

RESOLUTION NO. 5845

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

LINN BENTON COMMUNITY COLLEGE

A 15 foot-wide water easement for the 53rd Avenue water line extension project.

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

DATED AND EFFECTIVE THIS 23RD DAY OF SEPTEMBER 2009.



Mayor

ATTEST:



City Clerk



SEP 09 2009

EASEMENT FOR PUBLIC UTILITIES

PUBLIC WORKS/ENGINEERING

THIS AGREEMENT, made and entered into this 3rd day of September, 2009, by and between LINN BENTON COMMUNITY COLLEGE, 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:

A 15 foot wide water easement for the 53rd Avenue water line extension project. See legal description and map on attached Exhibit A and Vicinity map on attached 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 \$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.

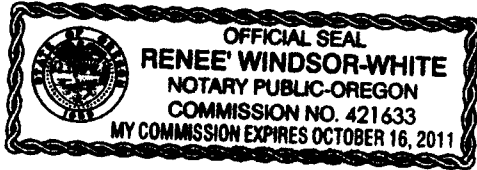
GRANTOR:

Linn Benton Community College

Jim Huckestein
Jim Huckestein, Vice President, Finance & Operations

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

The instrument was acknowledged before me this 3rd day of September, 2009,
by Jim Huckestein, Vice President, Finance & Operations,
on behalf of Linn Benton Community College.



Renee Windsor-White
Notary Public for OR
My Commission Expires: Oct. 16, 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 5845 do hereby
accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 5845 day
of October, 2009.

Wes Hare
City Manager

ATTEST:
Margaret Langwell
City Clerk

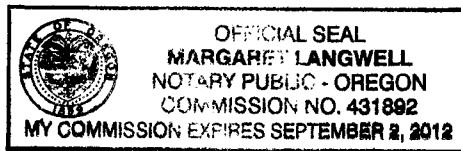
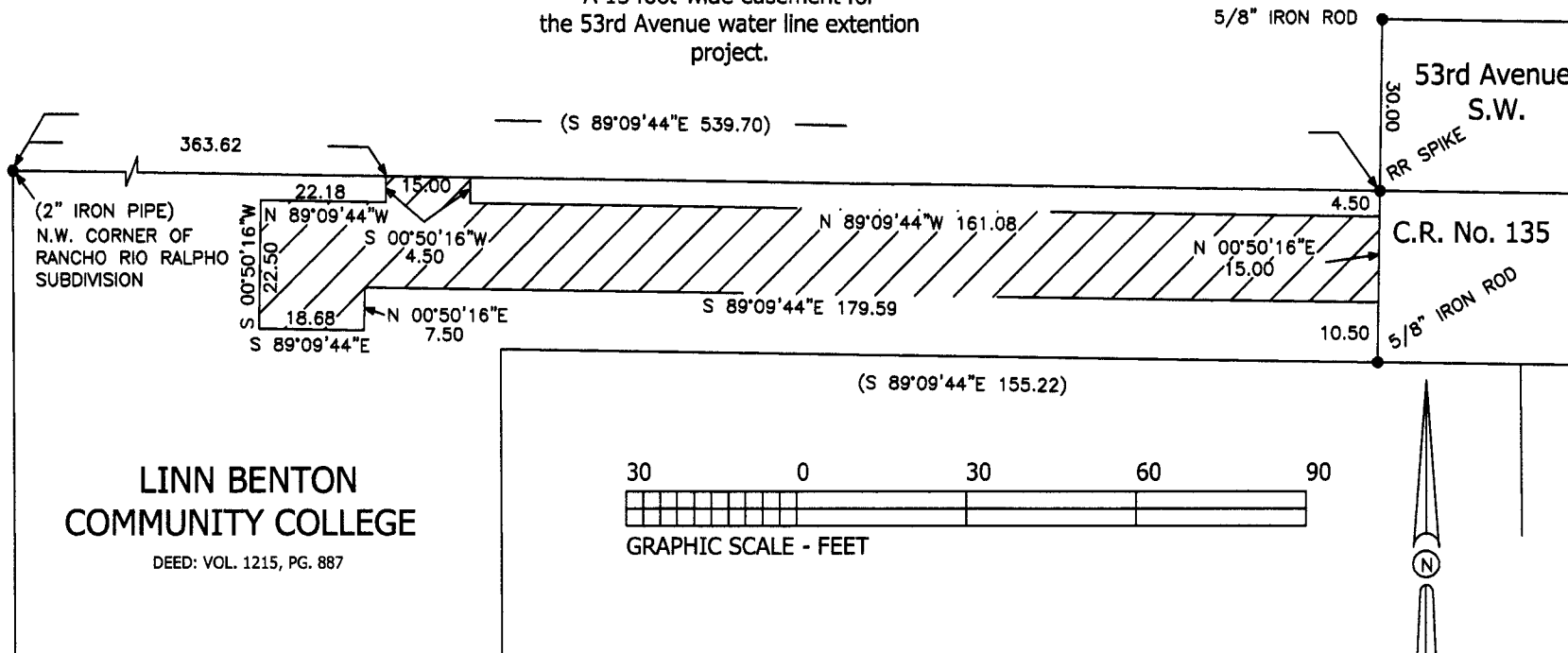


EXHIBIT A

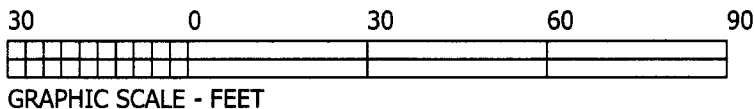
11S04W24 00625

A 15 foot-wide easement for
the 53rd Avenue water line extension
project.



**LINN BENTON
COMMUNITY COLLEGE**

DEED: VOL. 1215, PG. 887



EASEMENT DESCRIPTION

Beginning at a point on the North line of and South 89°09'44"East 363.62 feet from the Northwest corner of the Rancho Rio Ralpho subdivision, a subdivision of record in Section 23, Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon; thence South 00°50'16"West 4.50 feet; thence North 89°09'44"West 22.18 feet; thence South 00°50'16"West 22.50 feet; thence South 89°09'44"East 18.68 feet; thence North 00°50'16"East 7.50 feet; thence South 89°09'44"East 179.59 feet to the West end of Linn County Road No. 135 (53rd Avenue S.W.); thence North 00°50'16"East, on said West end of County Road No. 135, a distance of 15.00 feet; thence North 89°09'44"West 161.08 feet; thence North 00°50'16"East 4.50 feet to said North line of the Rancho Rio Ralpho subdivision; thence North 89°09'44"West 15.00 feet to the point of beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darryl W. Harms

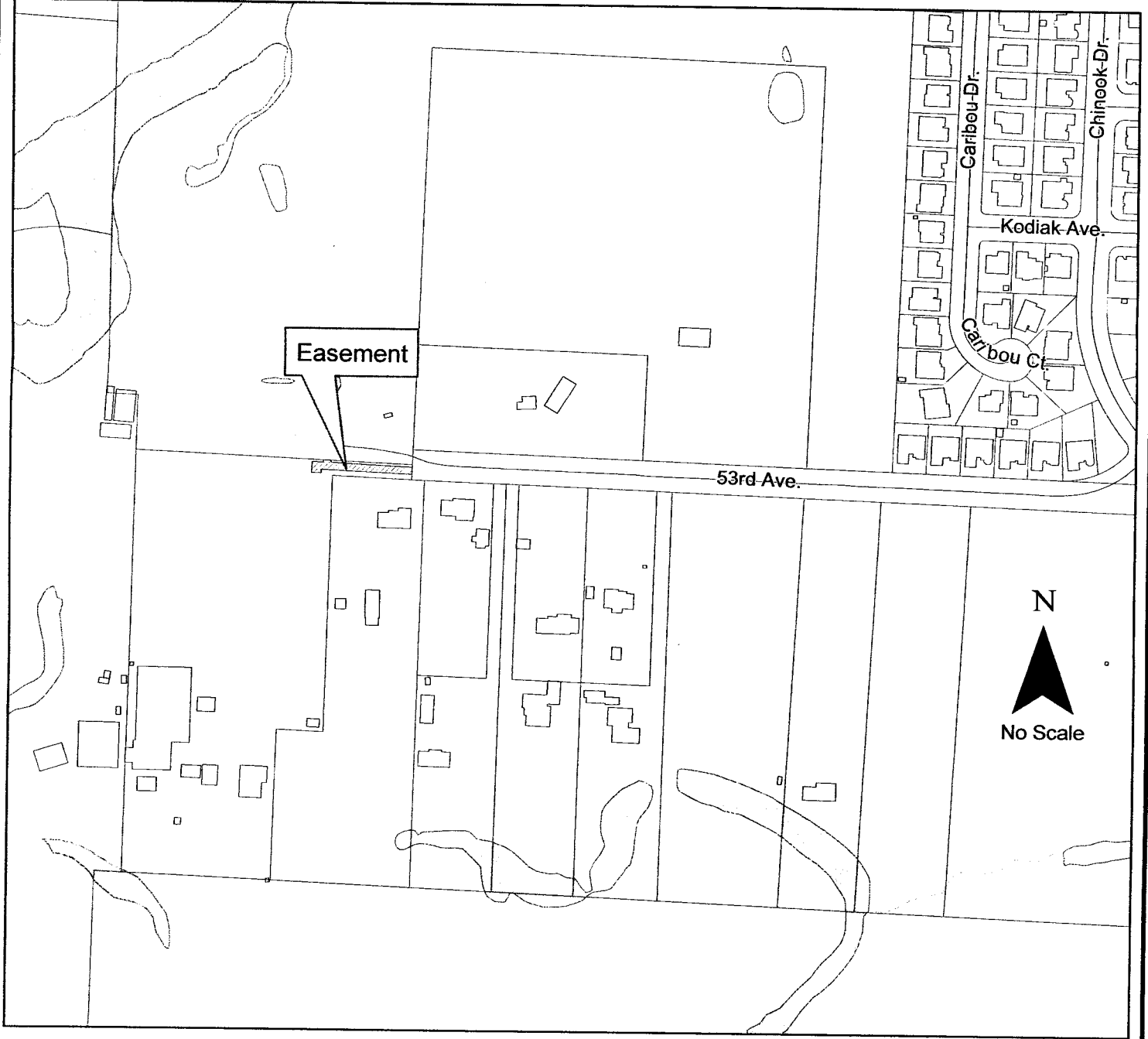
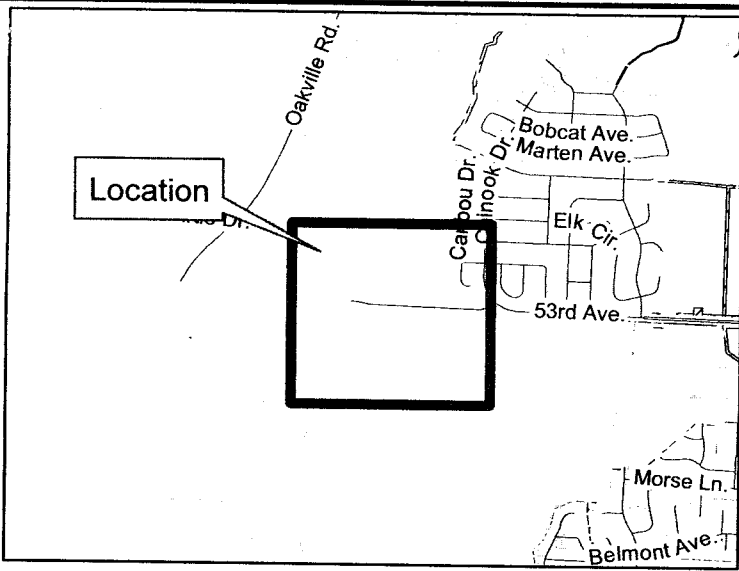
OREGON
JULY 30, 1976
DARRYL W. HARMS
1079

RENEWAL DATE 6/30/11

EXHIBIT B

11SO4W24 00625

A 15 foot-wide water easement for
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project.



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON
E-UT
Cnt=1 Str=1 COUNTER 2009-18168
10/16/2009 03:26:04 PM
\$25.00 \$11.00 \$15.00 \$9.00 \$10.00 \$70.00



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

Linn Benton Community College.

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. 5845

Recorded Document Recorder File No. 5404