

RESOLUTION NO. 5993

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Wayne L. and Mary Kay Forslund

Purpose

A variable width water line easement across Tax Lot 11S04W03A 01400 as part of a water line replacement project on Kouns Drive.

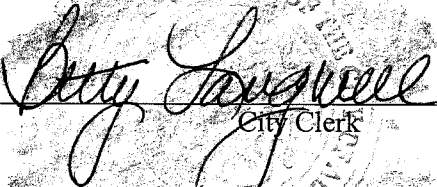
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 23TH DAY OF MARCH 2011.

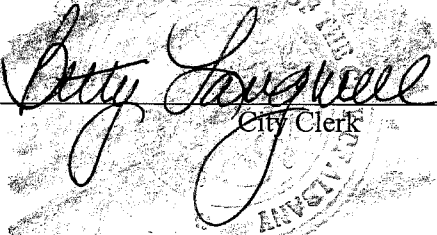


Mayor

ATTEST:



City Clerk



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Grantor

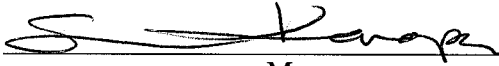
Wayne L. and Mary Kay Forslund

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DATED AND EFFECTIVE THIS 23TH DAY OF MARCH 2011.




Mayor

ATTEST:



City Clerk



EASEMENT FOR PUBLIC UTILITIES AND ACCESS

THIS AGREEMENT, made and entered into this 2nd day of Jan, ^{2013. MD} ~~2012~~, by and between Wayne L. and Mary Kay Forslund, 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.

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

GRANTORS:

Wayne Forslund
Wayne Forslund

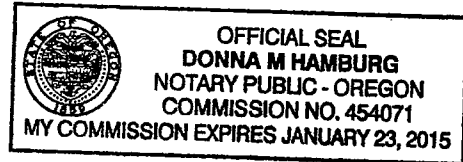
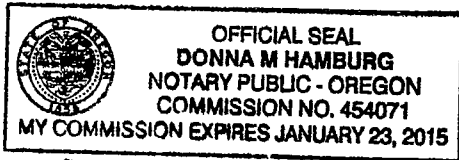
Mary Kay Forslund
Mary Kay Forslund

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 1st day of November, 2012, by Wayne Forslund as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 1st day of November, 2012, by Mary Kay Forslund as her voluntary act and deed.



Donna M. Hamburg
Notary Public for State of Oregon
My Commission Expires: January 23rd 2015

Donna M. Hamburg
Notary Public for State of Oregon
My Commission Expires: January 23rd 2015

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 5993, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 2nd day of January 2012. 2013 MD

Wes Hare
City Manager

ATTEST:

Mary A. Dibble
City Clerk



K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

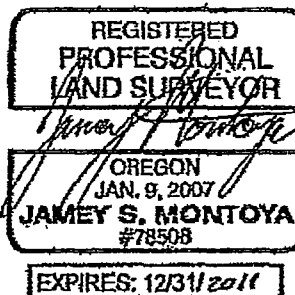
Exhibit "A"

(Waterline Easement)

An easement for utility purposes lying in the Northeast 1/4 of Section 3, Township 11 South, Range 4 West, Willamette Meridian, Benton County, Oregon, said easement being a portion of Parcel 1 of Partition Plat No. 95-35, a partition plat recorded in the Benton County Records and is more particularly described as follows:

Beginning at the most northerly corner of said Parcel 1; thence South 10°40'03" West, on the east boundary line of said Parcel 1, a distance of 112.18 feet; thence North 05°33'12" East 20.00 feet; thence North 06°21'30" East 26.49 feet; thence North 11°24'13" East 63.11 feet to a point on the north boundary line of said Parcel 1; thence North 57°56'41" East, on the said north boundary line, a distance of 4.03 feet to the Point of Beginning.

END OF DESCRIPTION



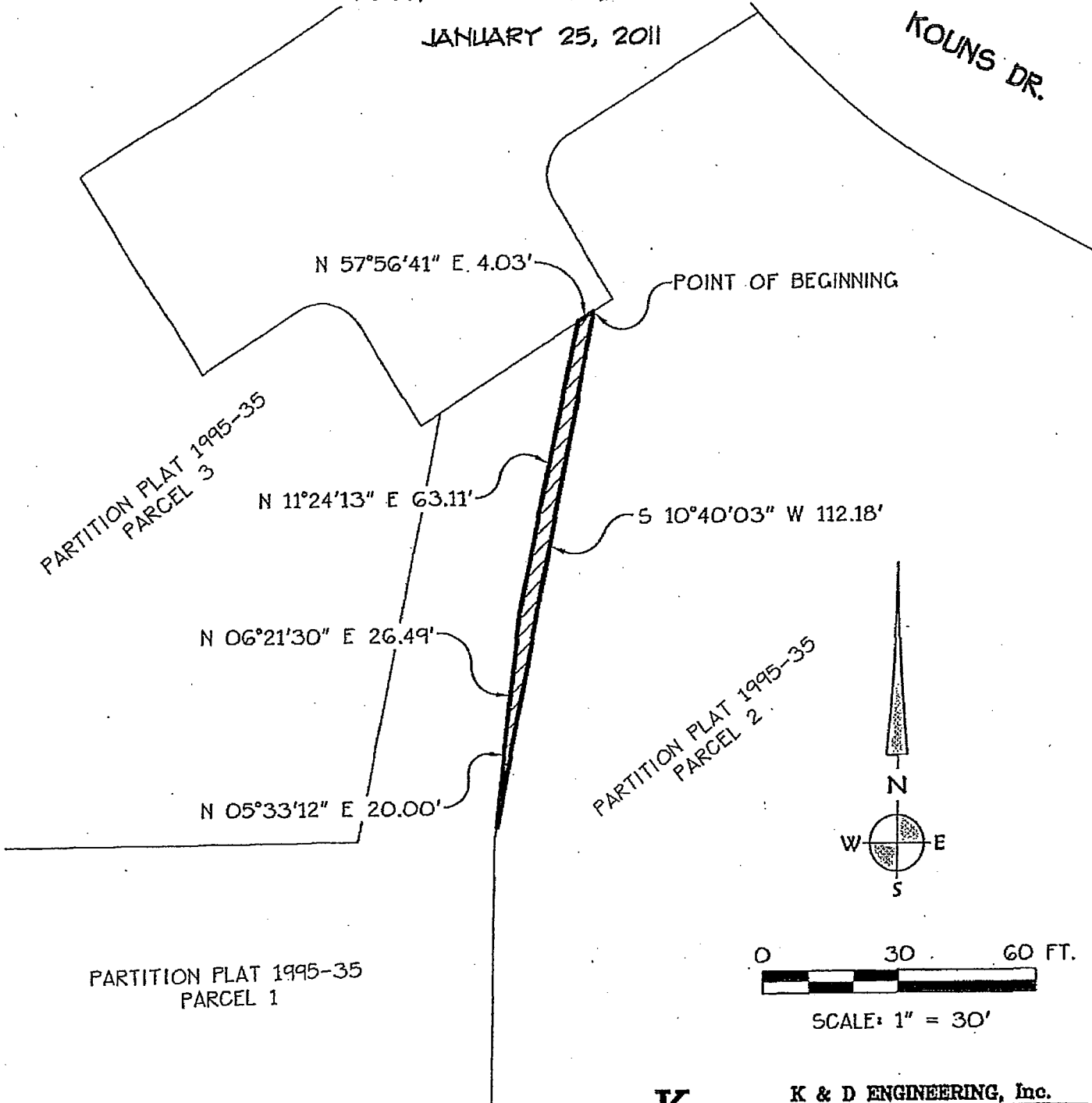
January 24, 2011
EXHIBIT "A" PARCEL 1
WATERLINE EASEMENT
(08-27) JSM:nm
Z:\Projects\2008\08-27\Surveying\Documents\KOUNS DR WL\PARCEL1EASE.doc

EXHIBIT "B"
WATERLINE EASEMENT
 FOR
CITY OF ALBANY

LOCATED IN
 NE 1/4 SEC. 3, T. 11 S., R. 4. W., W.M.,
 BENTON COUNTY, OREGON

JANUARY 25, 2011

KOUNS DR.



Date: 1/25/2011 Time: 13:57
 Scale: 1=30
 File: dwg\2008\08-27\ easement__coa.dwg (Jamey M)



K & D ENGINEERING, Inc.
 276 N.W. Hickory Street P.O. Box 725
 Albany, Oregon 97321
 (541) 928-2583

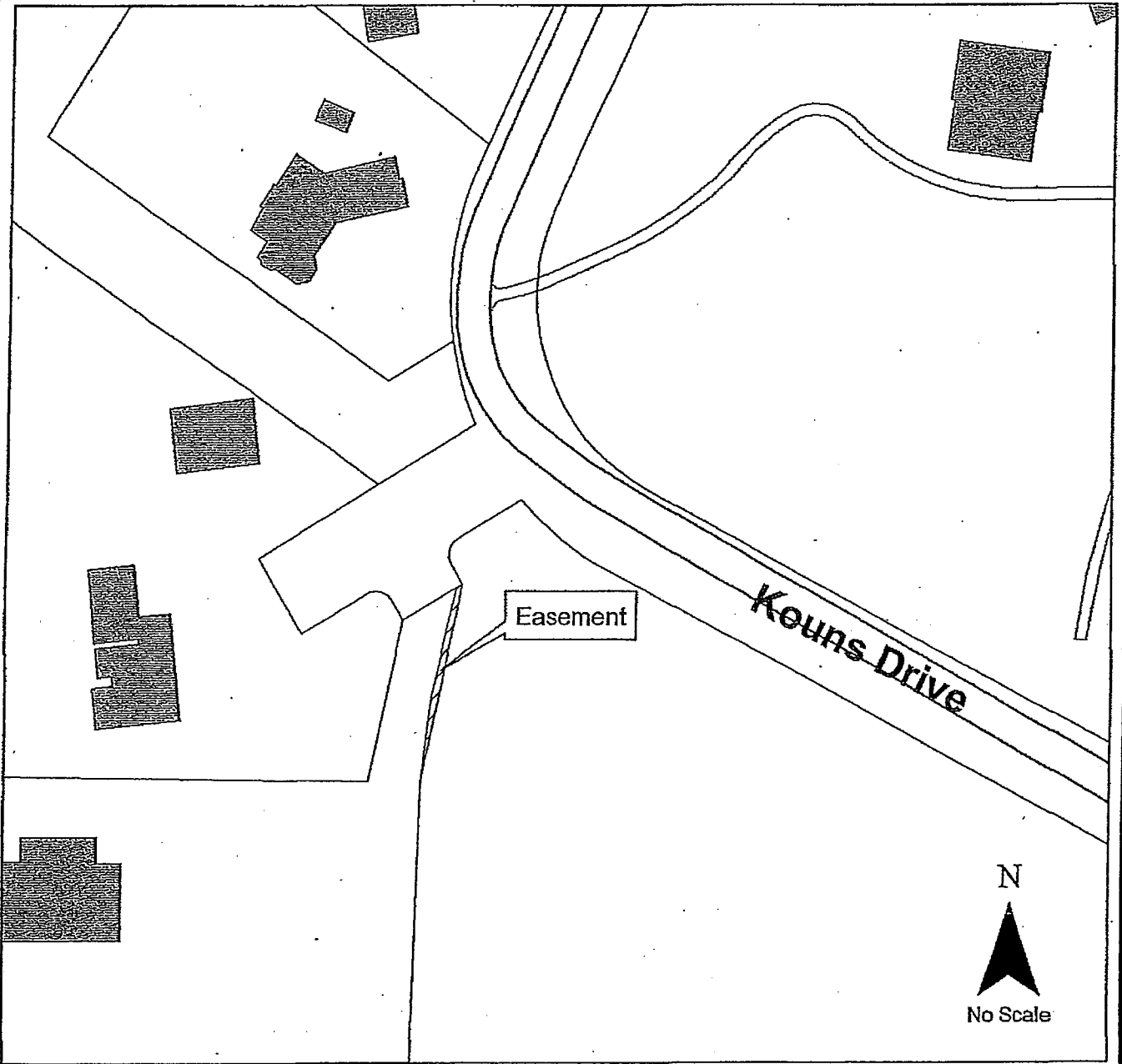
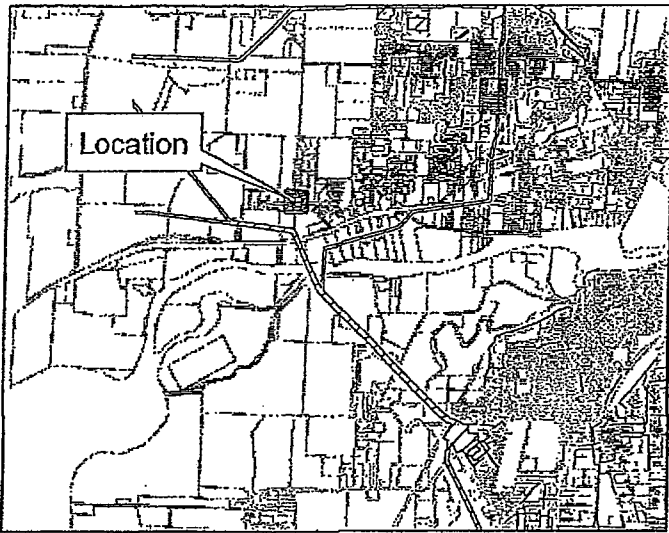
EXHIBIT C

11SO4W03A 01400

A variable width water line easement as part of a water line replacement project on Kouns Drive.



Geographic Information Services



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.

BENTON COUNTY, OREGON **2013-501407**
DE-EAS
Cnt=1 Stn=41 COUNTER1 **01/03/2013 3:49:48 PM**
\$30.00 \$11.00 \$17.00 \$10.00 \$20.00 **\$88.00**



00253314201305014070060066

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



AFTER RECORDING RETURN TO:

City of Albany Recorder

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

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

Wayne L. and Mary Kay Forslund

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

Rec - 5993