

RESOLUTION NO. 6052

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR PUBLIC UTILITIES AND ACCESS:

Grantor

Jean Leone Lovell Trust

Purpose

A 15 foot wide public sanitary sewer access easement to provide access from Gale Street to the Calapooia Interceptor sanitary sewer.

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

DATED AND EFFECTIVE THIS 26TH DAY OF OCTOBER 2011.



Mayor

ATTEST




City Clerk

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON 2011-15214
E-UT
Cnt=2 Stn=1 COUNTER 10/31/2011 02:53:07 PM
\$30.00 \$5.00 \$11.00 \$15.00 \$9.00 \$80.00



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:

No change

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
Jean Leone Lovell Trust, *Jean Lovell Trustee*
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
\$250.00

Res No. 6052

EASEMENT FOR PUBLIC UTILITIES AND ACCESS

THIS AGREEMENT, made and entered into this 7 day of October, 2011, by and between 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 a gravel access road for the purpose of public sanitary sewer access 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 access road and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said access road.

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 \$250.00, 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. In the event that the underlying property is redeveloped, the easement will expire once alternate access acceptable to the City of Albany is provided.

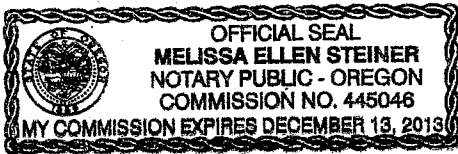
IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

GRANTOR:

Jean Leone Lovell
Jean Leone Lovell, Trustee

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

The foregoing instrument was acknowledged before me this 7 day of October, 2011, by Jean Leone Lovell as her voluntary act and deed.

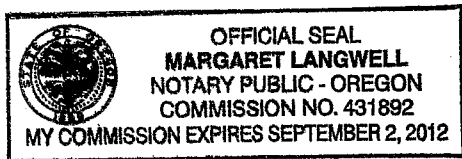


Melissa Ellen Steiner
Notary Public for Oregon
My Commission Expires: 12-13-2013

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 6052, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 28 day of October 2011.



Wes Hare
City Manager

ATTEST:

Margaret Langwell
City Clerk

Exhibit A

Legal Description

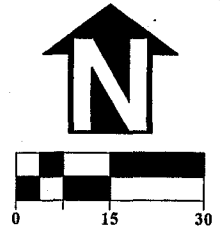
An easement for public sanitary sewer access purposes, over across and upon a portion of that tract of land described in Volume 270 Page 247, deed records of Linn County, Oregon, lying within a 15.00 foot wide strip of land the centerline of which is described as follows:

Beginning at a 5/8 inch rod located at the intersection of the west right-of-line of Gale Street (a 50-foot right-of-way) with the north line of "SPRENGER'S SUPPLEMENTAL PLAT TO HAZELWOOD ADDITION TO ALBANY, OREGON", a subdivision of record in Linn County, Oregon, in the northwest quarter of Section 12, Township 11 South, Range 3 West, of the Willamette Meridian, City of Albany, Linn County, Oregon; thence North $00^{\circ}22'45''$ West 90.00 feet along the west right-of-way line of Gale Street as described in Volume 877 Page 808, Linn County Deed Records, to the True Point of Beginning; thence North $60^{\circ}51'57''$ West 47.94 feet; thence North $88^{\circ}14'43''$ West approximately 21.59 feet, more or less, to the east boundary of the public sanitary sewer easement described in 2009-14792, Linn County Deed Records.

The sidelines of said easement to be lengthened or shortened to terminate at the west right-of-way line of Gale Street as described above and the east boundary line of the sanitary sewer easement described above.



EXHIBIT B
PUBLIC SANITARY SEWER ACCESS EASEMENT
T11S R4W SEC 12 TL400



EXISTING PUBLIC SANITARY
SEWER EASEMENT
2009-14792
LINN COUNTY DEED RECORDS

JEAN LEONE LOVELL TRUST
VOLUME 270 PAGE 247

N88°14'43"W 21.59 FEET, MORE
OR LESS, TO EAST BOUNDARY
OF EXISTING PUBLIC SANITARY
SEWER EASEMENT

N60°51'7"W 47.94 FEET

15' WIDE PUBLIC
SANITARY SEWER
ACCESS EASEMENT

TRUE POINT OF
BEGINNING

POINT OF BEGINNING
5/8" IRON ROD AT INTERSECTION
OF WEST RIGHT-OF-WAY LINE
OF GALE STREET AND NORTH
LINE OF SPRENGER'S
SUPPLEMENTAL PLAT TO
HAZELWOOD ADDITION TO
ALBANY, OREGON
LINN COUNTY DEED RECORDS

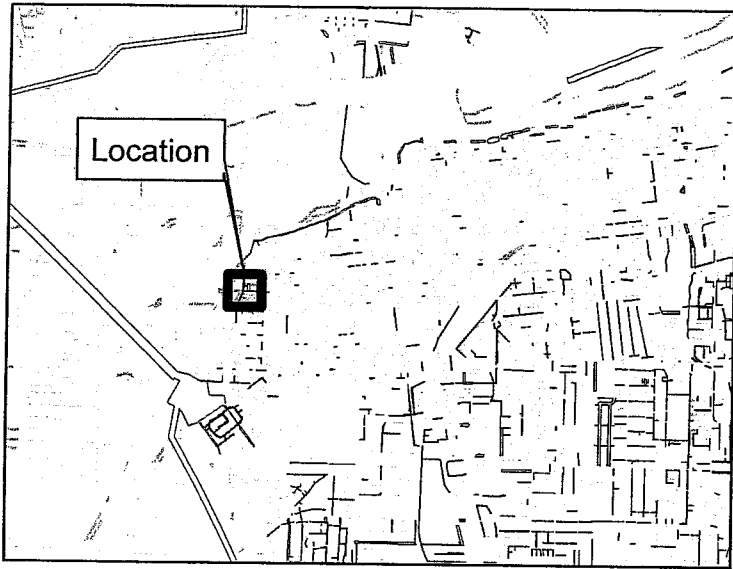
N00°22'45"W 90.00 FEET

GALE STREET RIGHT-OF-WAY
VOLUME 877 PAGE 808, LINN COUNTY DEED RECORDS

EXHIBIT C

11S04W12BB00400

Public Sanitary Sewer
Access Easement



Geographic Information Services

