

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON 2012-04526
E-UT
Cnt=2 Stn=1 COUNTER 03/30/2012 10:17:22 AM
\$30.00 \$5.00 \$11.00 \$15.00 \$9.00 \$80.00



00176029201200045260060065

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:

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

Carol H. Jordan trustee of the Carol H. Jordan Revocable Trust

139 Kouns Drive NW

Albany, OR 97321

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

\$500

Res No 6102

EASEMENT FOR PUBLIC UTILITIES AND ACCESS

THIS AGREEMENT, made and entered into this 19 day of March, 2012, by and between Carol H. Jordan trustee of the Carol H. Jordan Revocable 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, a non-exclusive 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 water 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 non-exclusive 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 \$500.00, 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. Any other uses by the grantors, their heirs or assigns, or any other easement holders, shall not interfere with the continued use, operation and maintenance of public improvements to be constructed within this easement.

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

GRANTOR:

Carol H. Jordan, trustee of the Carol H. Jordan Revocable Trust

Carol H. Jordan
Carol H. Jordan

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

The foregoing instrument was acknowledged before me this 21st day of February, 2012, by Carol H. Jordan, trustee of the Carol H. Jordan Revocable Trust, on behalf of the trust, as his/her voluntary act and deed.

Betty M. Fears
Notary Public for Oregon
My Commission Expires: July 16, 2013



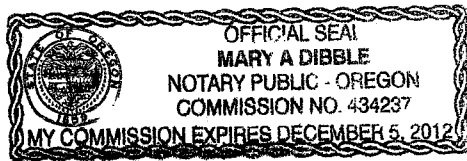
CITY OF ALBANY:

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 6102, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 19 day of March 2012.

Wes Hare
City Manager

ATTEST:



Mary A. Dibble
Deputy City Clerk

EXHIBIT "A"

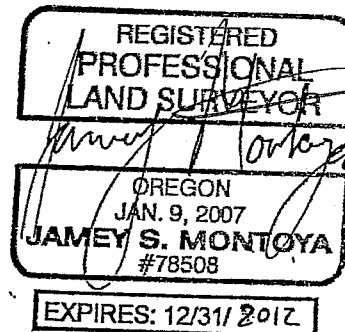
(Jordan Easement Description)

An easement over a strip of land 20 feet wide, said strip being a portion of that property conveyed to Carol H. Jordan Revocable Trust by deed recorded as Document Number 2007-14342, Linn County Deed Records, said portion also being a portion of Tract No. 17 of BRYANT'S TRACTS, a Subdivision recorded as County Survey 1255-A, Linn County Survey Records, the centerline of said strip being centered over a waterline pipe and being more particularly described as follows:

Beginning at a point on the east boundary line of said Tract No. 17 that bears South 01°50'28" West 136.18 feet from the northeast corner thereof; thence South 10°23'56" West, on said waterline pipe, a distance of 149 feet, more or less, to the south boundary line of said Tract No. 17, said boundary line also being the southerly bank of the Calapooia River. The sidelines of this easement shall be shortened or lengthened to terminate at the east and south boundary lines of said Tract No. 17 as shown on the Exhibit Map, attached hereto and made a part of.

The bearings used in this description were based upon found monuments shown on the attached Exhibit Map.

END OF DESCRIPTION

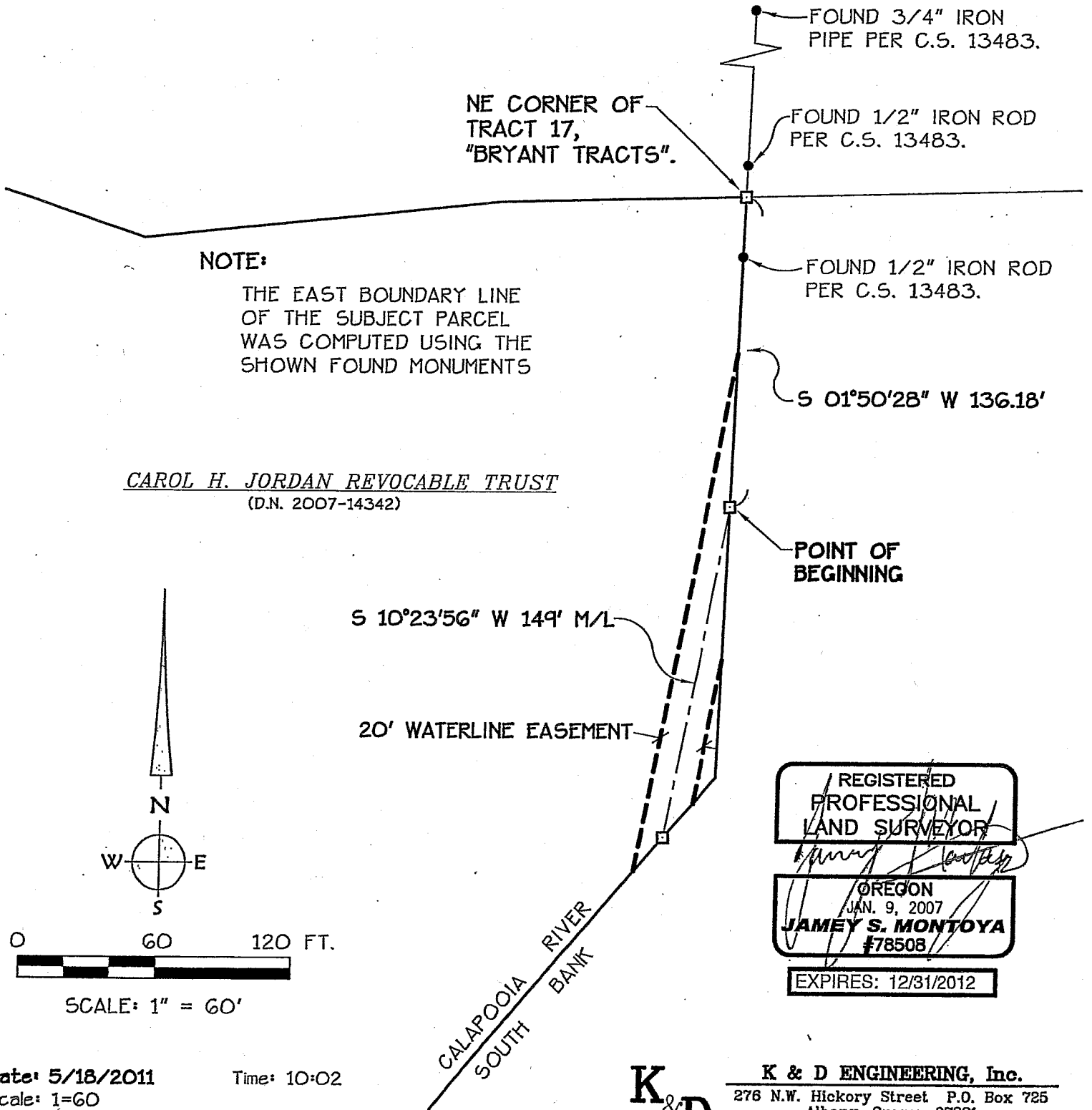


May 18, 2011
EXHIBIT "A"
JORDAN EASEMENT DESCRIPTION
(10-106) JSM:ls

File: Titan/Projects/2010/10-106/Surveying/Documents/Jordanease.doc

EXHIBIT "B" EASEMENT

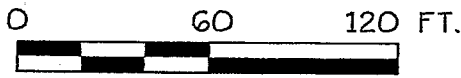
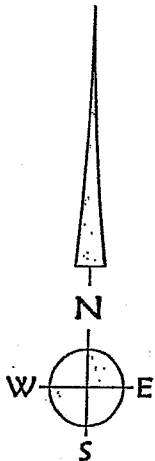
LOCATED IN
NE 1/4 SEC. 12, T. 11 S., R. 4 W., W.M.
CITY OF ALBANY, LINN COUNTY, OREGON
MAY 16, 2011



NOTE:

THE EAST BOUNDARY LINE
OF THE SUBJECT PARCEL
WAS COMPUTED USING THE
SHOWN FOUND MONUMENTS

CAROL H. JORDAN REVOCABLE TRUST
(D.N. 2007-14342)



SCALE: 1" = 60'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JAN. 9, 2007
JAMEY S. MONTOYA
#78508

EXPIRES: 12/31/2012

Date: 5/18/2011 Time: 10:02
Scale: 1=60
File: dwg\2010\10-106\easex.dwg (Jamey M)

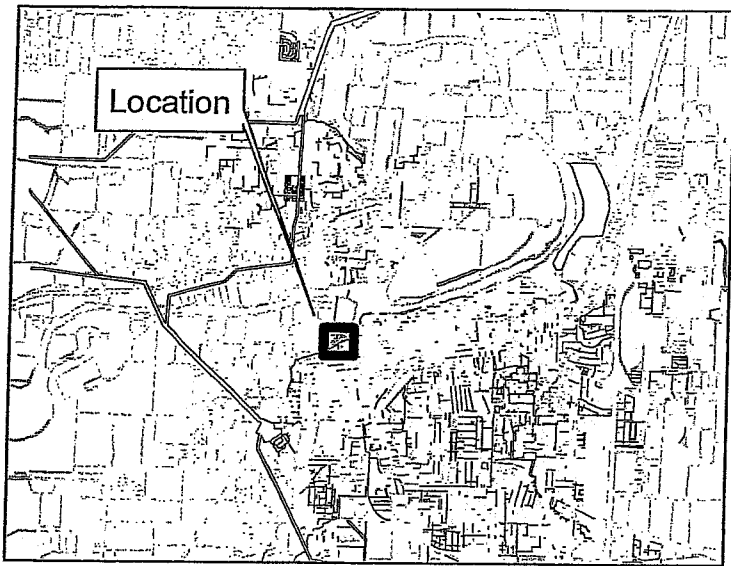


K & D ENGINEERING, Inc.
276 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583

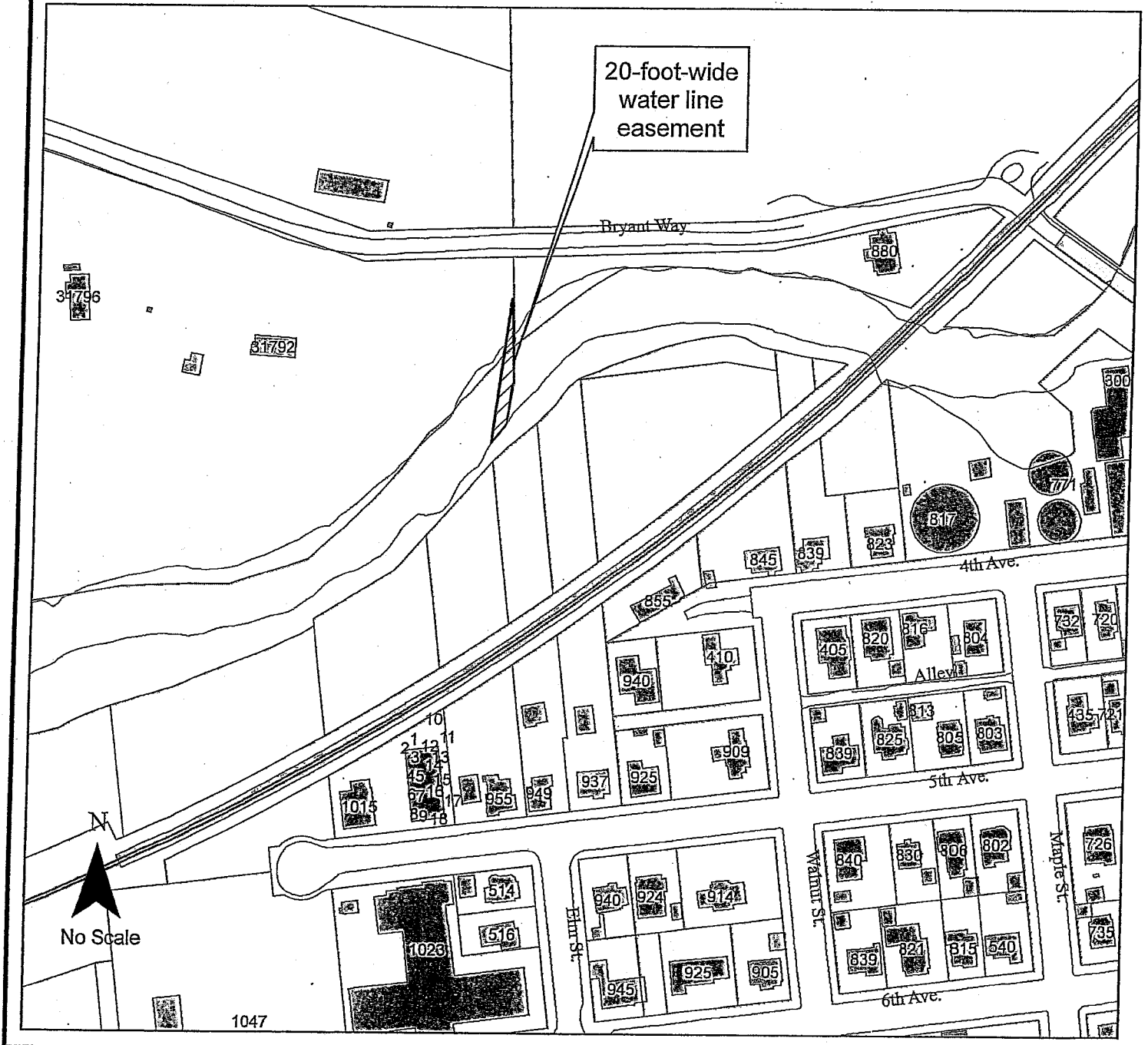
EXHIBIT C

11S04W12 00700

A 20-foot wide water line easement
across Tax Lot 11S04W12 00700
as part of WL-11-01, Broadway
Reservoir Transmission Main, Phase 1



Geographic Information Services



RESOLUTION NO. 6102

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Carol H. Jordan trustee of the Carol H. Jordan Revocable Trust

A 20-foot-wide water line easement across Tax Lot 11S04W1200700 as part of WL-11-01 Broadway Reservoir Transmission Main, Phase I


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

DATED AND EFFECTIVE THIS 14TH DAY OF MARCH 2012.



Mayor

ATTEST



Deputy City Clerk

