

RESOLUTION NO. 5575

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

CGM LLC

Purpose

A 20-foot wide utility easement for the purpose of constructing a sewer force main.

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

DATED AND EFFECTIVE THIS 27TH DAY OF FEBRUARY 2008.



\_\_\_\_\_  
Mayor

ATTEST:



\_\_\_\_\_  
City Clerk

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 30<sup>th</sup> day of January, 2008, by and between CGM LLC, hereinafter called Grantors, 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 20-foot wide utility easement for the purpose of constructing a sewer force main. See attached legal description labeled Exhibit A and map labeled 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 \$4,639.00, receipt of which is acknowledged by the Grantors, 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.

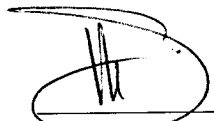
**GRANTOR:**

CGM LLC

  
By Steven E. Wise  
Manager/Member  
Title

STATE OF California  
County of Orange ss.  
City of Washington Beach

The instrument was acknowledged before me this 30 day  
of January, 2008, by Steve Wise,  
Title Manager/Member, as  
a representative of CGM LLC.

  
Notary Public for California  
My Commission Expires: Sept. 16, 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 <sup>5575</sup> do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27th day of February, 2008.

Wes Hare  
City Manager

ATTEST:

Betty Langmuir  
City Clerk

## EXHIBIT A

### SEWER EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that CCGM LLC, hereinafter referred to as Grantor, hereby grants to the City of Albany, a Municipal Corporation, hereinafter called "City" for public utility easement purposes, portions of that real property situated in Linn County, Oregon, lying within Parcel I of Volume 790, Page 647, recorded on May 11, 1996, situated in the N.W. ¼ of Section 20, Township 11 South, Range 3 West of the Willamette Meridian, in the City of Albany, being more particularly described as follows and as shown on the attached Map labeled "Exhibit B":

Beginning at the intersection of the west and south line of said Parcel I; thence 209.09 feet, along said south line to the POINT OF BEGINNING; thence 11.99 feet along said south line; thence North 72° 19' 59" East 19.60 feet; thence South 85° 10' 1" East 99.86 feet, parallel with the south line of said Parcel I; thence South 62° 40' 1" East 19.60 feet to a point on the south line of Parcel I; thence South 85° 10' 1" East 53.63 feet along said south line; thence North 72° 19' 59" East 19.60 feet; thence South 85° 10' 1" East 211.12 feet, parallel with the south line of said Parcel I; thence South 62° 40' 1" East 19.60 feet to a point on the south line of Parcel I; thence South 85° 10' 1" East 11.99 feet along said south line; thence North 27° 19' 59" East 15.41 feet; thence North 62° 40' 1" West 34.65 feet; thence North 85° 10' 1" West 219.08 feet, parallel with the south line of said Parcel I; thence South 72° 19' 59" West 34.65 feet; thence North 85° 10' 1" West 17.89 feet, parallel with the south line of said Parcel I; thence North 62° 40' 1" West 34.65 feet; thence North 85° 10' 1" West 107.82 feet, parallel with the south line of said Parcel I; thence South 72° 19' 59" West 34.65 feet; thence South 17° 40' 1" East 15.41 feet to the POINT OF BEGINNING.

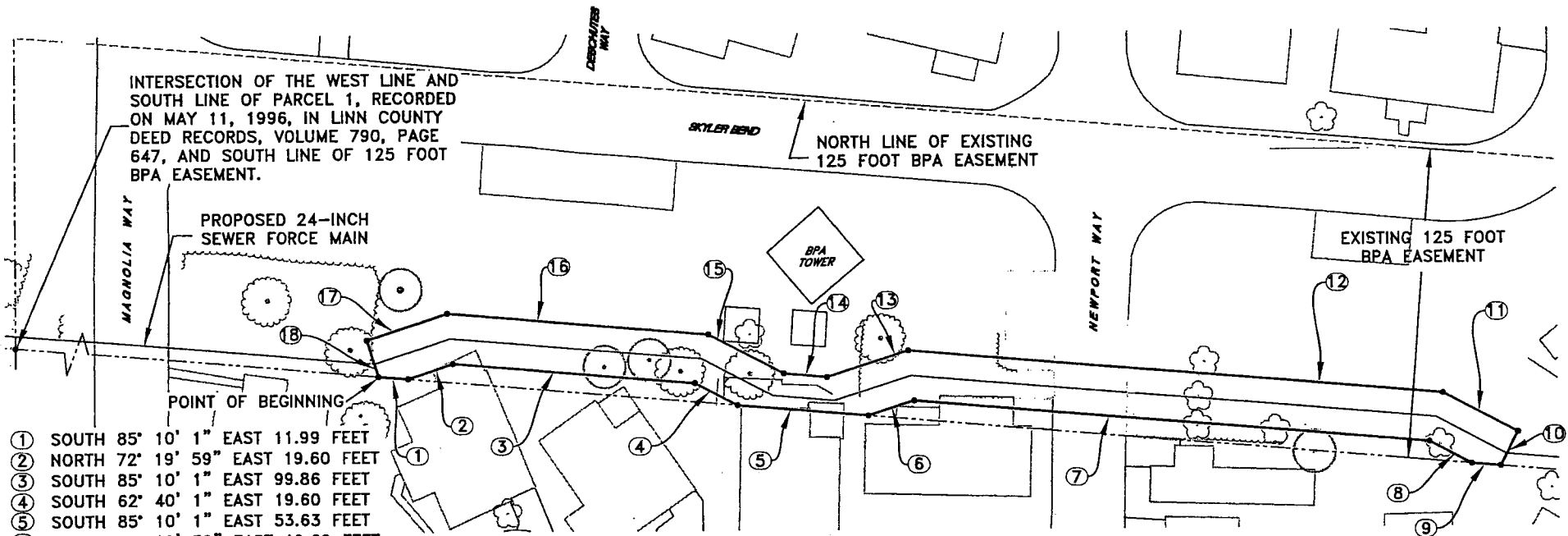
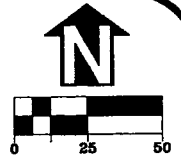
This tract contains 9,277.77 square feet more or less.





### EXHIBIT B

SS-07-05, OAK CREEK SEWER FORCE MAIN EASEMENT  
 20-FT Public Utility Easement (Approximately 9,277.77 SF)  
 CGM LLC MF 790-645  
 11S3W20 00700



- ① SOUTH 85° 10' 1" EAST 11.99 FEET
- ② NORTH 72° 19' 59" EAST 19.60 FEET
- ③ SOUTH 85° 10' 1" EAST 99.86 FEET
- ④ SOUTH 62° 40' 1" EAST 19.60 FEET
- ⑤ SOUTH 85° 10' 1" EAST 53.63 FEET
- ⑥ NORTH 72° 19' 59" EAST 19.60 FEET
- ⑦ SOUTH 85° 10' 1" EAST 211.12 FEET
- ⑧ SOUTH 62° 40' 1" EAST 19.60 FEET
- ⑨ SOUTH 85° 10' 1" EAST 11.99 FEET
- ⑩ NORTH 27° 19' 59" EAST 15.41 FEET
- ⑪ NORTH 62° 40' 1" WEST 34.65 FEET
- ⑫ NORTH 85° 10' 1" WEST 219.08 FEET
- ⑬ SOUTH 72° 19' 59" WEST 34.65 FEET
- ⑭ NORTH 85° 10' 1" WEST 17.89 FEET
- ⑮ NORTH 62° 40' 1" WEST 34.65 FEET
- ⑯ NORTH 85° 10' 1" WEST 107.82 FEET
- ⑰ SOUTH 72° 19' 59" WEST 34.65 FEET
- ⑱ SOUTH 17° 40' 1" EAST 15.41 FEET

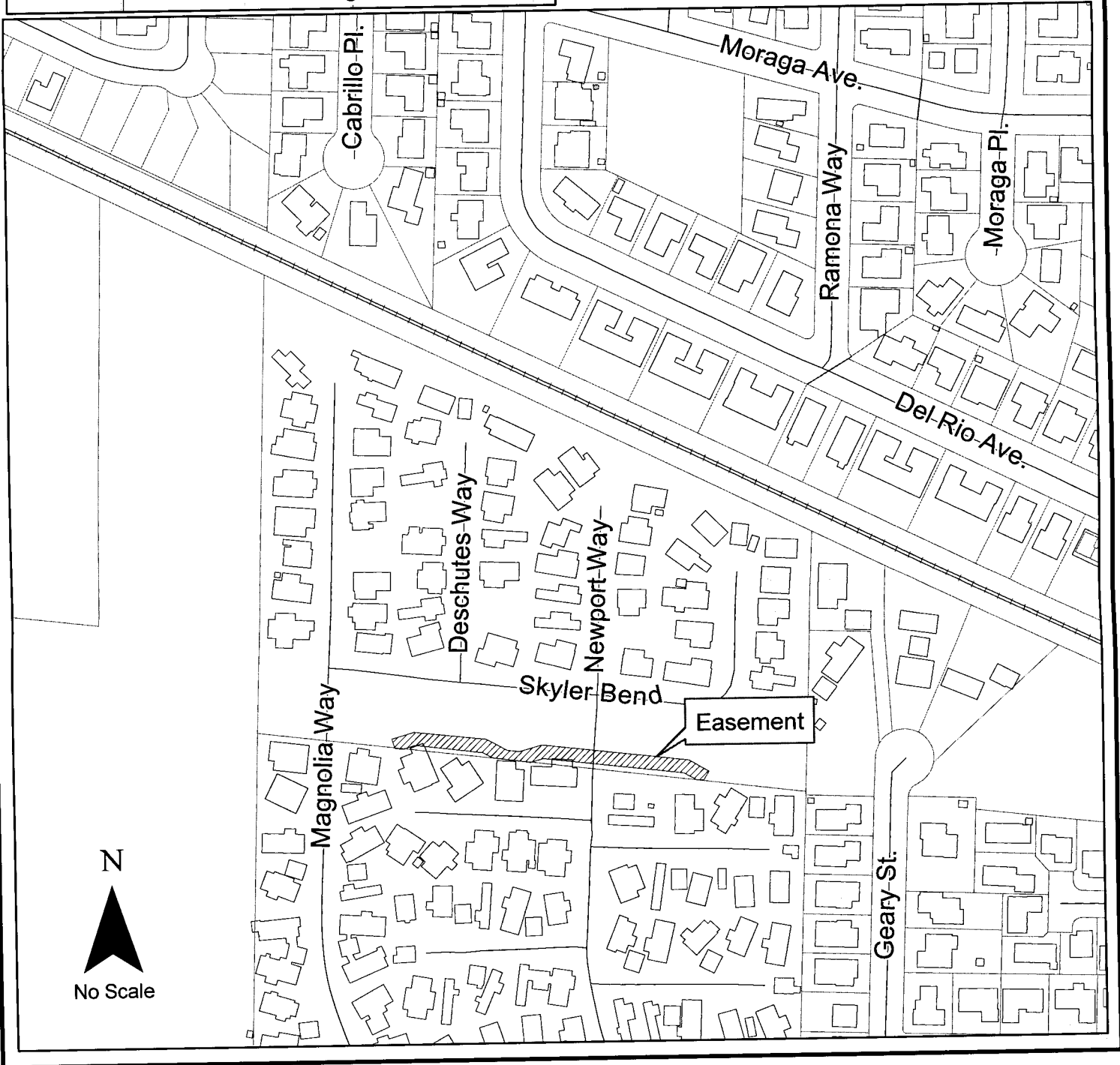
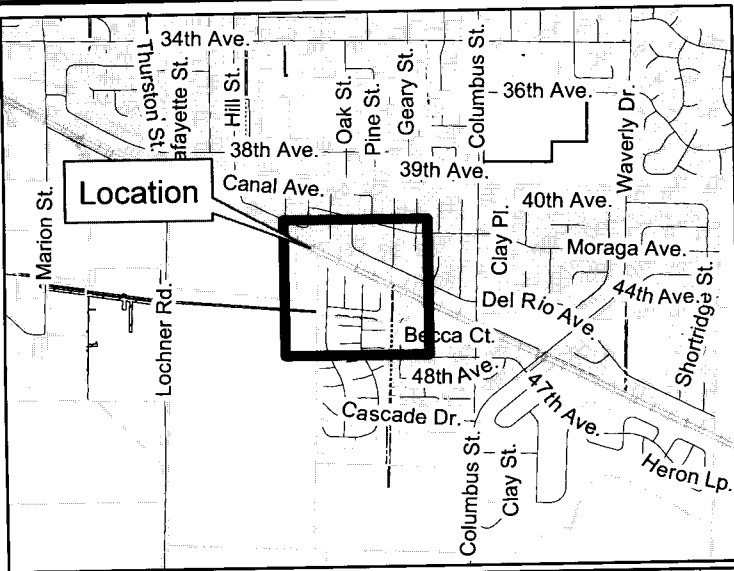
# EXHIBIT C

11SO3W20 00700

SS-07-05  
Oak Creek Sewer  
Force Main



Geographic Information Services



**LINN COUNTY**

Recording Cover Sheet  
All Transactions, ORS: 205.234

LINN COUNTY, OREGON  
E-PAU  
Cnt=1 Stn=1 COUNTER  
\$35.00 \$11.00 \$10.00

**2008-08386**

**04/24/2008 03:08:54 PM**

**\$56.00**



00080489200800083860070070

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 City Clerk \_\_\_\_\_

PO Box 490 \_\_\_\_\_

Albany, OR 97321 \_\_\_\_\_

All Tax Statements Should Be Sent To:

City of Albany - 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

CGM 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

\$0.00 \_\_\_\_\_



Resolution No. 5575

Recorded Document Recorder File No. 5067