

RESOLUTION NO. 5281

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Loretta F. Cherry and the Douglas & Emily Killin
Revocable Living Trust

A public water main easement over Perfect Lane,
as part of the Department of Energy project to
connect properties with contaminated wells to City
water service.

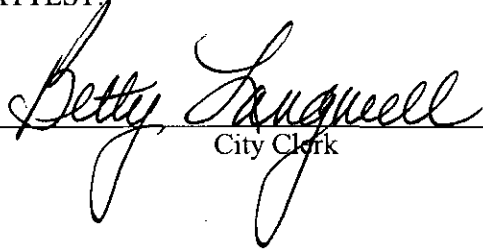
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this
easement.

DATED AND EFFECTIVE THIS 14TH DAY OF JUNE 2006.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 9th day of May, 2006, by and between Loretta F. Cherry and the Douglas & Emily Killin Revocable Living Trust, 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 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:

A public water main easement over Perfect Lane, as described on attached Exhibit A and as shown on the attached map labeled 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 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:

Loretta F. Cherry
Loretta F. Cherry

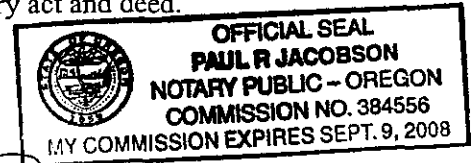
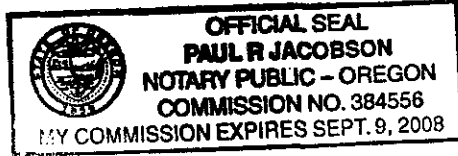
Douglas R. Killin
Douglas R. Killin

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 09th day of May, 2006, by **Loretta F. Cherry** as her voluntary act and deed.

The foregoing instrument was acknowledged before me this 9th day of May, 2006, by **Douglas R. Killin**, trustee of the Douglas & Emily Killin Revocable Living Trust, as his voluntary act and deed.



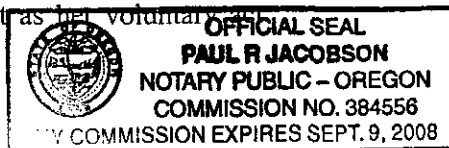
Paul R. Jacobson
Notary Public for Oregon
My Commission Expires: 9/9/06

Paul R. Jacobson
Notary Public for Oregon
My Commission Expires: 9/9/2008

Emily P. Killin
Emily P. Killin

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

The foregoing instrument was acknowledged before me this 9th day of May, 2006, by **Emily P. Killin**, trustee of the Douglas & Emily Killin Revocable Living Trust as her voluntary act and deed.



Paul R. Jacobson
Notary Public for Oregon
My Commission Expires: 9/9/2008

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 5281, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14 day of June 2006.

Wes Hare

City Manager

ATTEST: Betty Longwell

City Clerk

EXHIBIT A

PERMANENT UTILITY EASEMENT

A permanent public utility easement across that property conveyed to Loretta F. Cherry and the Douglas & Emily Killin Revocable Living Trust, described in Volume 1747, Page 150, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled "EXHIBIT B".

Beginning at a point which bears South 54° 55' 00" West 567.60 feet and South 51° 15' 00" West 1320.00 feet from the Southwest corner of the Walter Monteith Donation Land Claim No. 55 located in Section 12, of Township 11 South, Range 4 West, of the Willamette Meridian, in Linn County, Oregon; thence South 38° 45' 00" East 660.00 feet; thence South 16° 15' 00" East 33.00 feet; thence South 51° 45' 00" West 16.50 feet; thence North 16° 15' 00" West 33.00 feet; thence South 51° 15' 00" West 13.50 feet; thence North 38° 45' 00" West 660.00 feet; thence North 51° 15' 00" East 30.00 feet to the point of beginning. Excepting all that portion lying within the right-of-way of CR 1 (Queen Avenue).

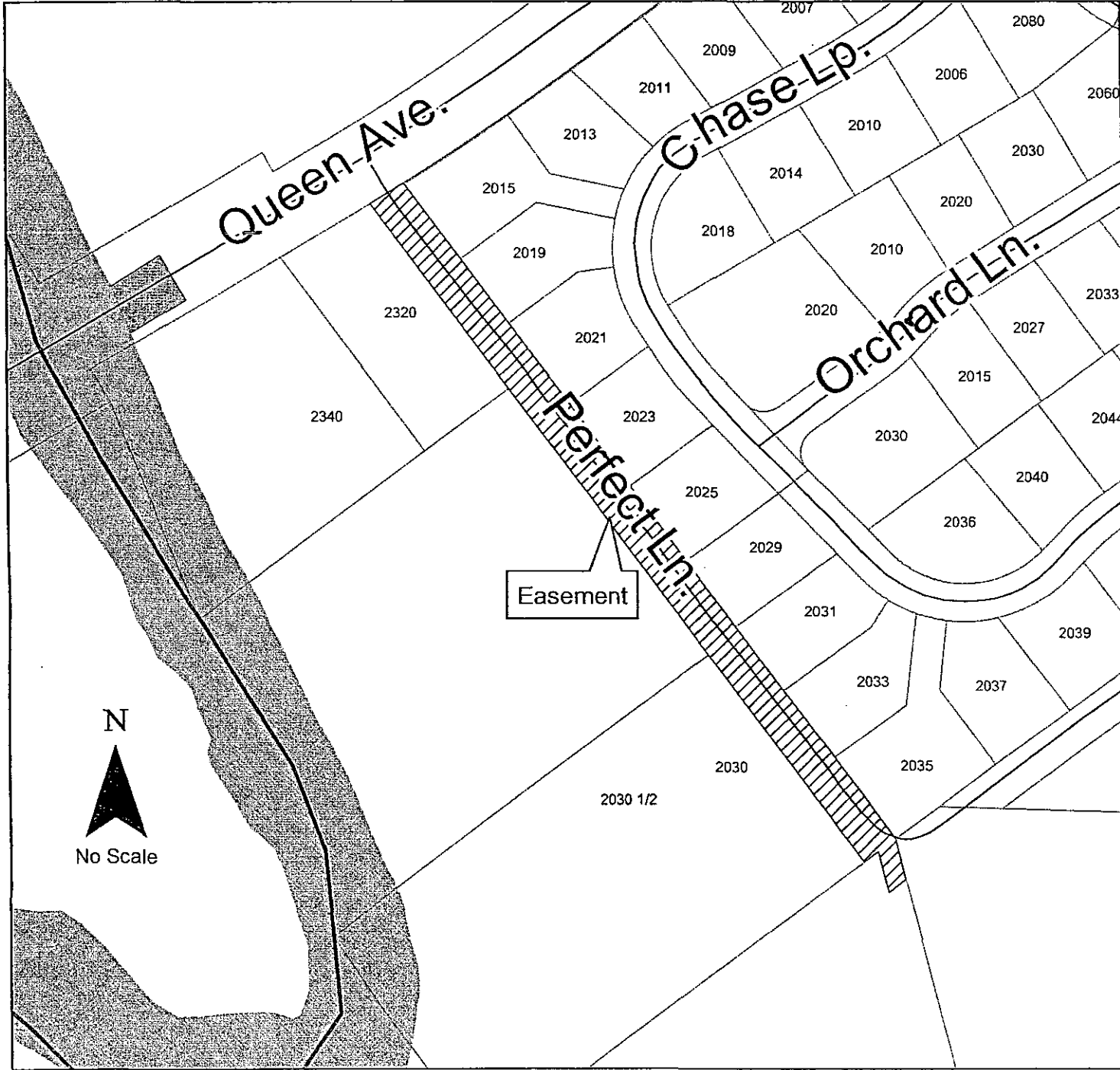
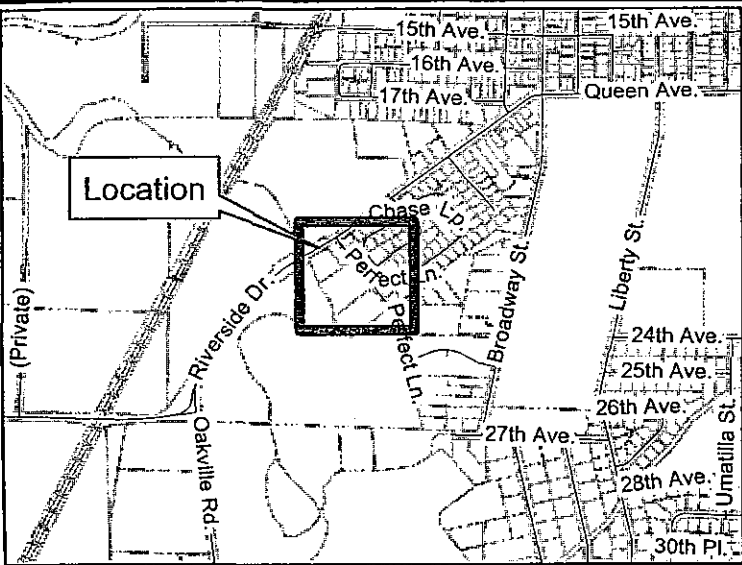
EXHIBIT B

11SO4W13A06000

A public water main easement
over a portion of Perfect Lane.



Geographic Information Services





00023458200600207300060065

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



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

After Recording Return To:

City of Albany Recorder

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Government Agency - Exempt

1. Name/Title of Transaction - by ORS 205.234 (a)

Easement for Public Utilities

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

Loretta F. Cherry and Douglas & Emily Killin Revocable Living Trust

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

\$1.00

Resolution No. 5281

Recorded Document Recorder File No. 4806