

RESOLUTION NO. 5347

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Mark and Kathleen Thomas

Purpose

The described sanitary sewer easement is a strip of land that is 15.5 feet in width. A sanitary sewer line has existed in this location for several decades without a written sewer easement. The deteriorated sewer line was recently replaced and an easement was negotiated during coordination of that construction work.

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

DATED AND EFFECTIVE THIS 15 DAY OF November 2006.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 17 day of Oct., 2006, by and between Mark and Kathleen Thomas, 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 strip of land as described in Exhibit A and as shown in Exhibit B and Exhibit C.

The described sanitary sewer easement is a strip of land that is 15.5 feet in width. A sanitary sewer line has existed in this location for several decades without a written sewer easement. The deteriorated sewer line was recently replaced and an easement was negotiated during coordination of that construction work.

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. However, the creation of this easement is not meant to place restrictions on existing uses that take place within the described easement boundary. For example, the grantor's business sign and a portion of a building which are currently located within the described easement boundary may be removed, repaired, or replaced with no additional restrictions resulting from the creation of this easement.

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

GRANTORS:

[Signature]
Mark Thomas

[Signature]
Kathleen Thomas

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 17 day of October, 2006, by **Mark Thomas** as his/her voluntary act and deed.

The foregoing instrument was acknowledged before me this 17 day of October, 2006, by **Kathleen Thomas** as his/her voluntary act and deed.



[Signature]
Notary Public for Oregon
My Commission Expires: Sept 12, 2010

[Signature]
Notary Public for Oregon
My Commission Expires: Sept. 12, 2010

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 5347, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 16 day of November 2006.

[Signature]
City Manager

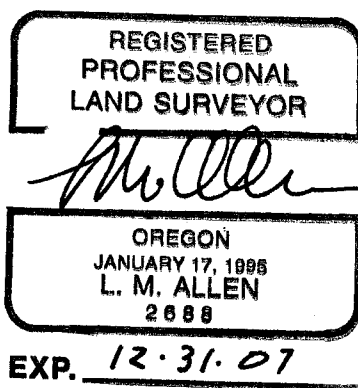
ATTEST:

[Signature]
City Clerk

EXHIBIT A
004

An easement, over, across and upon all that portion of a certain tract of land as described in MF Volume 835, Page 725, Records of Linn County, Oregon, lying 15.50 feet easterly of the west line thereof, All lying within the NW ¼ of the SW ¼ of Section 7, Range 3 West, Willamette Meridian, Linn County, Oregon and containing 6826 square feet, more or less.

For reference purposes this Tract of land can be seen on tax assessor's map 11-3W-7CB, tax lot 3902, and on the attached exhibit "B".



004

EXHIBIT "B"

FERRY ST.

PACIFIC BOULEVARD

15.5'

MF VOL. 835, PG. 725

15.5' EASEMENT



SCALE: 1" = 50'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 17, 1995
L. M. ALLEN
2688

RENEWAL 12/31/2007



PacWest Engineering
1530 Ninth Avenue SE
Albany, OR 97321
Phone (541) 926-7634
Fax (541) 926-7539

DWG: 06-001.DWG

DATE: 2-9-06

PROJECT: 06-001

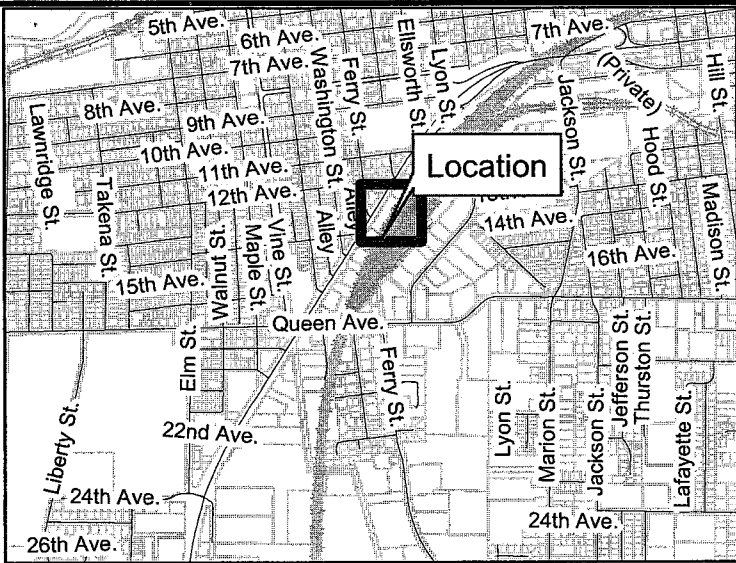


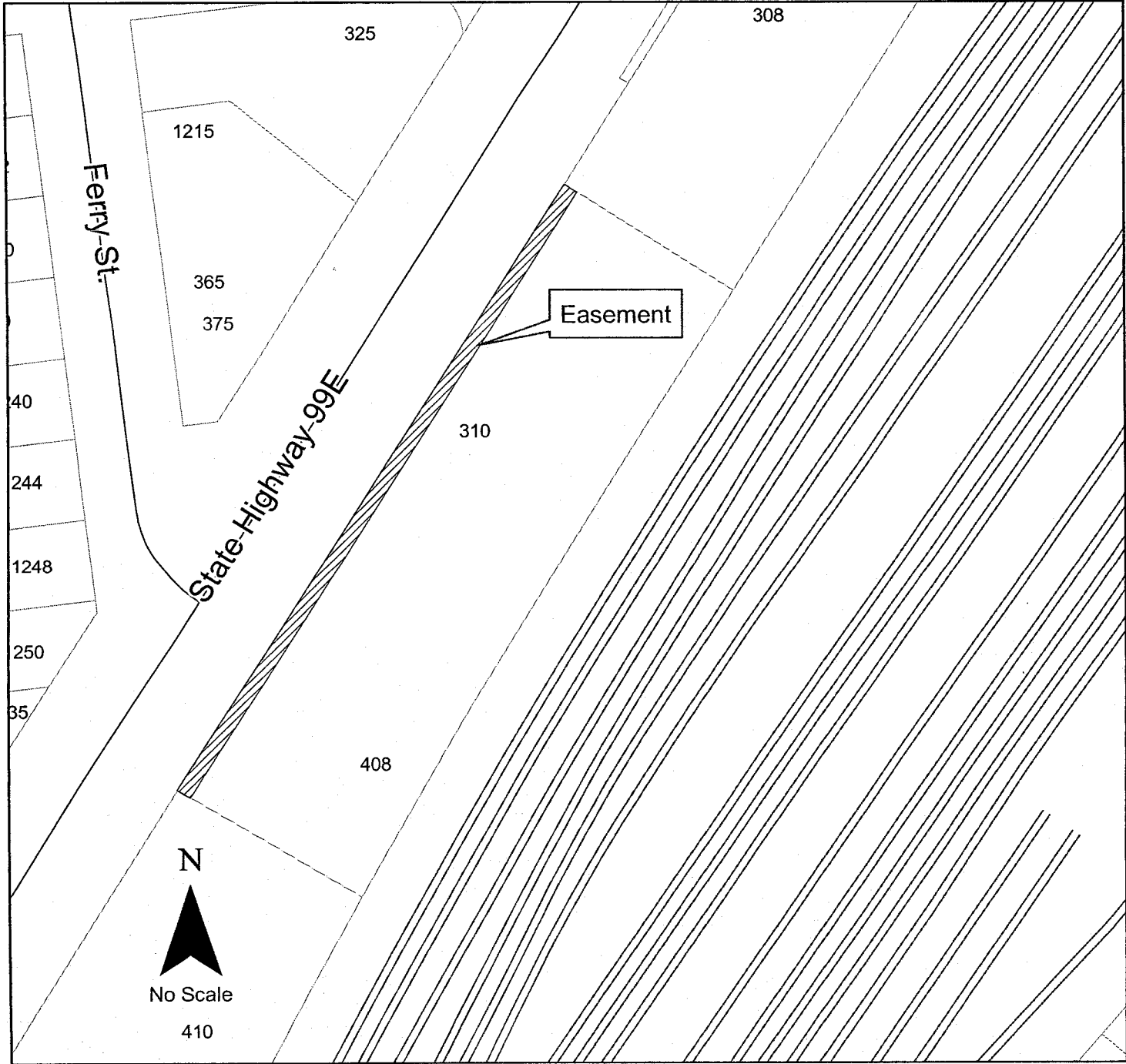
EXHIBIT C

11SO3W07CB03902

The described sanitary sewer easement is a strip of land that is 15.5 feet in width.



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2006-31715**
E-EAS
Cnt=1 Str=1 COUNTER **12/27/2006 10:11:13 AM**
\$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:

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

Mark and Kathleen Thomas

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

\$.00

Resolution No. 5347

Recorded Document Recorder File No. 4821