

RESOLUTION NO. 5829

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Jean Leone Lovell Trust

Purpose

A 20-foot public utility easement for a new sanitary sewer main.

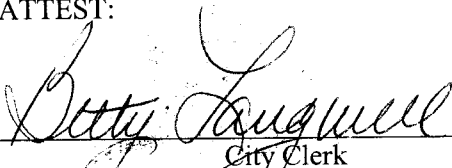
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 12TH DAY OF AUGUST 2009.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 12 day of August, 2009, by and between the Jean Leone Lovell Trust, 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 a public sanitary sewer main 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 attached Legal Description labeled Exhibit A, attached Easement Map labeled Exhibit B and attached Vicinity Map labeled Exhibit 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 \$1,000.00, 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:

Jean Leone Lovell Trust

Jean Leone Lovell

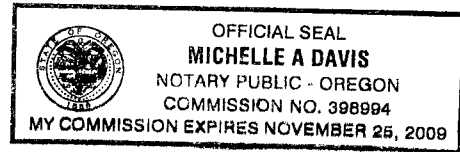
By: Trustee

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

The foregoing instrument was acknowledged before me this 27 day of May, 2009, by Jean Leone Lovell as their voluntary act and deed.

Michelle A. Davis

Notary Public for Oregon
My Commission Expires: November 25, 2009



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 5829, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14 day of August 2009.

Wes Hare
City Manager

ATTEST:
Betty Longwell
City Clerk

EXHIBIT "A"

AN EASEMENT FOR SEWER PURPOSES , OVER ACROSS AND UPON A PORTION OF THAT TRACT OF LAND DESCRIBED IN VOLUME 270, AT PAGE 247, DEED RECORDS OF LINN COUNTY, OREGON, LYING WITHIN A 20.00 FOOT WIDE STRIP OF LAND THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID DEEDED TRACT BEING AT $N 88^{\circ}02'33'' W$ AND DISTANT 62.48 FEET FROM THE MOST WESTERLY NORTHEAST CORNER THEREOF, AND BEING THE NORTHERN TERMINUS OF THE CENTERLINE BEING DESCRIBED HEREIN AND HAVING ENGINEERS STATION: 26+20.88, THENCE $S 01^{\circ}45'17'' W$ A DISTANCE OF 385.05 FEET, THENCE $S 18^{\circ}14'14'' W$ A DISTANCE OF 107.56 FEET TO A POINT ON THE NORTH LINE OF "PARCEL IV" AS THE SAME IS DESCRIBED MF1755-338 IN THE RECORDS OF LINN COUNTY, OREGON, AND DISTANT 7.97 FEET WEST OF THE NORTHEAST CORNER THEREOF AND BEING THE SOUTHERN TERMINUS OF THE CENTERLINE BEING DESCRIBED HEREIN HAVING ENGINEERS STATION: 31+13.49.

THE SIDELINES OF SAID EASEMENT TO BE LENGTHENED OR SHORTENED TO TERMINATE AT THE NORTH AND SOUTH BOUNDARIES OF SAID DEEDED TRACT.

END OF DESCRIPTION

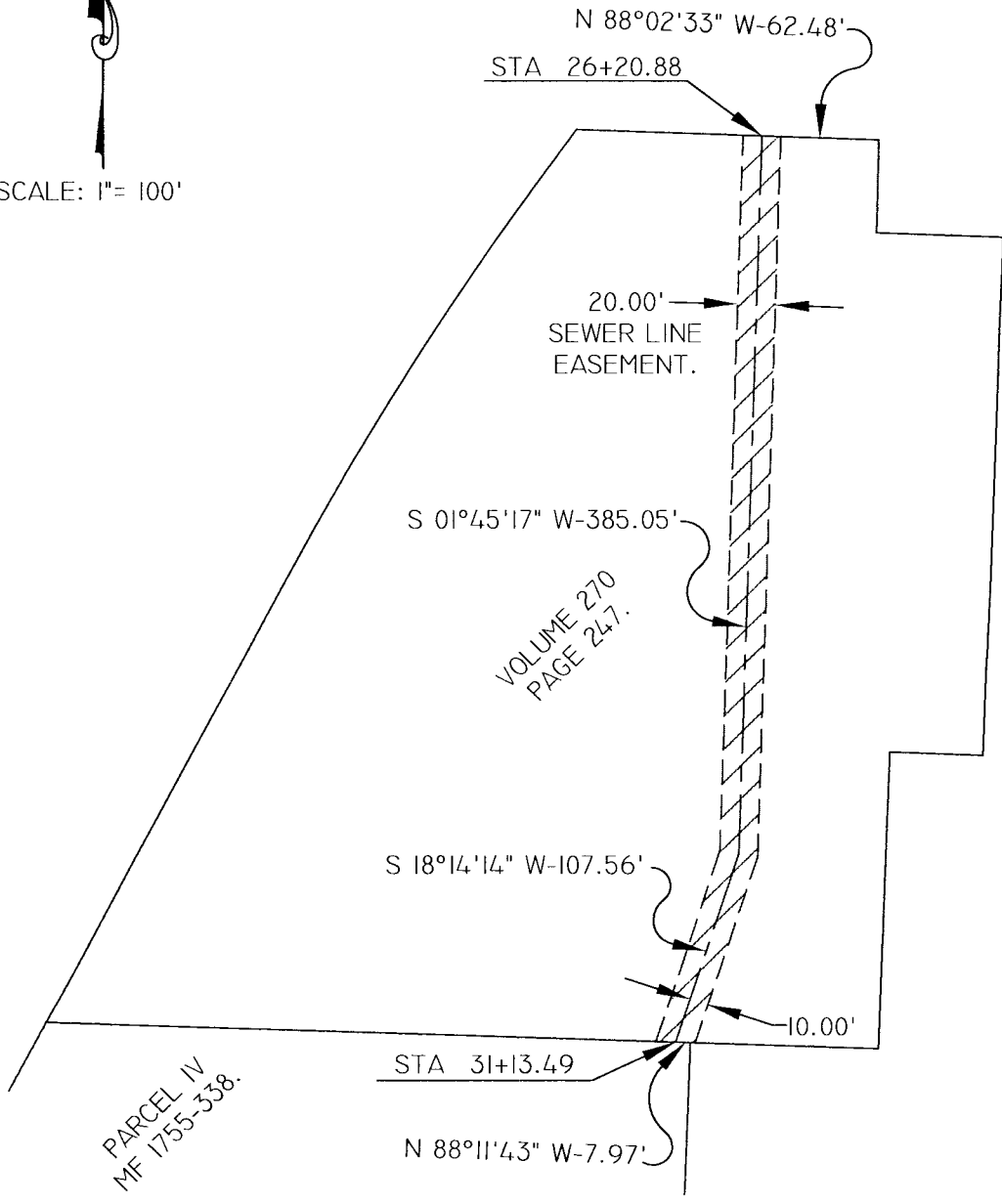
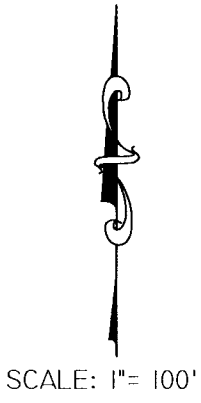


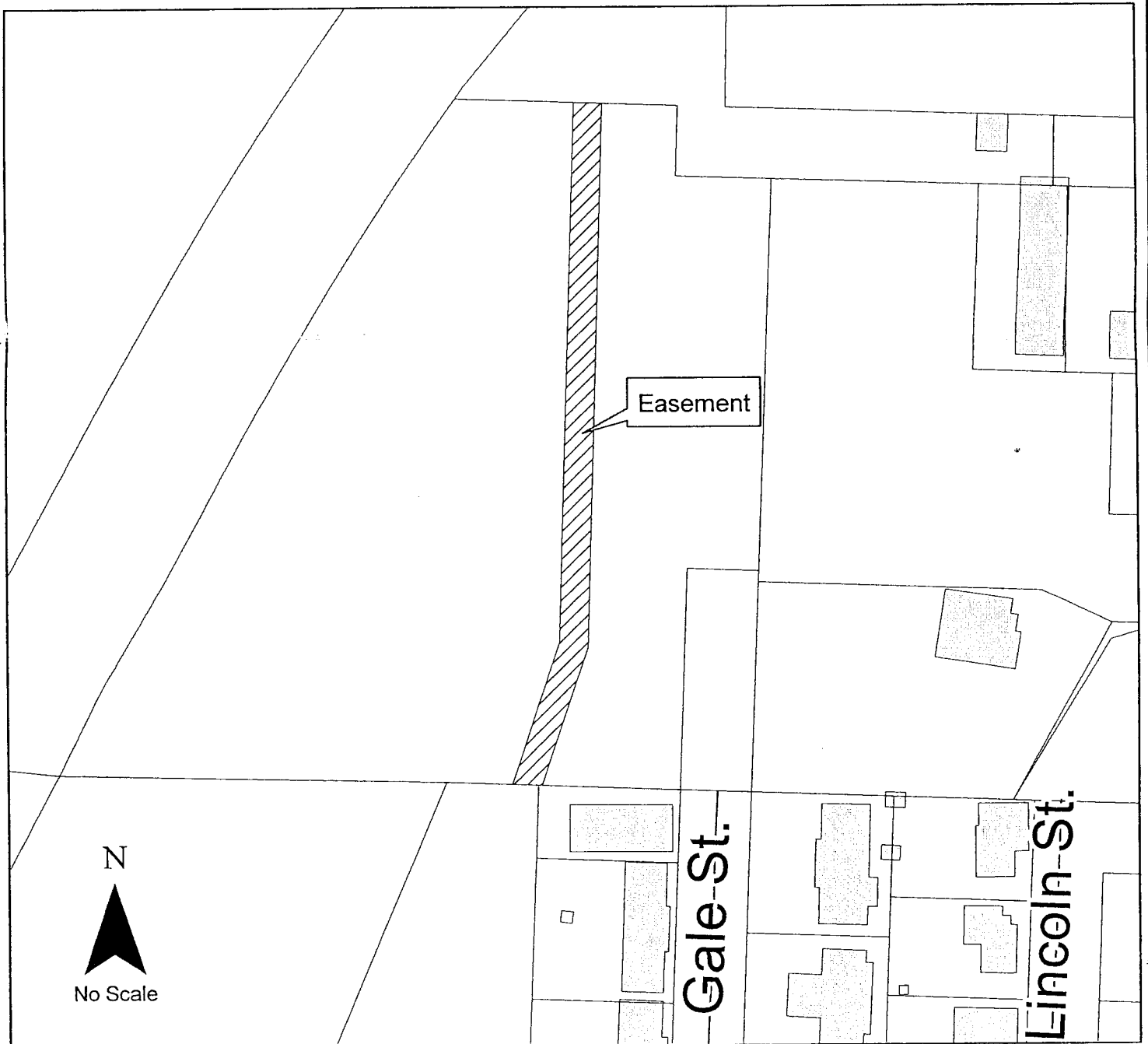
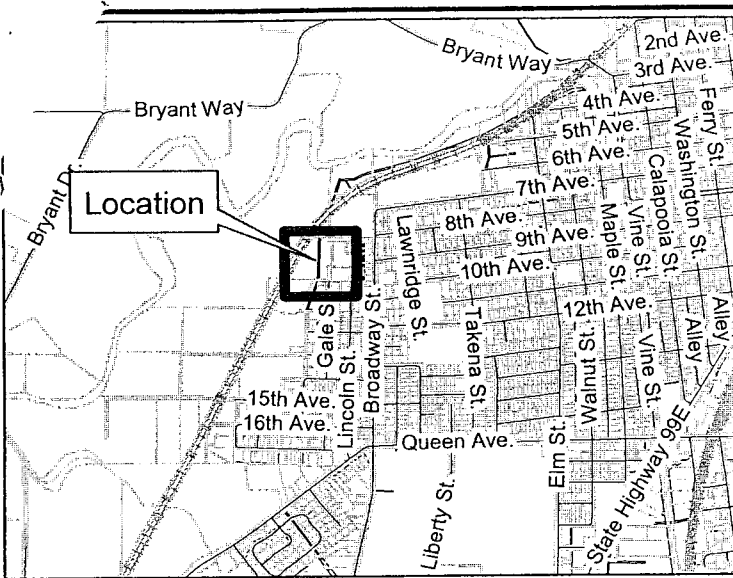
EXHIBIT C

11SO4W12BB00400

A 20-foot public utility easement for a new sanitary sewer main.



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2009-14792**
E-PU
Cnt=1 Stn=1 COUNTER **08/18/2009 02:17:11 PM**
\$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 City Clerk

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

NA

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

Jean Leone Lovell Trust.

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

\$1,000.00

Resolution No. 5829

Recorded Document Recorder File No. 5362