

RESOLUTION NO. 5283

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Corey E. and Nina M. Barton

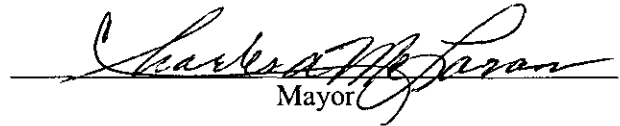
Purpose

Six-foot wide easement over an existing sewer main, covering the area between the existing house and the north property line, resulting from a building permit application for an addition to the house.

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 14TH DAY OF JUNE 2006.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 12th day of April, 2006, by and between Corey E. and Nina M. Barton, 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:

Six-foot wide easement over an existing sewer main, covering the area between the existing house and the north property line. 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 new permanent structure shall be constructed on this easement. The existing house may remain within the easement, if any portions of the house lie within the easement.

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

GRANTORS:
Corey E. Barton
Corey E. Barton

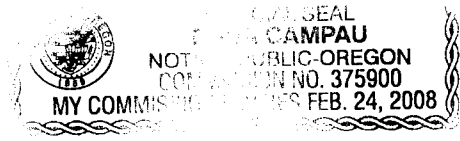
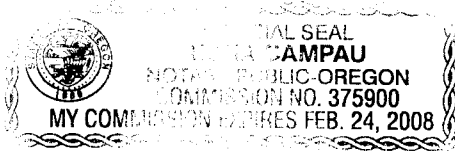
Nina M. Barton
Nina M. Barton

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 12th day of April, 2006, by **Corey E. Barton** as his/her voluntary act and deed.

The foregoing instrument was acknowledged before me this 12th day of April, 2006, by **Nina M. Barton** as his/her voluntary act and deed.



Edna Campau
Notary Public for Oregon
My Commission Expires Feb. 24, 2008

Edna Campau
Notary Public for Oregon
My Commission Expires Feb. 24, 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 5283, 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 Langwell
City Clerk

EXHIBIT A

PERMANENT UTILITY EASEMENT

A permanent public utility easement across the northern 6 feet of that property conveyed to Corey E. and Nina M. Barton, described in Volume 1174, Page 503, 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 the Northwest corner of the Southwest Quarter of Block 63, of the Old Plat of Albany, Linn County, Oregon; thence East 133.78 feet to the center of Block 63; thence South 6.0 feet; thence west 133.78 feet to the East right-of-way line of Walnut Street; thence North along the East right-of-way line of Walnut Street 6.0 feet to the point of beginning.

115-04W-12AD-05001

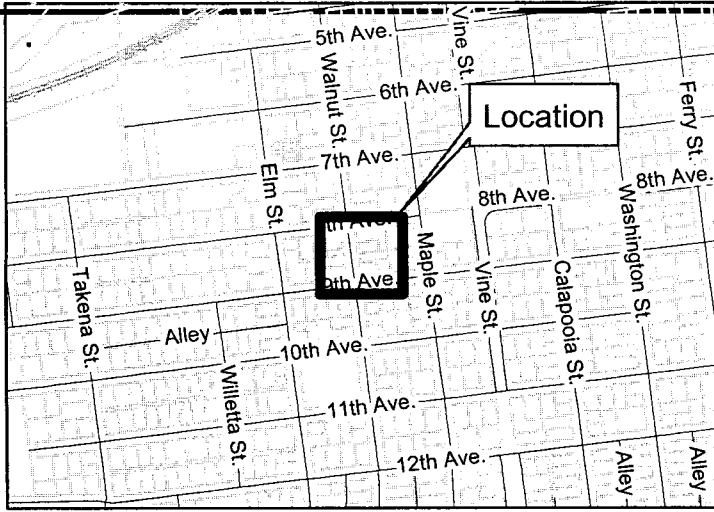


EXHIBIT B

11S04W12AD05001

Six-foot wide easement over an existing sewer main, covering the area between the existing house and the north property line.



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2007-07099**
E-UT
Cnt=1 Stn=1 COUNTER **03/22/2007 03:48:59 PM**
\$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

After Recording Return To:

City of Albany Recorder

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

NA

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

Corey E. and Nina M. Barton

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. 5283

Recorded Document Recorder File No. 4880