

RESOLUTION NO. 5889

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

The State of Oregon, Acting through the Oregon Youth Authority

Purpose

A variable-width public water easement as required by condition of the approval for the Oregon Youth Authority expansion project.

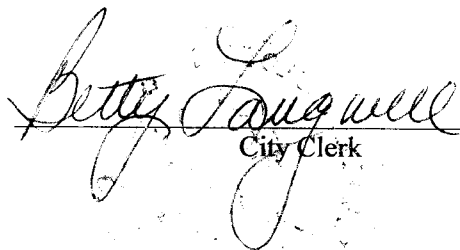
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 10TH DAY OF FEBRUARY 2010.

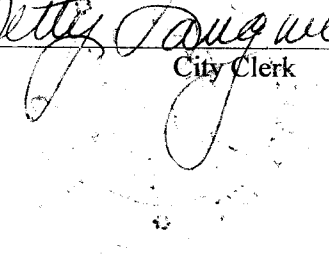


Mayor

ATTEST:



City Clerk



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON 2010-04210
E-PU 03/09/2010 11:39:38 AM
Cnt=1 Stn=1 COUNTER \$75.00
\$30.00 \$11.00 \$15.00 \$9.00 \$10.00
0013043420100042100060064
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

The State of Oregon, acting through the Oregon Youth Authority

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

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 5TH day of JANUARY, 2010, by and between THE STATE OF OREGON, ACTING THROUGH THE OREGON YOUTH AUTHORITY, 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, 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 variable-width public water easement for the Oregon Youth Authority Expansion Project, per legal description on attached Exhibit A and maps on attached Exhibit B and 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 \$1.00, 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 Grantor may obtain therefrom.
4. The Grantor does hereby covenant with the City that it is lawfully seized and possessed of the real property above-described and that it has a good and lawful right to convey it or any part thereof and that it will 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:

The State of Oregon, acting through the Oregon Youth Authority

Jean Straight

STATE OF OREGON
County of MARION) ss.
City of SALEM)

The instrument was acknowledged before me this 5th day of JANUARY, 2010, by JEAN STRAIGHT, (Title) BUSINESS SERVICES ASSISTANT DIRECTOR, on behalf of the Oregon Youth Authority.



Jean Marie Bergen
Notary Public for OREGON
My Commission Expires: APRIL 6, 2013

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 887 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 19 day of February, 2010.

Wes Hare
City Manager

ATTEST:

Meredith [Signature]
City Clerk

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

City of Albany Utility Easement

A variable width strip of land for easement purposes located in Section 19, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon said strip of land being a portion of Parcel 2 of Partition Plat 1996-04, a partition recorded in Linn County, Oregon and is more particularly described as follows:

Beginning at a point on the westerly right-of-way of Lochner Road that is South 01°03'33" West 361.19 feet from the northeast corner of said Parcel 2; thence North 83°07'57" West 385.35 feet; thence North 38°09'13" West 44.39 feet; thence North 89°09'13" West 21.21 feet; thence South 38°09'13" East 57.81 feet; thence South 83°07'57" East 398.03 feet to a point on said westerly right-of-way line; thence North 01°03'33" East 9.55 feet to the Point of Beginning.

Basis of Bearings of the above described strip was established per County Survey Number 21457, a record of survey filed in the office of the Linn County Surveyor.

END DESCRIPTION

Oct. 14, 2009
Utility easement
(07-191-C) JSM
File Ref: titan/projects/07-139-a/Surveying/Documents/utility easement.doc

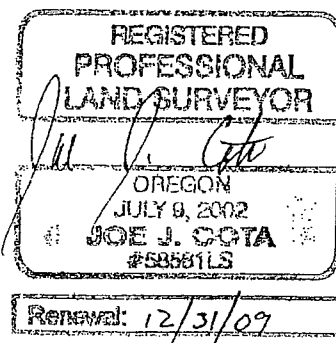


EXHIBIT MAP
FOR

Exhibit B

CITY OF ALBANY

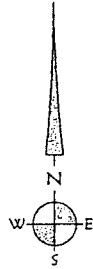
LOCATED IN

THE TRUETT DAVIS D.L.C. No. 54
NE 1/4 SEC. 19, T. 11 S., R. 3 W., W.M.

IN THE

CITY OF ALBANY, LINN COUNTY, OREGON

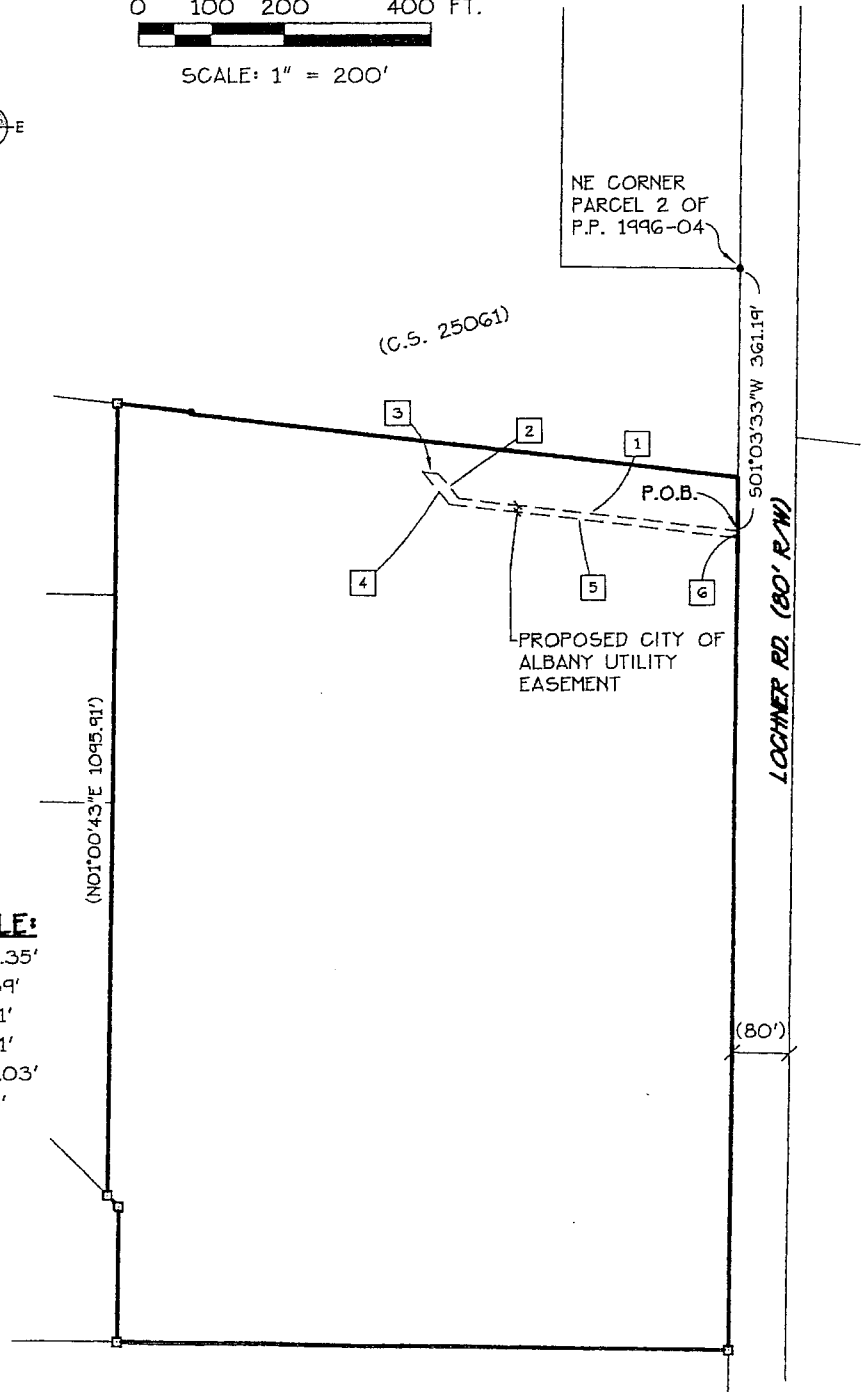
OCTOBER 14, 2009



0 100 200 400 FT.



SCALE: 1" = 200'



LINE DATA TABLE:

1	N83°07'57"W	385.35'
2	N38°09'13"W	44.39'
3	N83°09'13"W	21.21'
4	S38°09'13"E	57.81'
5	S83°07'57"E	398.03'
6	N01°03'33"E	9.55'



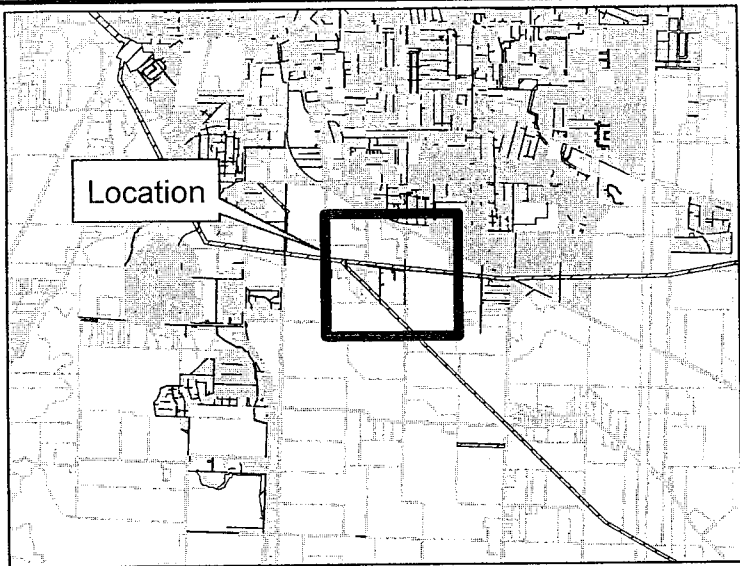


EXHIBIT C

11SO3W19A 00501

A variable-width public water easement
as required by a condition of approval
for the OYA expansion project.



Geographic Information Services

