

RESOLUTION NO. 5230

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Donald A. and Maryann Helen Coon

A 15-foot wide storm drainage easement for Rolling Rock (River Bend Estates) subdivision.

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

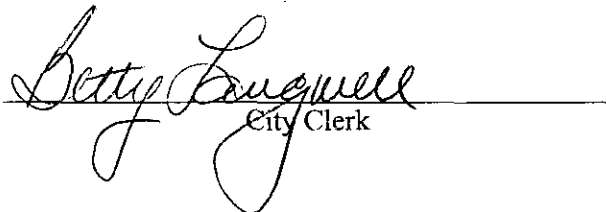
BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 8TH DAY OF FEBRUARY 2006.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 20th day of January, 2006, by and between Donald A. and Maryann Helen Coon, 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

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LINN COUNTY, OREGON 2006-06868 E-EAS 03/24/2006 02:59:51 PM Cnt=1 Stn=1 COUNTER \$30.00 \$11.00 \$10.00 \$51.00



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk



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

GRANTOR:

CITY OF ALBANY:

See new Notary Seal

~~Donald A. Coon
Donald A. Coon~~

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

~~Maryann Helen Coon
Maryann Helen Coon~~

I, Wes Hare as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 5230, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8th day of February, 2008. 6

~~STATE OF OREGON)
County of Polk)
City of Grand Ronde)~~

~~The foregoing instrument was acknowledged before me this _____-day of _____, 2005, by Donald A. and Maryann Helen Coon, as their voluntary act and deed.~~

Wes Hare
City Manager

~~Shawn R. Kennedy
Notary Public for Oregon
My Commission Expires: 2-11-08~~

ATTEST:

Patty Langwell
City Recorder

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Notary Acknowledgement for Maryann Coon on next page.

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

GRANTOR:

CITY OF ALBANY:

Donald A. Coon
Donald A. Coon

STATE OF OREGON)
County of Linn)
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 _____, 2006.

STATE OF OREGON)
County of Polk)
City of Grand Ronde)

The foregoing instrument was acknowledged before me this 16-day of February, 2006, by Donald A. Coon, as his voluntary act and deed.

City Manager

ATTEST:

Shawn R. Kennedy
Notary Public for Oregon
My Commission Expires: 2-11-09

City Recorder



Notary Acknowledgement for Maryann Coon on next page

STATE OF OREGON)
COUNTY of Benton)
CITY of Albany)

The foregoing instrument was acknowledged before me this 25th day of January, 2006, by Maryann Coon, as her voluntary act and deed.

Lori Stutzman
Notary Public for Oregon
My Commission Expires: February 8, 2008



EXHIBIT "A"

15.00 FOOT WIDE STORM DRAINAGE EASEMENT

A 15.00 foot wide strip of land located over a portion of that Coon Tract described by deed recorded in MF Volume 997, Page 968 in the Linn County, Oregon Deed Records, said 15.00 foot wide strip being more particularly described as follows:

Beginning at a 1/2 inch pipe at the northwest corner of that Absolute General Contracting Inc. Tract described by deed recorded in MF Volume 1502, Page 69 in the Linn County, Oregon Deed Records; thence along the westerly lines of said Coon Tract the following two (2) courses: 1) North 17°14'00" West 212.16 feet to a 5/8 inch rod; 2) thence North 51°35'17" East 16.09 feet; thence South 17°14'00" East, along a line that is parallel with the west line of said Coon Tract, 222.65 feet to a point on the north line of said Absolute General Contracting Inc. Tract; thence North 89°54'09" West, along said north line, 15.71 feet to the Point of Beginning.

May 2, 2005
EXHIBIT "A"
15' WIDE STROM DRAINAGE EASEMENT
(02-186-A) JJC:ls
File Ref: nlm/shared documents/02-186-ACG-River Bend/storm easement #2.doc

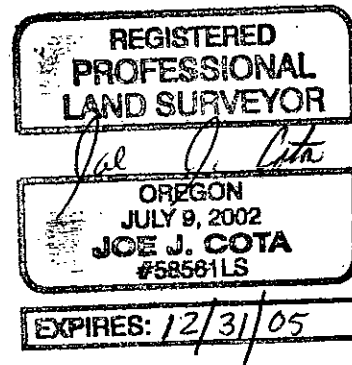


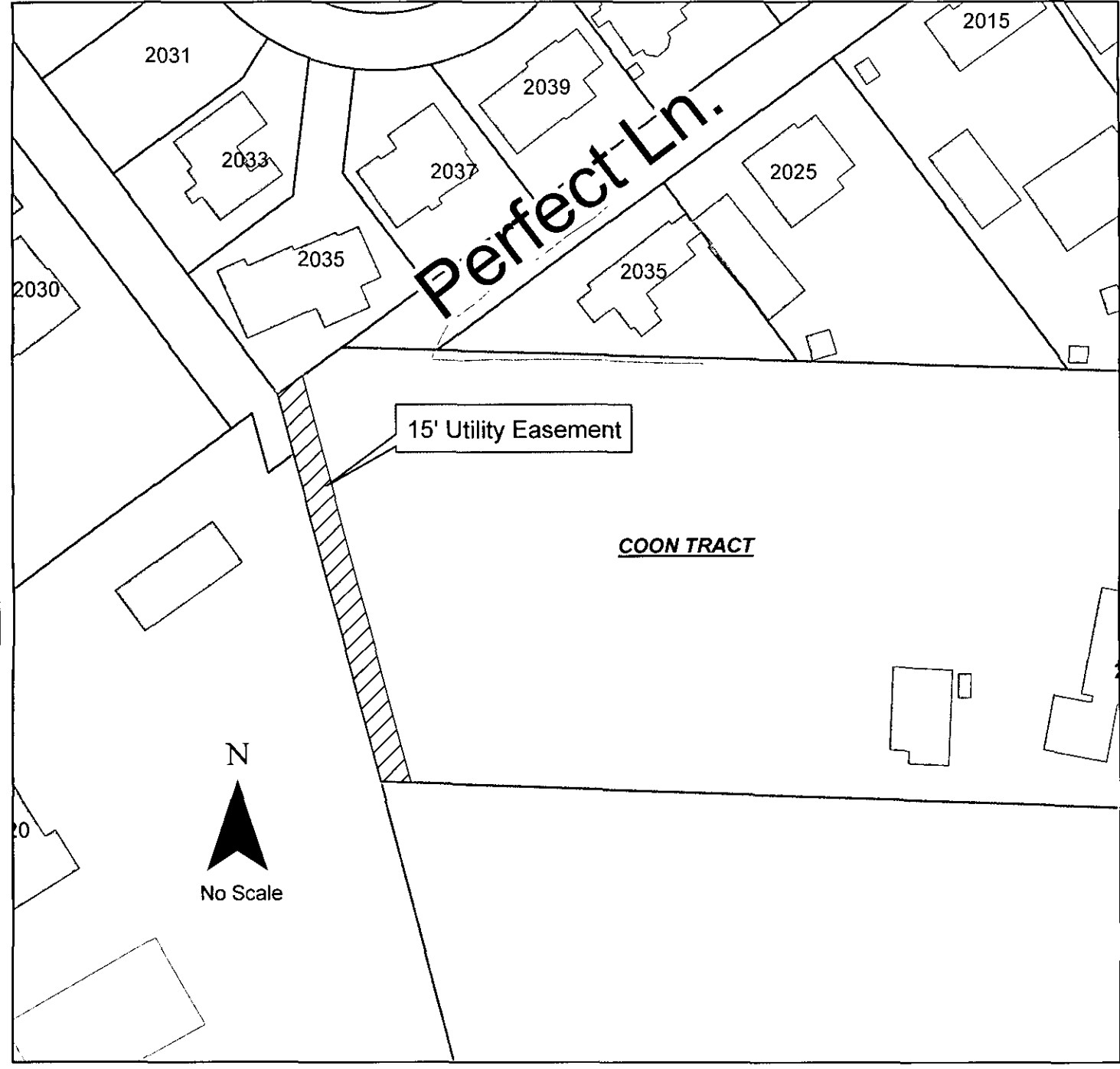
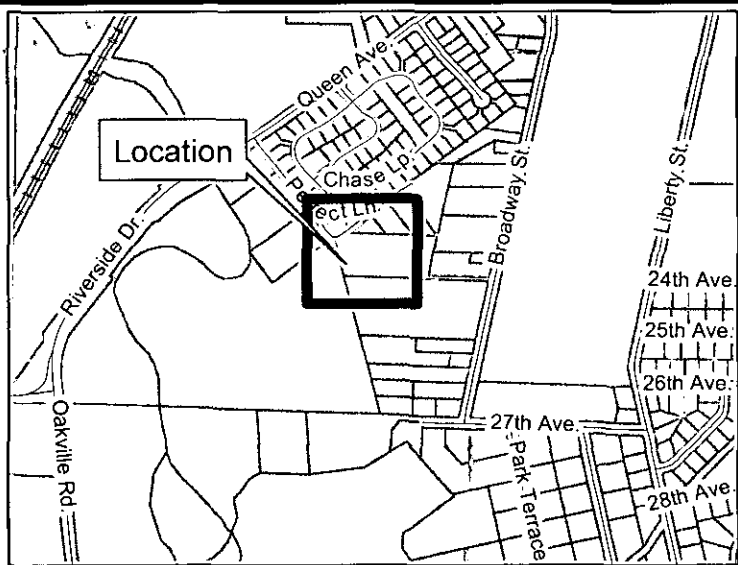
EXHIBIT B

2340 Broadway St. SW
Donald A. and Maryann Helen Coon

A 15 foot wide utility
easement across the western
width of the property
for River Bend Estates Subdivision



Geographic Information Services



Resolution No. 5230

Recorded Document Recorder File No. 4745