

RESOLUTION NO. 5348

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Granada Land Co. – Tax Lot 200 as shown on Linn County Assessor’s Map 11 4W 24.

The described easement is a 15-foot waterline easement. The City plans to construct a waterline in this location as part of a larger transmission main construction project. The completion of this project will increase fire flows in the southwest Albany area, provide redundancy, as southwest Albany is currently served by a single transmission main, and defer construction of a new reservoir.

Tran Co. – Tax Lot 900 as shown on Linn County Assessor’s Map 11 4W 24.

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 20th day of OCTOBER, 2006, by and between **Granada Land Co. & Tran Co.**, 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 easement is a 15-foot waterline easement. The City plans to construct a waterline in this location as part of a larger transmission main construction project. The completion of this project will increase fire flows in the southwest Albany area, provide redundancy, as southwest Albany is currently served by a single transmission main, and defer construction of a new reservoir.

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:

Granada Land Co.

Lawrence T. Epping
Lawrence T. Epping

Managing Partner
Title

STATE OF OREGON)
County of Marion) ss.
City of Salem)

The instrument was acknowledged before me this 20th day of October, 2006, by Lawrence T. Epping, Managing Partner, as a representative of Granada Land Co..



Gerry L. Koonce
Notary Public for Oregon
My Commission Expires: 4-2-09

Tran Co.

Lawrence T. Epping
Lawrence T. Epping

President
Title

STATE OF OREGON)
County of Marion) ss.
City of Salem)

The instrument was acknowledged before me this 20th day of October, 2006, by Lawrence T. Epping, President, as a representative of Tran Co..



Gerry L. Koonce
Notary Public for Oregon
My Commission Expires: 4-2-09

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 ⁵³⁴⁸ do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 16 day of November, 2006.

Wes Hare
City Manager

ATTEST:

Betty Langwell
City Clerk

EXHIBIT "A"

A strip of land 15.00 feet in width over across and upon that certain Tract of land as described by the deed recorded in Volume MF 1077, Page 999 of the Linn County Deed Records, Linn County, Oregon, and also over across and upon Tract P of "Spring Meadow—Sixth Addition", a recorded subdivision in Linn County; said strip being 7.50 feet on each side of the following described centerline:

Commencing at the point of intersection of the northerly line of said Tract with the west line of Tract 16, of the Plat of "Calapooya Acres", said point being N 00°38'00" E at a distance of 32.50 from the southwest corner thereof, thence N 21°45'00" W on said northerly line a distance of 102.39 feet, thence continuing on said northerly line N 58°15'00" W a distance of 160.25 feet to the **True Point of Beginning** and the northern terminus of the centerline described herein; thence leaving said northerly line S 24°02'18" W a distance of 49.22 feet, thence S 14°15'41" W a distance of 99.11 feet, thence S 08°14'19" E a distance of 353.56 feet, thence S 14°15'41" W a distance of 212.49 feet, thence S 36°45'41" W a distance of 31.70 feet, thence S 63°07'33" W a distance of 57.51 feet, thence S 70°34'11" W a distance of 157.05 feet, thence S 48°04'11" W a distance of 83.90 feet, thence S 70°34'11" W a distance of 103.68 feet, thence S 48°04'11" W a distance of 215.43 feet to the point of intersection with the northerly line of said Tract P, said point being distant 448.54 feet east of the west line thereof and as measured at right angles thereto, thence, S 25°51'31" W a distance of 260.32 feet to the point of intersection with southerly line of said Tract P, said point being distant 336.37 feet east of the prolongation south of the west line thereof and as measured at right angles thereto and being the southern terminus of the centerline described herein.

The sidelines of said strip to be lengthened or shortened to terminate at their respective tract boundary intersections.

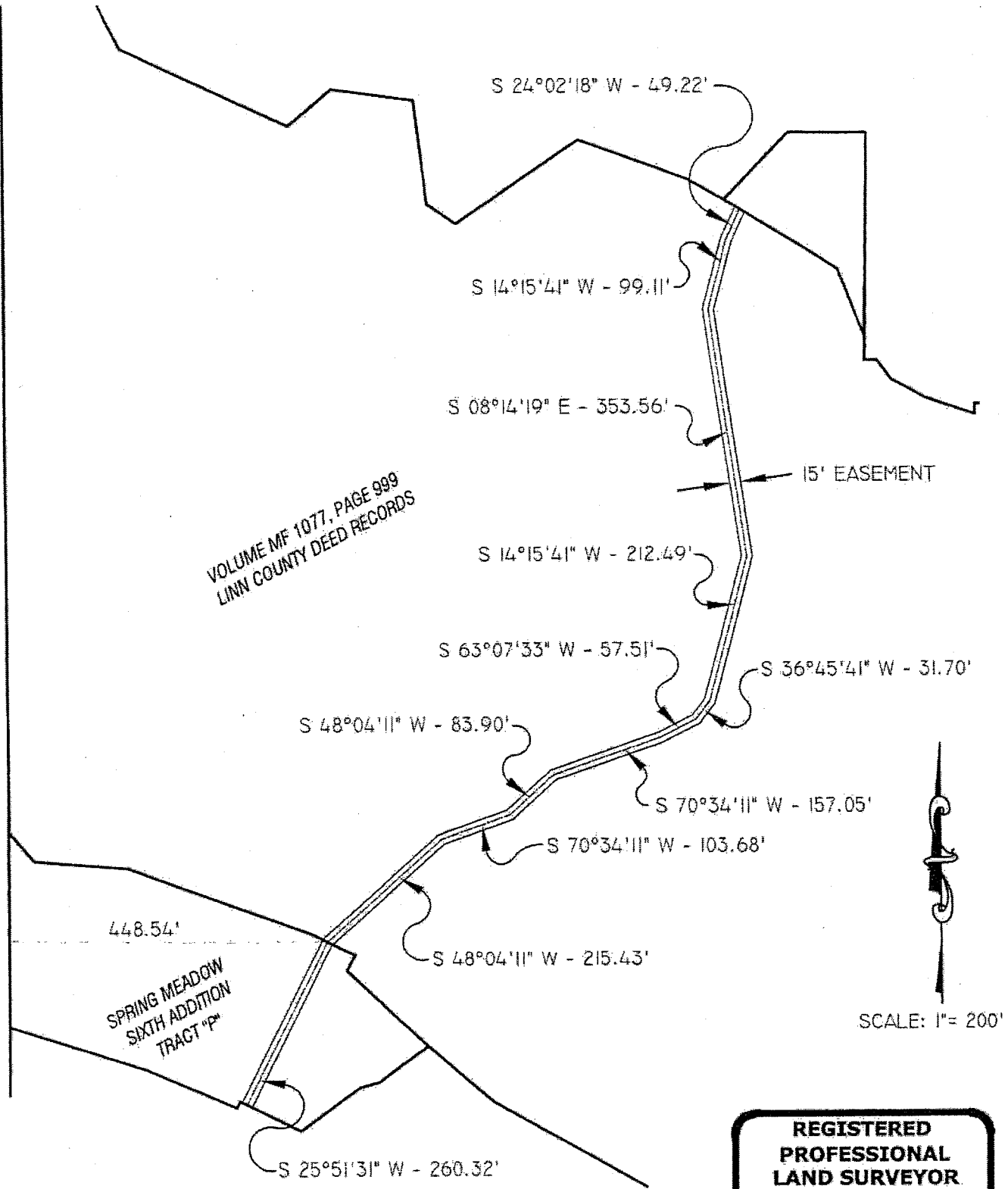
REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JANUARY 17, 1995
L. M. ALLEN
2688

EXP. 12.31.07

EXHIBIT "B"



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 17, 1995
L.M. ALLEN
2688

EXP. 12.31.07



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

DWG: EXHIBIT.DWG
DATE: 10/11/06
PROJECT: 05-059

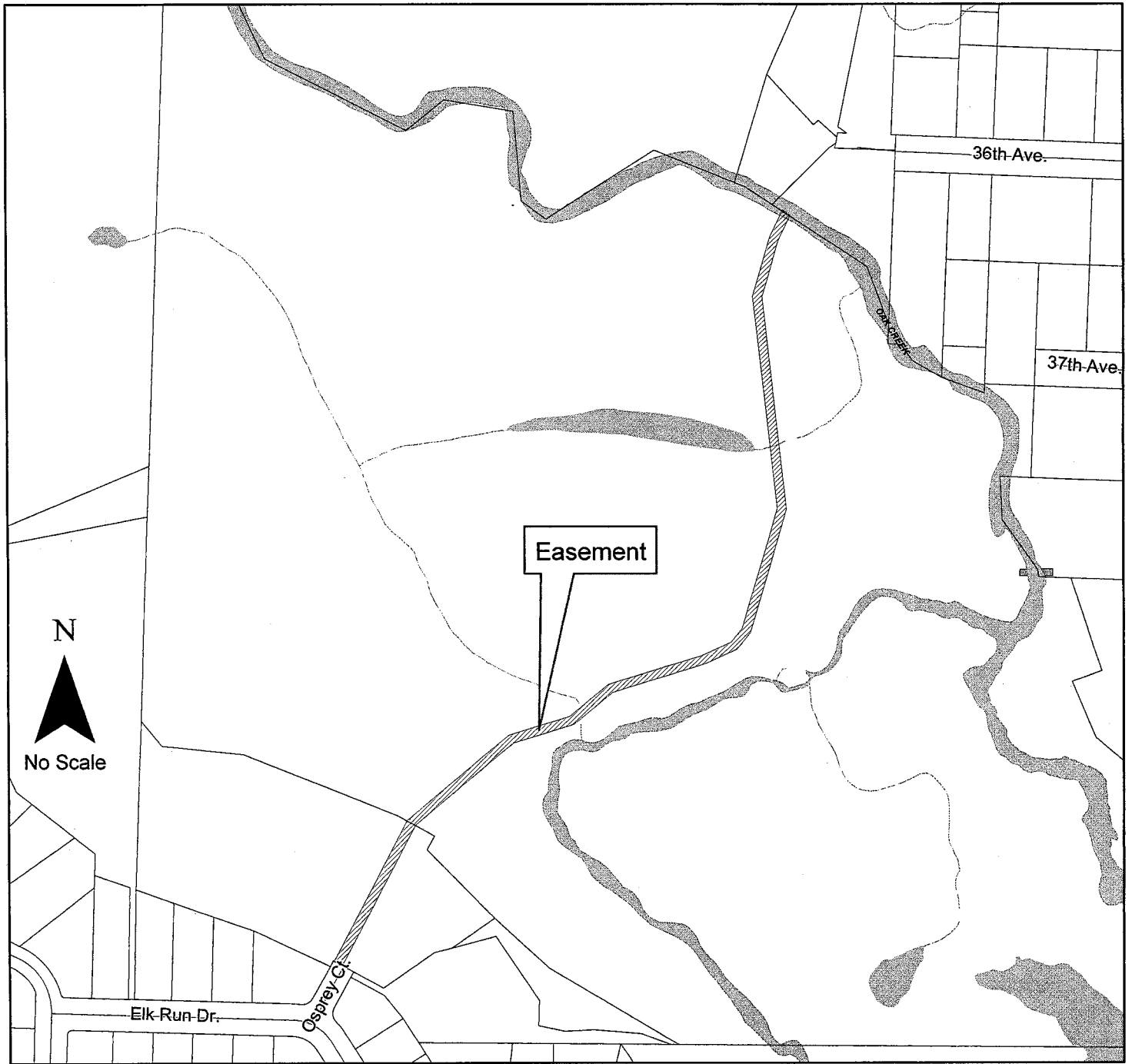
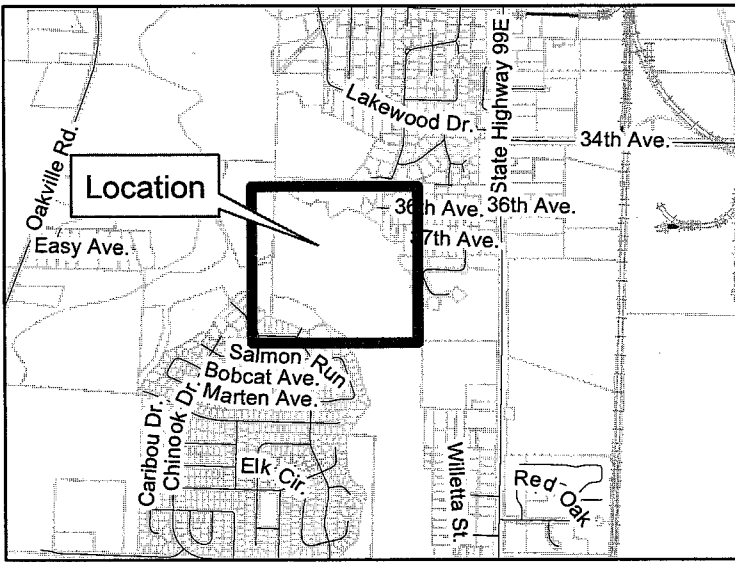
EXHIBIT C

11S04W24 TL 200 & 900

15-foot waterline easement as part
of a larger transmission main
construction project.



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2006-31714**
E-EAS
Cnt=1 Stn=1 COUNTER **12/27/2006 10:10:13 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

Granada Land Company and Tran Company

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. 5348

Recorded Document Recorder File No. 4822