

RESOLUTION NO. 5673

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

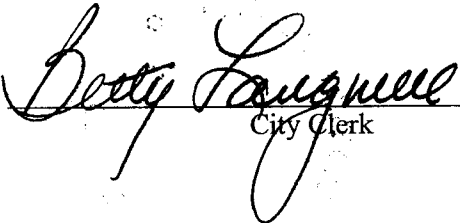
<u>Grantor</u>	<u>Purpose</u>
Ralph and Diane Nauman	A 30 foot wide Access and Utility Easement to replace an existing easement that is being simultaneously abandoned.

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

DATED AND EFFECTIVE THIS 24TH DAY OF SEPTEMBER 2008.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

## EASEMENT FOR PUBLIC UTILITIES AND ACCESS

THIS AGREEMENT, made and entered into this 24 day of September, 2008, by and between Ralph and Diane Nauman, 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:  
  
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 shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.
7. The grantors' use of the easement for ingress and egress shall not be impeded at any time.

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

GRANTORS:

*Ralph Nauman*  
Ralph Nauman

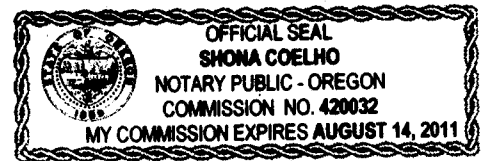
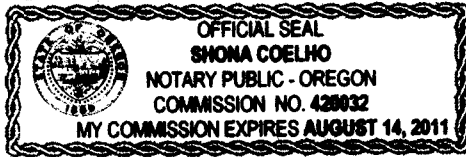
*Diane Nauman*  
Diane Nauman

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 16 day of September, 2008, by Ralph Nauman as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 16 day of September, 2008, by Diane Nauman as her voluntary act and deed.



*Shona Coelho*  
Notary Public for Oregon  
My Commission Expires: August 14, 2011

*Shona Coelho*  
Notary Public for Oregon  
My Commission Expires: August 14, 2011

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 5673 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 29th day of September 2008.

*Wes Hare*  
City Manager



ATTEST:  
*Margaret Langwell*  
City Clerk

# Exhibit A

## LEGAL DESCRIPTION

An Access and Utility Easement 30.00 feet in width and being 15.00 feet on each side of the following described center line:

Beginning at a Point marked with a 5/8"x30" iron rod with a 2" aluminum cap stamped "LULAY LS 1827", said point being the most northwesterly centerline terminus of Violet Avenue NW in Covey Run Subdivision Phase 2 located in the City of Albany, Benton County Oregon, in the Northeast corner of Section 36, Township 10 South, Range 4 West of the Willamette Meridian; said point also being 88.20 feet North 40°30'00" West of the most northerly corner of Lot 100 in Covey Run Subdivision Phase 2; Thence North 64°38'23" West, 203.91 feet; Thence North 0°00'00" West, 8.98 feet to a point on the North right of way line of Violet Avenue NW in Covey Run Subdivision Phase 3 which is the true point of beginning, said point also being on a line offset 15.00 feet East from the East line of Lot 105 of Covey Run Subdivision Phase 3 located in the City of Albany, Benton County Oregon, in the Northeast corner of Section 36, Township 10 South, Range 4 West of the Willamette Meridian;

Thence North 0°00'00" West 4.49 feet;

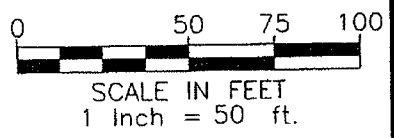
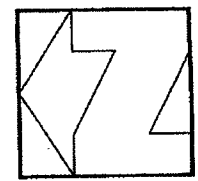
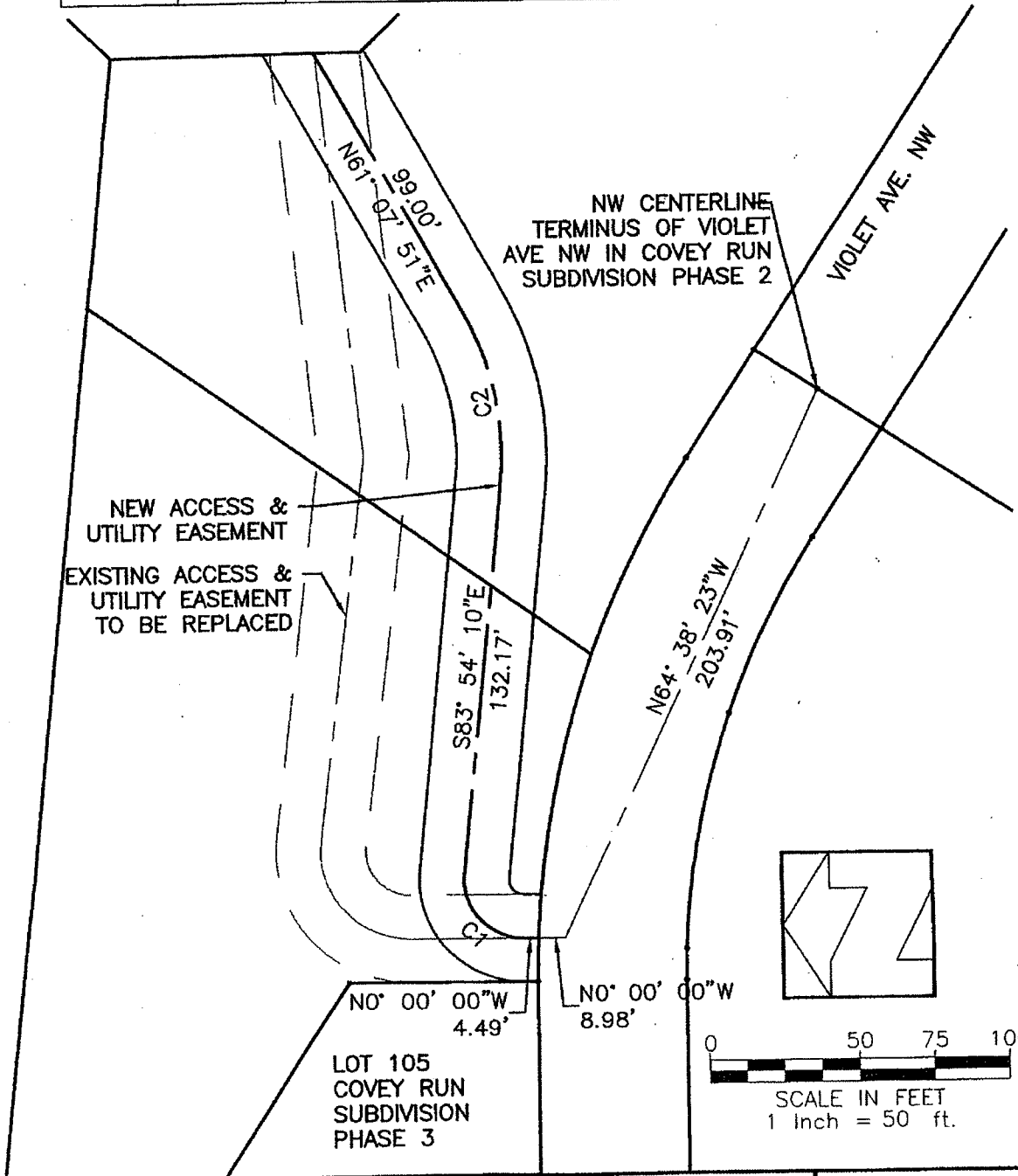
Thence 33.54 feet on a 20.00 foot radius curve to the right, the long chord of which bears North 48°02'55" East 29.75 feet;

Thence South 83°54'10" East 132.17 feet;

Thence 61.03 feet on a 100.00 foot radius curve to the left, the long chord of which bears North 78°36'51" East 60.09 feet;

Thence North 61°07'51" East 99.00 feet to the point of terminus, which is the easterly property line of the that tract of land owned by statutory warrantee deed by Ralph Nauman and Diane Nauman, recorded in Document No. 2008-4404432 in the records of Benton County, Oregon.

Curve Table					
Curve #	Radius	Delta	Arc Length	Chord Brg	Chord
C1	20.00'	96° 05' 50"	33.54'	N48° 02' 55"E	29.75'
C2	100.00'	34° 58' 00"	61.03'	N78° 36' 51"E	60.09'



DATE 9/8/08  
 SCALE 1"=50'  
 DRAWN PJS  
 FILE 08086/GIS

**ACCESS EASEMENT**  
**Exhibit B**

SHEET  
**1**  
 OF 1 SHEETS

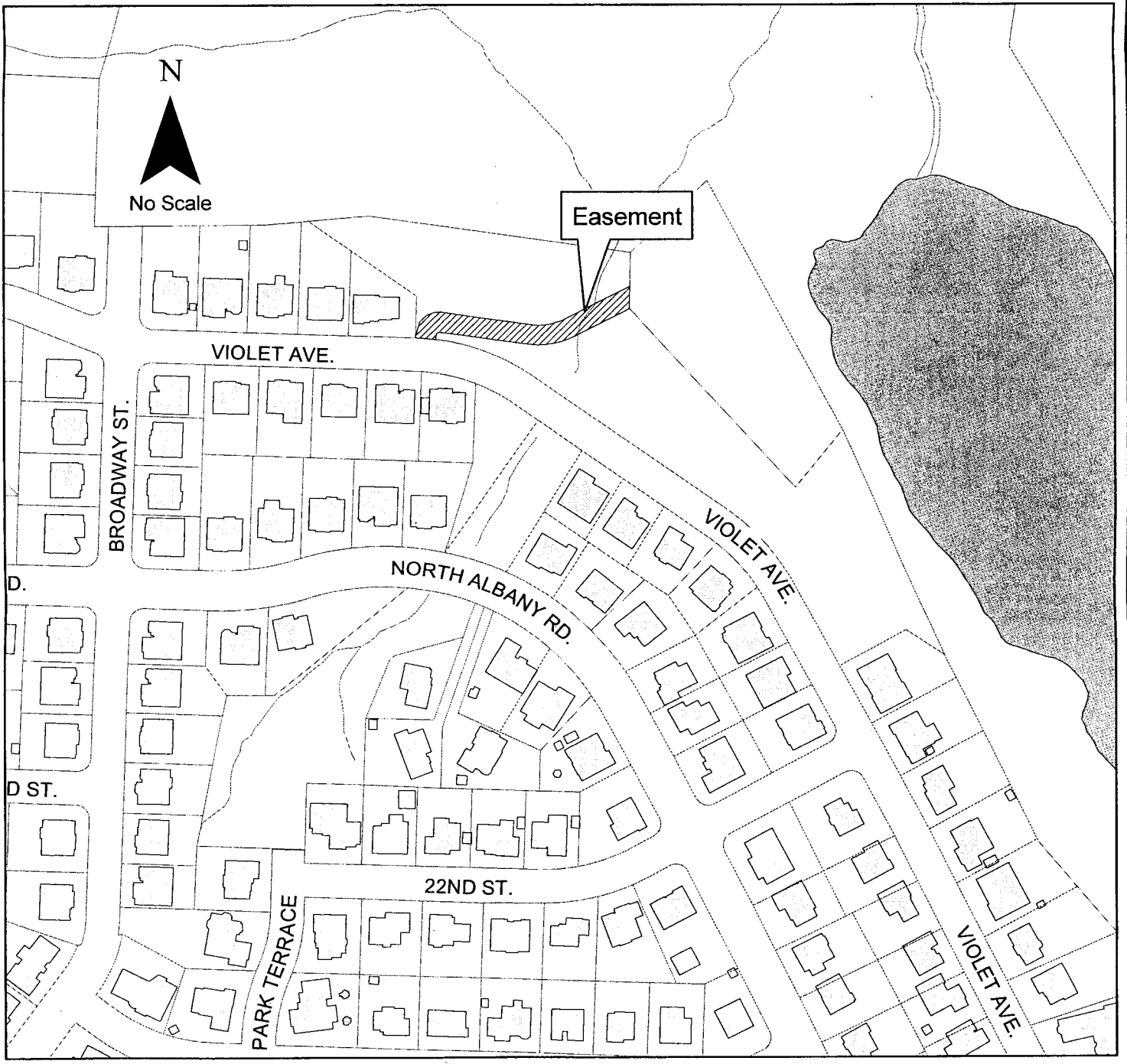
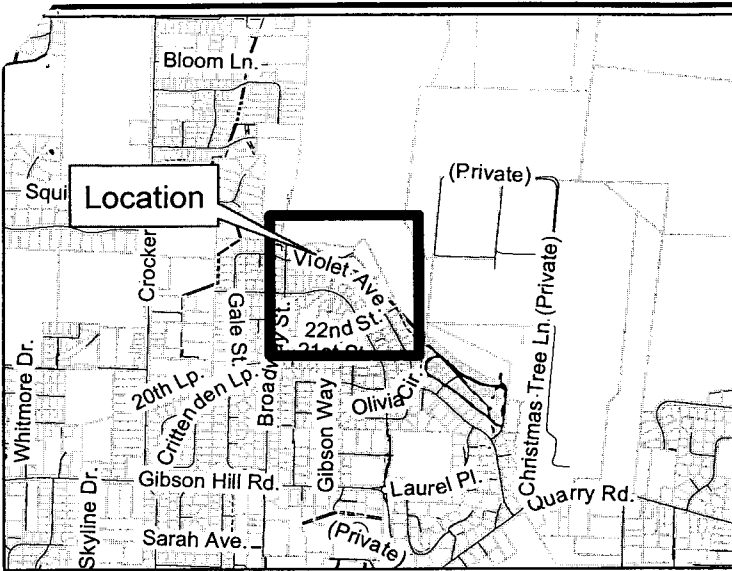
# EXHIBIT C

10SO4W36 00400

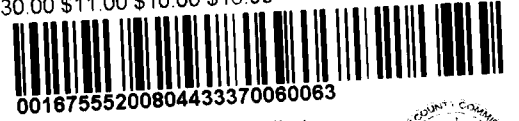
A 30 foot wide Access and Utility Easement to replace an existing easement that is being abandoned.



Geographic Information Services



BENTON COUNTY, OREGON 2008-443337  
DE-EAS 10/16/2008 11:26:38 AM  
Cnt=1 Stn=9 KH \$66.00  
\$30.00 \$11.00 \$10.00 \$15.00



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

**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

All Tax Statements Should Be Sent To:

Government Agency - Exempt

\_\_\_\_\_  
\_\_\_\_\_

1. Name/Title of Transaction - by ORS 205.234 (a)

EASEMENT FOR PUBLIC UTILITIES AND ACCESS

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

Ralph and Diane Nauman

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

\$1.00

Resolution No. 5673

Recorded Document Recorder File No. 5210