

RESOLUTION NO. 5303

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor


Daniel K. and Andrea M. Watson

Purpose

A variable width easement over an off-site watermain serving Northwood Subdivision in North Albany.

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

DATED AND EFFECTIVE THIS 26TH DAY OF JULY 2006.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 26 day of July, 2006, by and between Daniel K. and Andrea M. Watson, 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 variable width easement over an off-site watermain serving Northwood Subdivision in North Albany. 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.

GRANTORS:

Daniel K. Watson
Daniel K. Watson

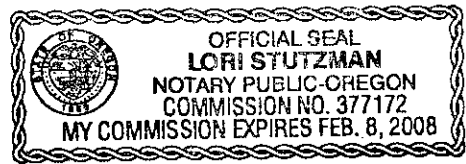
Andrea M. Watson
Andrea M. Watson

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

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

The foregoing instrument was acknowledged before me this 20th day of June, 2006, by **Daniel K. Watson** as his/her voluntary act and deed.

The foregoing instrument was acknowledged before me this 20th day of June, 2006, by **Andrea M. Watson** as his/her voluntary act and deed.



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

Lori Stutzman
Notary Public for Oregon
My Commission Expires: February 8, 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 5303, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26 day of July, 2006.

Wes Hare
City Manager

ATTEST:

Betty Langwell
City Clerk

EXHIBIT "A"

City of Albany Waterline Easement

Over a portion of that Watson Tract

A Variable width City of Albany waterline easement over a portion of that Watson Tract described by deed recorded in M-223161-96 in the Benton County Deed Records, said easement being more particularly described as follows:

Beginning at the northwest corner of said Watson Tract, which corner being on the easterly right-of-way line of North Albany Road and North 77°32'15" East 2.89 feet of a 3/4 inch iron pipe; thence North 77°32'15" East, along the north line of said Watson Tract, 145.41 feet; thence North 13°39'00" East 2.37 feet to the most northerly northwest corner of said Watson tract; thence along the arc of a 117.23 foot radius curve to the right (long chord of which bears South 51°26'30" East 17.21 feet) a distance of 17.23 feet; thence South 53°47'47" West 9.31 feet; thence South 77°32'15" West 101.41 feet; thence South 13°42'13" East 5.00 feet; thence South 77°32'15" West 45.48 feet to a point of the easterly right-of-way line of North Albany Road; thence along the arc of a 302.84 foot radius curve to the left (long chord of which bears North 18°07'38" West 20.10 feet) a distance of 20.10 feet to the Point of Beginning.

May 16, 2006
CITY OF ALBANY\WATSON TRACT
WATERLINE EASEMENT
(03-72-M) JJC:nm
File: nm\shared\legals\03-72-m easement.doc

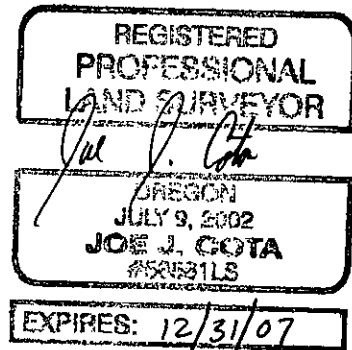
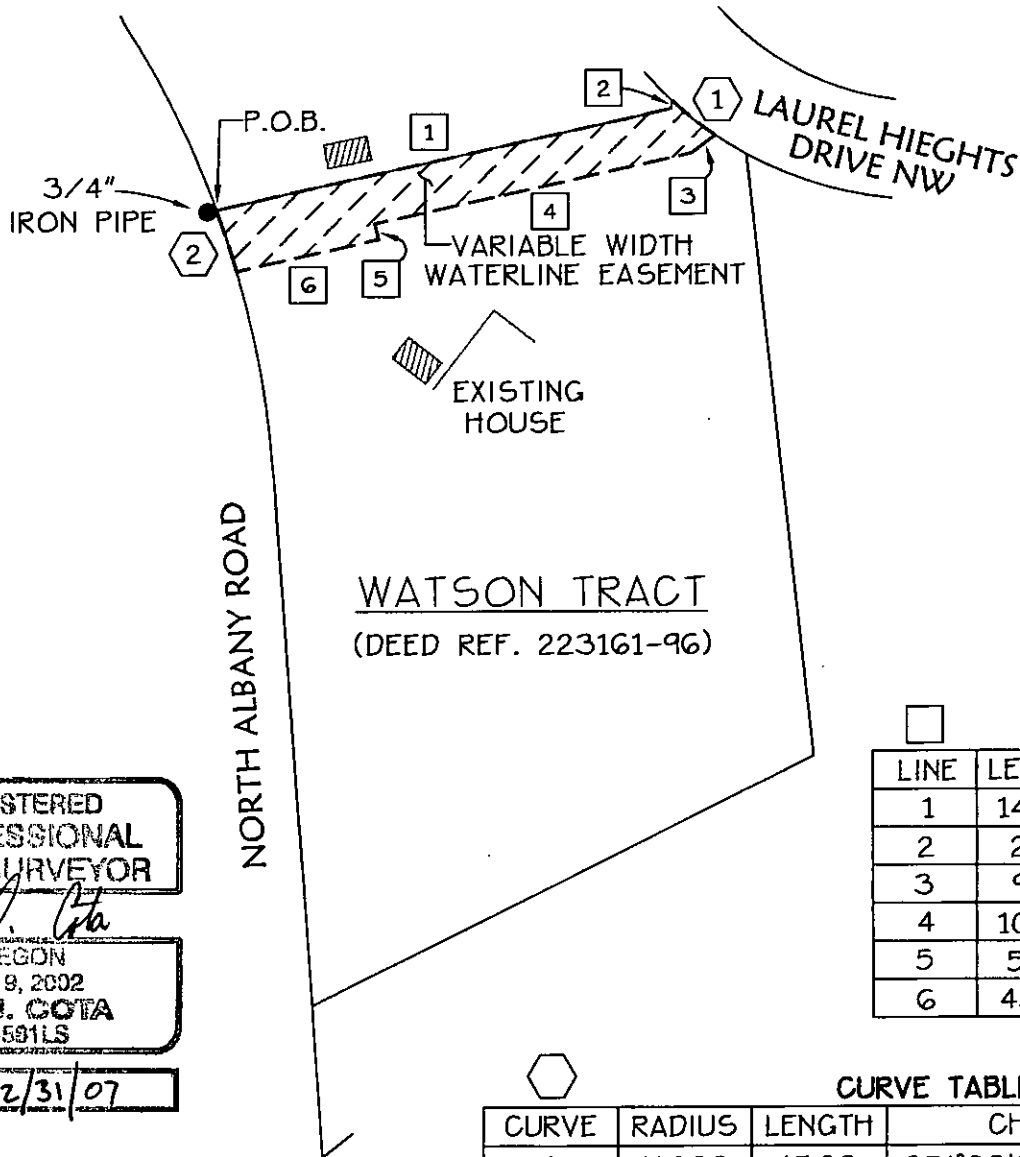
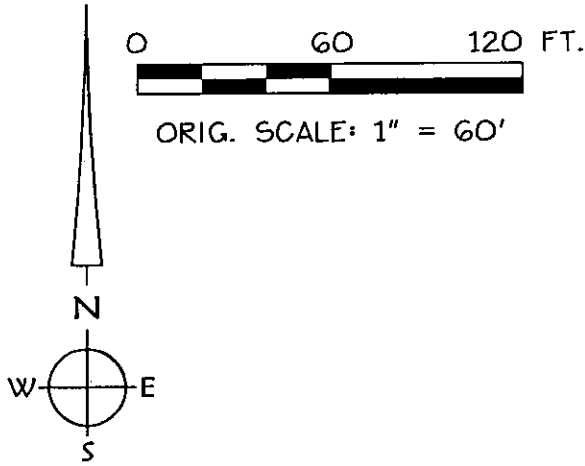


EXHIBIT "B"

**VARIABLE WIDTH WATERLINE EASEMENT
FOR
CITY OF ALBANY**

LOCATED IN

THE SE 1/4 SEC. 36, T. 10 S., R. 4 W., W.M.
CITY OF ALBANY, BENTON COUNTY, OREGON
TAX LOT 3601 MAP 10-4W-36DA
MAY 19, 2006



□ LINE TABLE

LINE	LENGTH	BEARING
1	145.41	N77°32'15"E
2	2.37	S13°39'00"W
3	9.31	S53°47'47"W
4	101.41	S77°32'15"W
5	5.00	S13°42'13"E
6	45.48	S77°32'15"W

⬡ CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD	DELTA
1	117.23	17.23	S51°26'30"E 17.21	8°25'10"
2	302.84	20.10	N18°07'38"W 20.10	3°48'11"

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Joe J. Cota
OREGON
JULY 9, 2002
JOE J. COTA
#58581LS
EXPIRES: 12/31/07

Date: 5/19/2006 Time: 9:54
Scale: 1=60
File: dwg\2003\03-72-m\72m-ext1.dwg (Brian E)

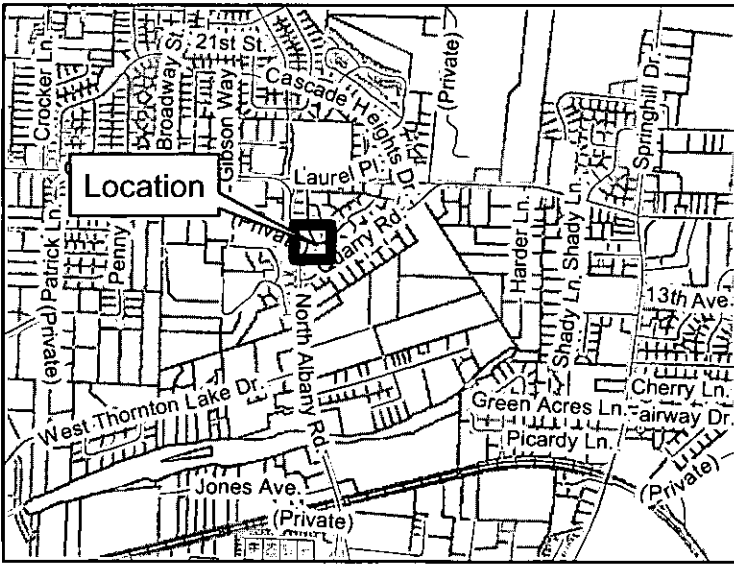


K & D ENGINEERING, Inc.
278 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583

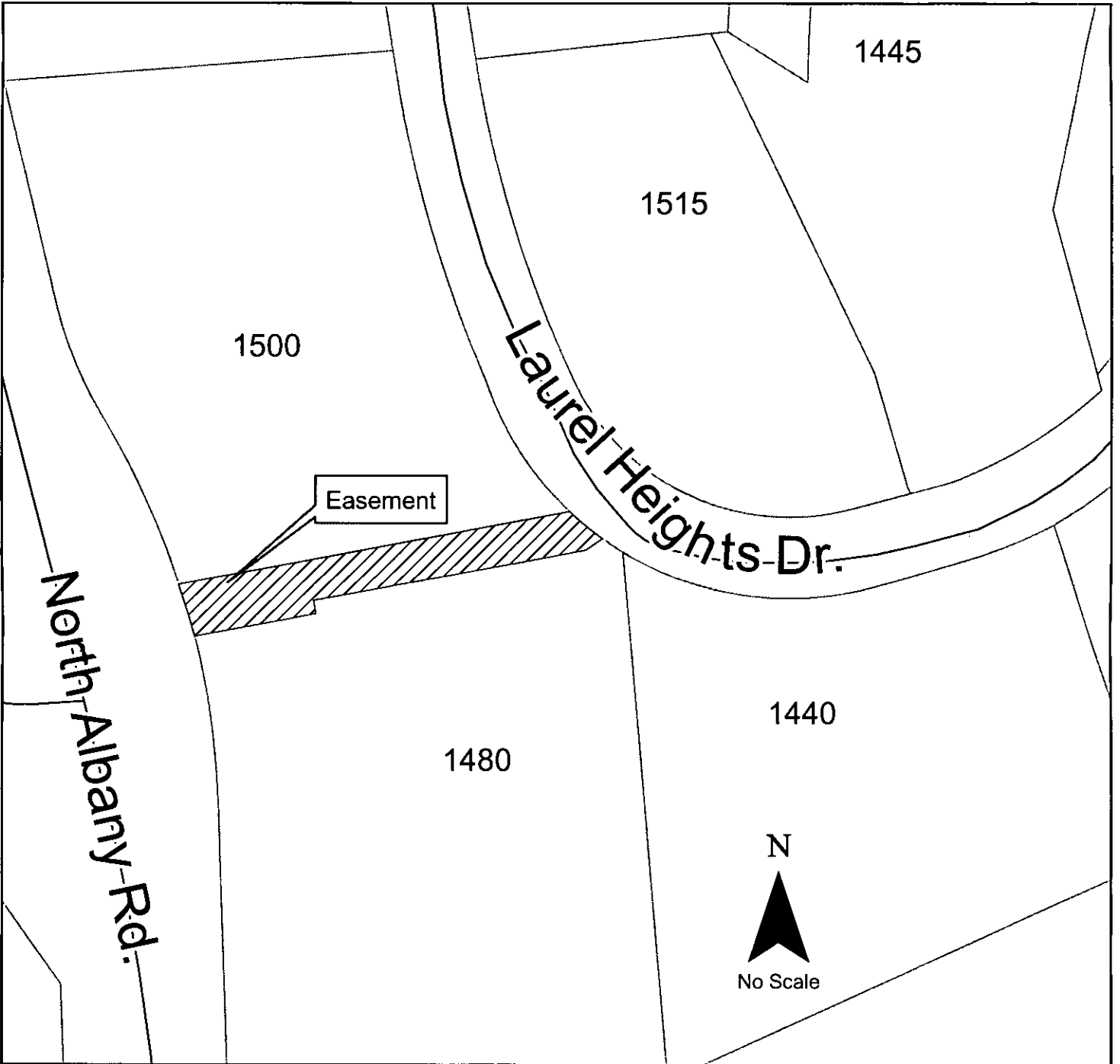
EXHIBIT C

10S04W36DA03601

Variable width easement over
an off-site watermain serving
Northwood Subdivision.



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 2006-409379
DE-EAS
Cnt=1 Stn=6 MR 08/25/2006 11:18:18 AM
\$30.00 \$11.00 \$10.00 \$15.00 \$88.00



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

PRINT or TYPE ALL INFORMATION

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

Daniel K. & Andrea M. Watson

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
\$1.00

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

Governmental Agency

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 _____

Resolution No. 5303

Recorded Document Recorder File No. 4762