

RESOLUTION NO. 5292

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Breadner Fritz Development LLC

Purpose

A 14-foot wide sanitary sewer easement over an existing sewer main in Edgewater at Clover Ridge subdivision. The easement was inadvertently left off of the April 17, 2006, recorded subdivision plat map.

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

DATED AND EFFECTIVE THIS 28TH DAY OF JUNE 2006.


Council President

ATTEST:


City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 25th day of May, 2006, by and between Breadner Fritz Development LLC, 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 14-foot wide sanitary sewer easement over an existing sewer main in Edgewater at Clover Ridge subdivision. The easement was inadvertently left off of the April 17, 2006, recorded subdivision plat map. 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 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.

GRANTOR:

[Handwritten signature]

Breadner Fritz Development LLC, Myles Breadner, Managing Member

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

The foregoing instrument was acknowledged before me this 25th day of MAY, 2006, by **Breadner Fritz Development LLC, Myles Breadner, Managing Member** as his/her voluntary act and deed.



[Handwritten signature]

Notary Public for Oregon
My Commission Expires: 12-15-09

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 5292, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 28th day of June 2006.

[Handwritten signature]

City Manager

ATTEST:

[Handwritten signature]

City Clerk

EXHIBIT "A"
(14' Wide Sanitary Sewer Easement)

A strip of land, 14.00 feet in width, for the purpose of a sanitary sewer easement over and across Lots 1 thru 3, "Edgewater At Clover Ridge", a residential subdivision recorded as C.S. 24276, Linn County, Oregon Survey Records, and is more particularly described as follows:

The southerly 14 feet of Lots 1 thru 3, of said "Edgewater At Clover Ridge".

All of said easement being in the Northwest Quarter of Section 3, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon.

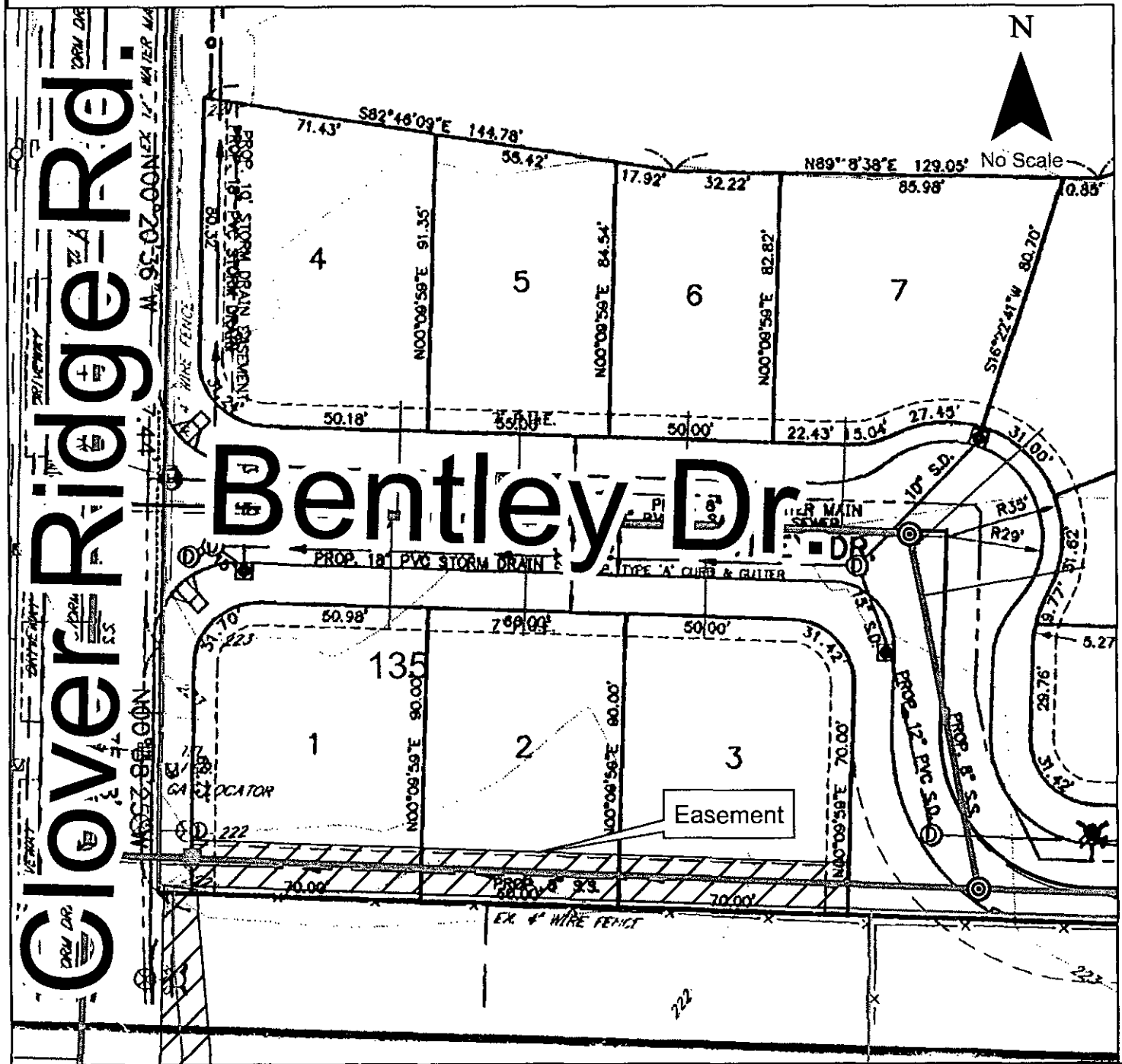
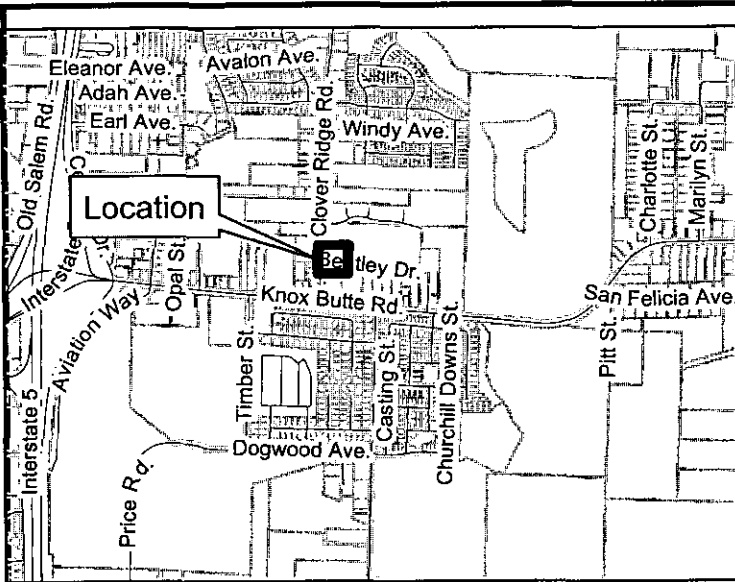
EXHIBIT B

NW Quarter of Section 3,
Township 11 South, Range
3 West, Willamette Meridian,
City of Albany, Linn County,
Oregon

The described easement is a
sanitary sewer easement with
width of 14 feet and across lots
1 through 3.



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2006-16818**
E-UT
Cnt=1 Str=1 COUNTER **07/11/2006 02:05:06 PM**
\$25.00 \$11.00 \$10.00 **\$46.00**

After Recording Return To:

City of Albany Recorder

PO Box 490

Albany, OR 97321



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



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

Breadner Fritz Development LLC

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. 5292

Recorded Document Recorder File No. 4805