

RESOLUTION NO. 5359

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

N.O.W. Builders

Storm Drainage Easement adjacent to Bloom Lane
for Saint James Estates subdivision.

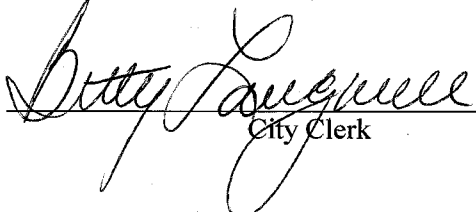
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 13TH DAY OF DECEMBER 2006.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 15 day of December, 2006, by and between **N.O.W. Builders**, 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:

Storm Drainage Easement adjacent to Bloom Lane

See legal description on attached Exhibit A and map on attached Exhibits B and C.
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:

Tony D. Nova
Tony D. Nova, President N.O.W. Builders

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



The foregoing instrument was acknowledged before me this 15th day of November, 2006, by **Tony D. Nova, President N.O.W. Builders**

as his voluntary act and deed.

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 5359, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 15th day of December 2006.

Wes Hare
City Manager

ATTEST:

Betty Longwell
City Clerk

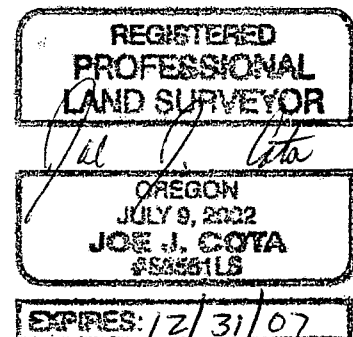
EXHIBIT "A"

CITY OF ALBANY STORM DRAINAGE EASEMENT

A portion of Parcel 2 and Parcel 3 of Partition Plat 2006-21, a partition plat recorded in Benton County, Oregon which portion being more particularly described as follows:

Beginning at the northeast corner of said Parcel 3; thence South 00°07'40" East, along the east line of said Parcel 3, a distance of 12.80 feet; thence North 84°37'46" West 152.15 feet to a point on the north line of said Parcel 2; thence South 89°27'13" East 151.46 feet to the Point of Beginning.

November 13, 2006
EXHIBIT "A"
STORM DRAINAGE EASEMENT
(05-197-B) JJC:nm
File: nm\legal\05-197-B EXH A.doc



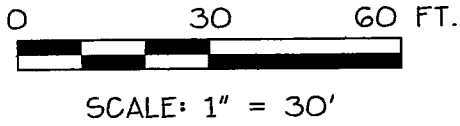
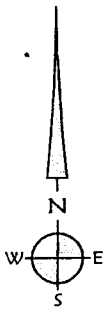


EXHIBIT "B"
CITY OF ALBANY S.D. EASEMENT
 LOCATED IN
A PORTION OF PARCEL 2 + 3
OF P.P. 2006-21
NW 1/4 SEC. 25, T. 10 S., R. 2 W., W.M.
NOVEMBER 10, 2006

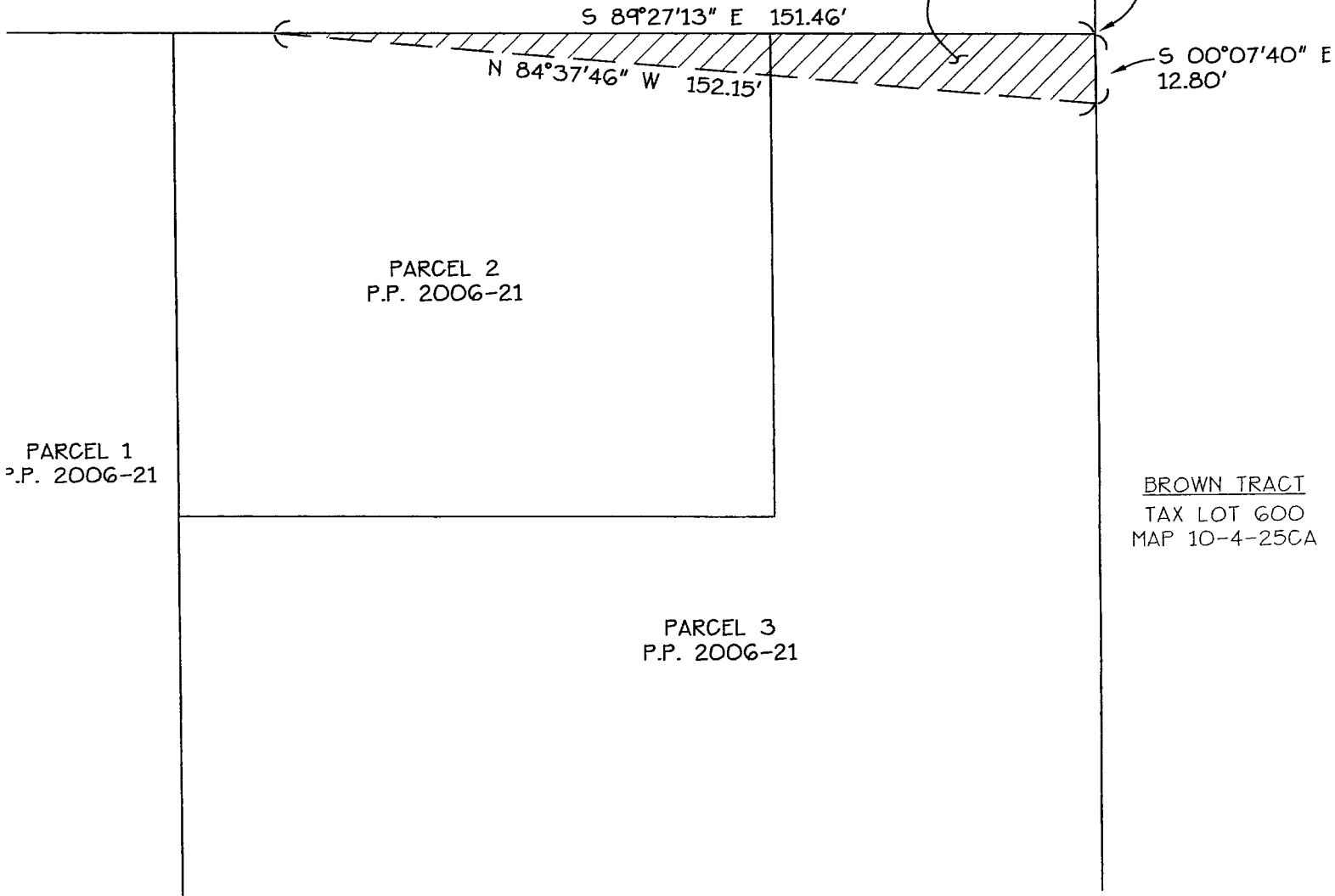
DAVIDSON TRACT
 TAX LOT 110
 MAP 10-4-25CA

NIX TRACT
 TAX LOT 502
 MAP 10-4-25CA

BLOOM LANE

STORM DRAIN
 EASEMENT

P.O.B.
 NE COR
 PARCEL 3



PARCEL 1
 P.P. 2006-21

PARCEL 2
 P.P. 2006-21

PARCEL 3
 P.P. 2006-21

BROWN TRACT
 TAX LOT 600
 MAP 10-4-25CA



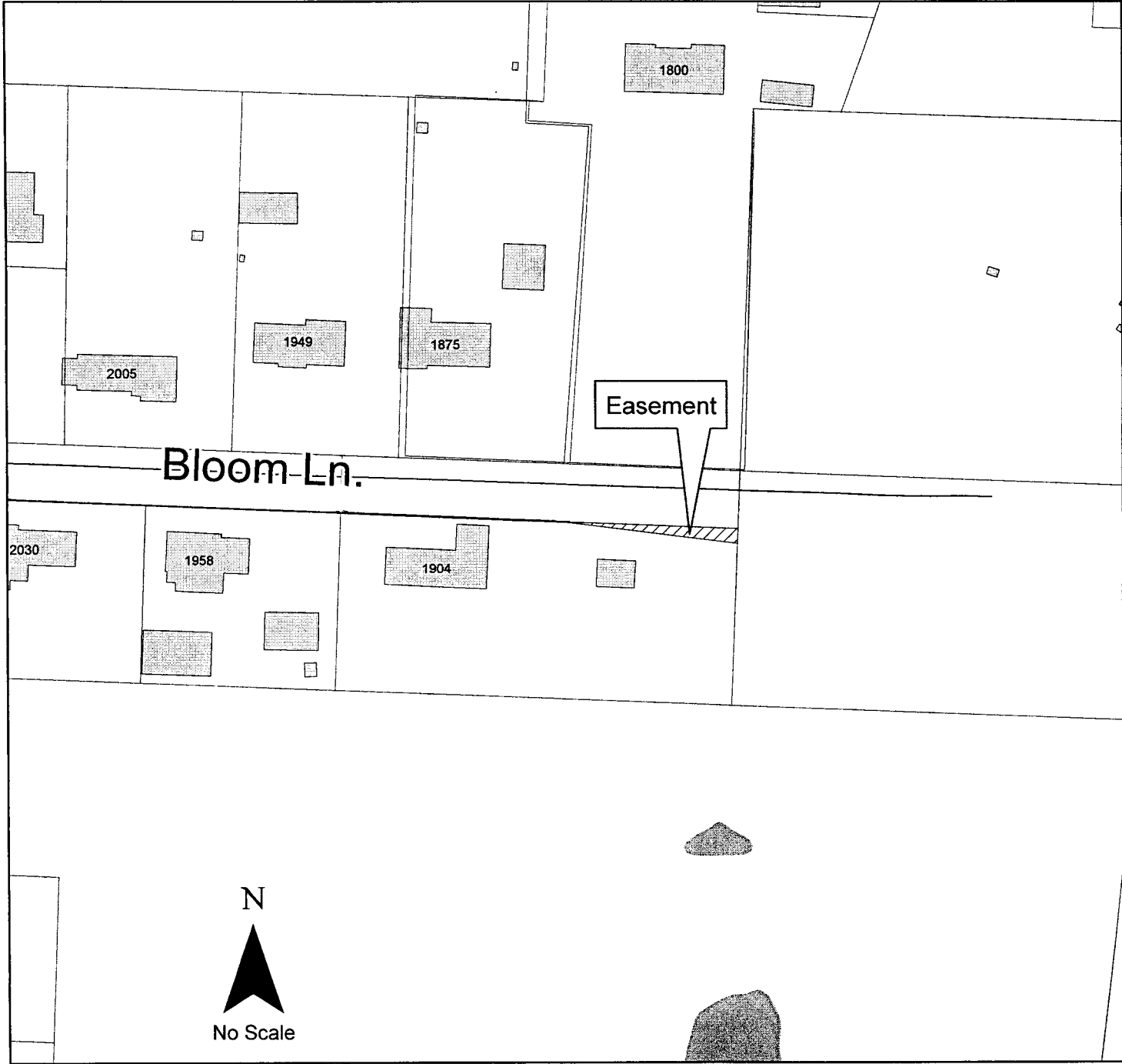
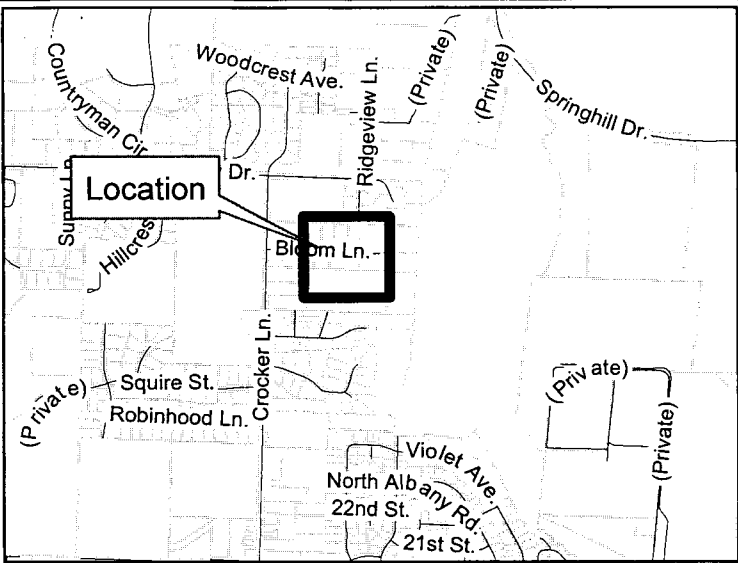
EXHIBIT C

10S04W25CA00402

Storm drainage easement
adjacent to Bloom Lane for
Saint James Estates Subdivision.



Geographic Information Services



RECORDING COVER SHEET (Please Print or Type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

AFTER RECORDING RETURN TO:

City of Albany Recorder

PO Box 490

Albany, OR 97321

BENTON COUNTY, OREGON **2006-414896**
DE-EAS **12/26/2006 12:21:49 PM**
Cnt=1 Stn=9 KH
\$30.00 \$11.00 \$10.00 \$15.00 **\$66.00**



00127099200604148960060062

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



1) TITLE(S) OF THE TRANSACTION(S) ORS 205.234(a)

Easement for Public Utilities

2) DIRECT PARTY / GRANTOR(S) ORS 205.125(1)(b) and 205.160

N.O.W. Builders

3) INDIRECT PARTY / GRANTEE(S) ORS 205.125(1)(a) and 205.160

City of Albany

4) TRUE AND ACTUAL CONSIDERATION

ORS 93.030(5) – Amount in dollars or other

\$ 0.00

Other

5) SEND TAX STATEMENTS TO:

City of Albany

6) SATISFACTION of ORDER or WARRANT

ORS 205.125(1)(e)

CHECK ONE: FULL
(If applicable) PARTIAL

7) The amount of the monetary obligation imposed by the order or warrant. ORS 205.125(1)(c)

\$

8) If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244: "RERECORDED TO CORRECT

PREVIOUSLY RECORDED IN
BOOK _____ AND PAGE _____, OR AS FEE NUMBER _____."

Resolution No. 5359

Recorded Document Recorder File No. 4857