

A RESOLUTION ACCEPTING THE FOLLOWING SLOPE AND PUBLIC UTILITIES EASEMENT:

Grantor

Purpose

Greater Albany Public School District 8J

10-foot wide slope and public utility easement adjacent to the Brandis Avenue right-of-way, in connection with the street project to Timber Ridge School.

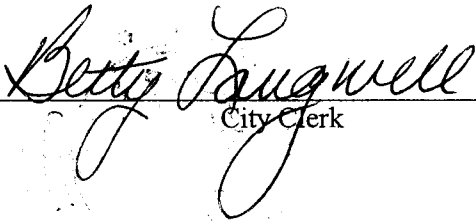
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this slope and franchise utility easement.

DATED AND EFFECTIVE THIS 27TH DAY OF AUGUST 2008.



Mayor

ATTEST:



City Clerk

SLOPE AND FRANCHISED PUBLIC UTILITIES EASEMENT

THIS AGREEMENT, made and entered into this 19 day of August, 2008, by and between Greater Albany Public School District 8J, 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 and Utility Companies with Franchise Agreements with the City, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to place, maintain and repair public utilities and the roadway fill slope for the purpose of conveying public franchised utilities services and the roadway fill slope 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 roadway fill slope and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public utilities and roadway fill slope.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

See legal description on attached Exhibit A and maps 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 or Franchise Utilities 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.

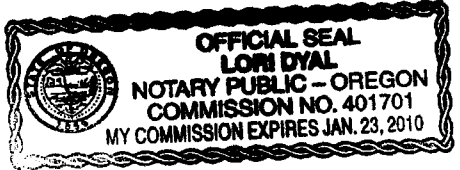
GRANTORS:

Maria Delapoer
Maria Delapoer, Superintendent

Greater Albany Public School District 8J

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

The foregoing instrument was acknowledged before me this 14th day of August, 2008, by Maria Delapoer as their voluntary act and deed.



Lori Dyal
Notary Public for Oregon
My Commission Expires: 01/23/10

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 51653, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 2 day of September 2008.

Wes Hare

City Manager

ATTEST Mary P. Dibble

Deputy City Clerk

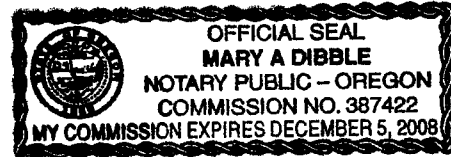
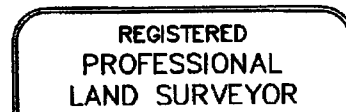


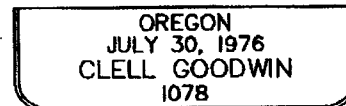
EXHIBIT A
DESCRIPTION FOR SLOPE AND UTILITY EASEMENT
PARCEL 2 OF PARTITION PLAT 2008-02

BEING A PORTION OF PARCEL 2 OF PARTITION PLAT 2008-02 IN THE LINN COUNTY RECORD BOOK OF PARTITION PLATS WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TEN (10.00) FOOT WIDE STRIP LYING CONTIGUOUS TO AND EASTERLY OF THE RIGHT-OF-WAY OF BRANDIS AVENUE (SEVENTY FEET WIDE) AS DEDICATED ON PARTITION PLAT 2007-74 AND SHOWN ON PARTITION PLAT 2008-02 OF THE LINN COUNTY RECORD BOOK OF PARTITION PLATS. SAID TEN-FOOT STRIP TO RUN CONTINUOUSLY FROM THE NORTH BOUNDARY OF SAID PARCEL 2 TO THE SOUTH BOUNDARY THEREOF.



Clell Goodwin

Handwritten signature of Clell Goodwin in cursive.

EXPIRES JUNE 30, 2009

LEGEND

PROPERTY LINE

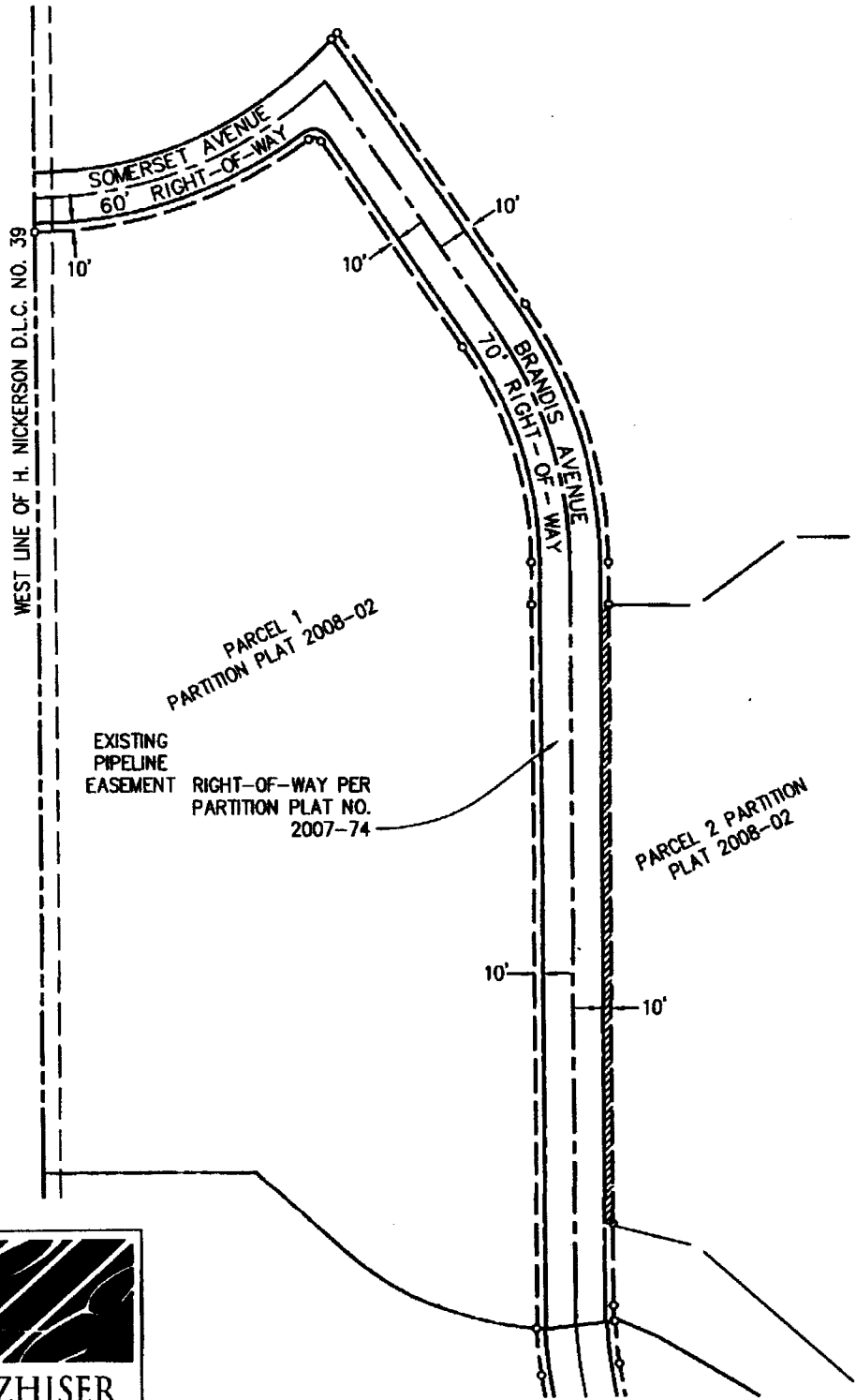
RIGHT-OF-WAY

CENTERLINE

PROPOSED SLOPE AND UTILITY EASEMENT



SCALE 1"=200'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Clell Goodwin

OREGON
JULY 30, 1976
CLELL GOODWIN
1078

EXPIRES JUNE 30, 2009



**BALZHISER
& HUBBARD
ENGINEERS**

MECHANICAL
ELECTRICAL
CIVIL
TRANSPORTATION
SURVEYORS

100 WEST 13TH AVENUE
EUGENE, OR 97401
P: 541-686-8478
F: 541-345-5303

**SLOPE AND UTILITY EASEMENT
PARCEL 1 OF PARTITION PLAT 2008-02**

PROJECT 2100-022-06

DATE: JULY 30, 2008

FILENAME: BOUNDARY.dwg

TAX MAP 11-03-03 AND TAX MAP 10-34-03

SHEET No.

**EXHIBIT
B**

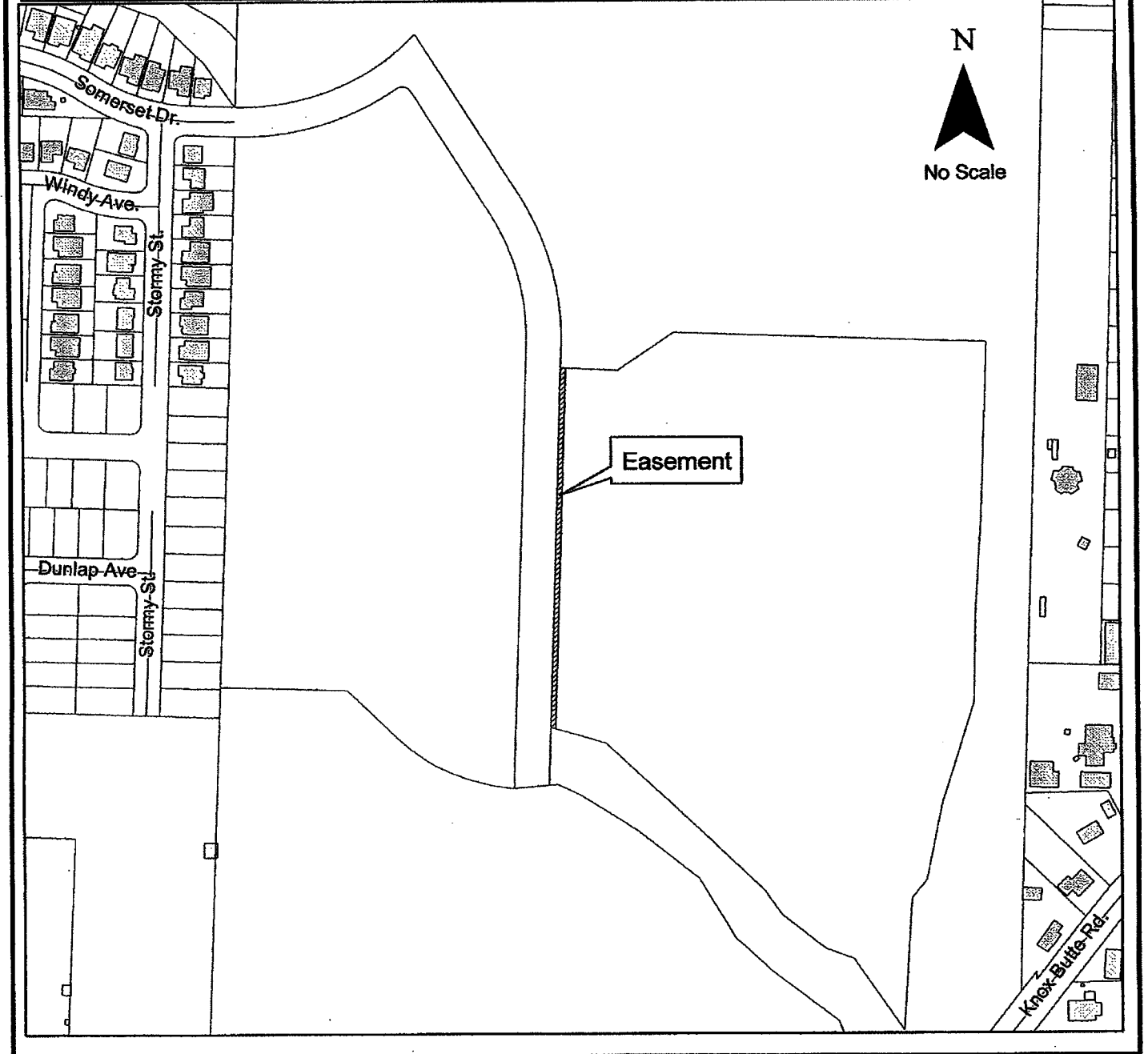
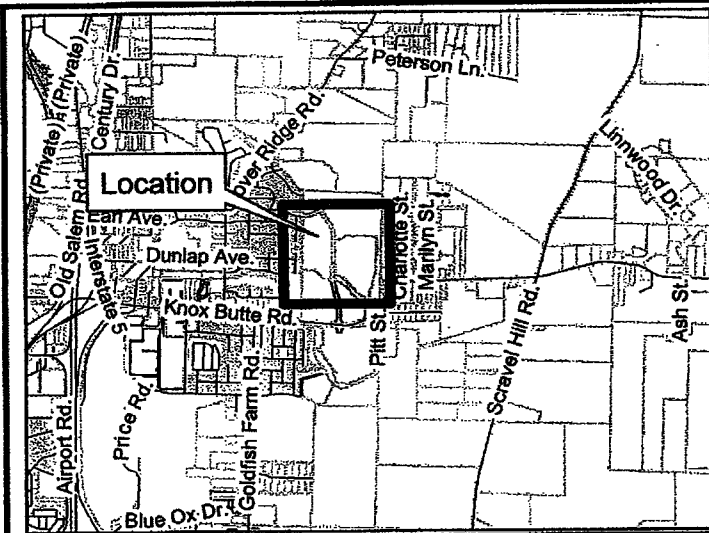
EXHIBIT C

11SO3W03B 00102

Slope and Utility Easement related
to construction of a new public
school.



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2008-17671**
E-PS
Cnt=2 Stn=7 M. FISHER **09/10/2008 03:15:24 PM**
\$35.00 \$5.00 \$11.00 \$10.00 **\$61.00**



00091537200800176710070073
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)

SLOPE AND PUBLIC UTILITIES EASEMENT

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

Greater Albany Public School District 8J

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. 5653

Recorded Document Recorder File No. 5161