARRANT, ORDER OR JUDGMENT WAS ISSUED. ORS 205.125(1)(c) and ORS 18.325

8) Rerecorded to correct _____ Previously recorded as _____
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Resolution No. 5107

Recorded Document Recorder File 4550