

RESOLUTION NO. 6174

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Allen L. Lochner and  
Nancy J. Lochner

Purpose

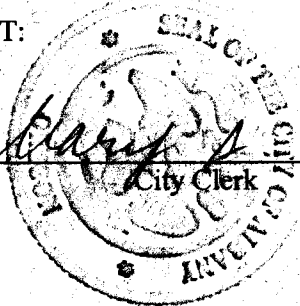
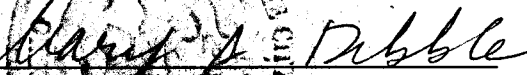
A 15-foot wide water line easement across Tax Lot  
10S04W36CD00500 as part of WL-08-04, Maier  
Lane Water Line, water line replacement

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

DATED AND EFFECTIVE THIS 24<sup>TH</sup> DAY OF OCTOBER 2012.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
  
\_\_\_\_\_  
City Clerk

## EASEMENT FOR PUBLIC UTILITIES AND ACCESS

THIS AGREEMENT, made and entered into this 9 day of October, 2012, by and between Allen L. Lochner and Nancy J. Lochner, 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 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 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:

Allen L. Lochner  
Allen L. Lochner

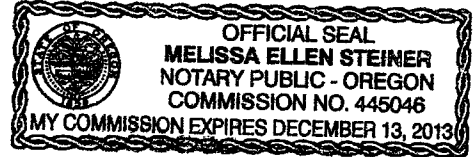
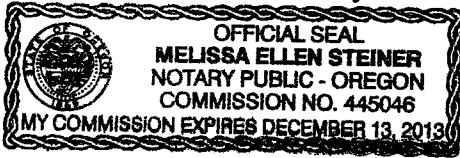
Nancy J. Lochner  
Nancy J. Lochner

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 9 day of October, 2012, by Allen L. Lochner as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 9 day of October, 2012, by Nancy J. Lochner as her voluntary act and deed.



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

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

CITY OF ALBANY:

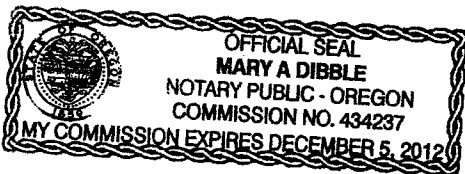
STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 6174, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 29 day of October 2012.

Wes Hare  
City Manager

ATTEST:

Mary A Dibble  
City Clerk



## **Exhibit A**

### **Legal Description for water line easement**

A fifteen foot wide water line easement lying over the westernmost fifteen feet of the property as recorded in Benton County, Oregon deed records 168159-93, in the NW corner of Section 1, T11South, R4West, Willamette Meridian, City of Albany, Benton County, Oregon, more particularly described as follows;

A 15 foot wide by 187.65 foot long strip lying east of and adjacent to the west property line of said Lochner tract. As shown on the attached maps labeled Exhibit B and Exhibit C, attached hereto and made a part hereof this description.

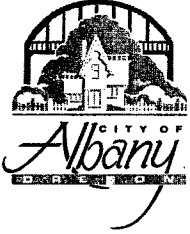
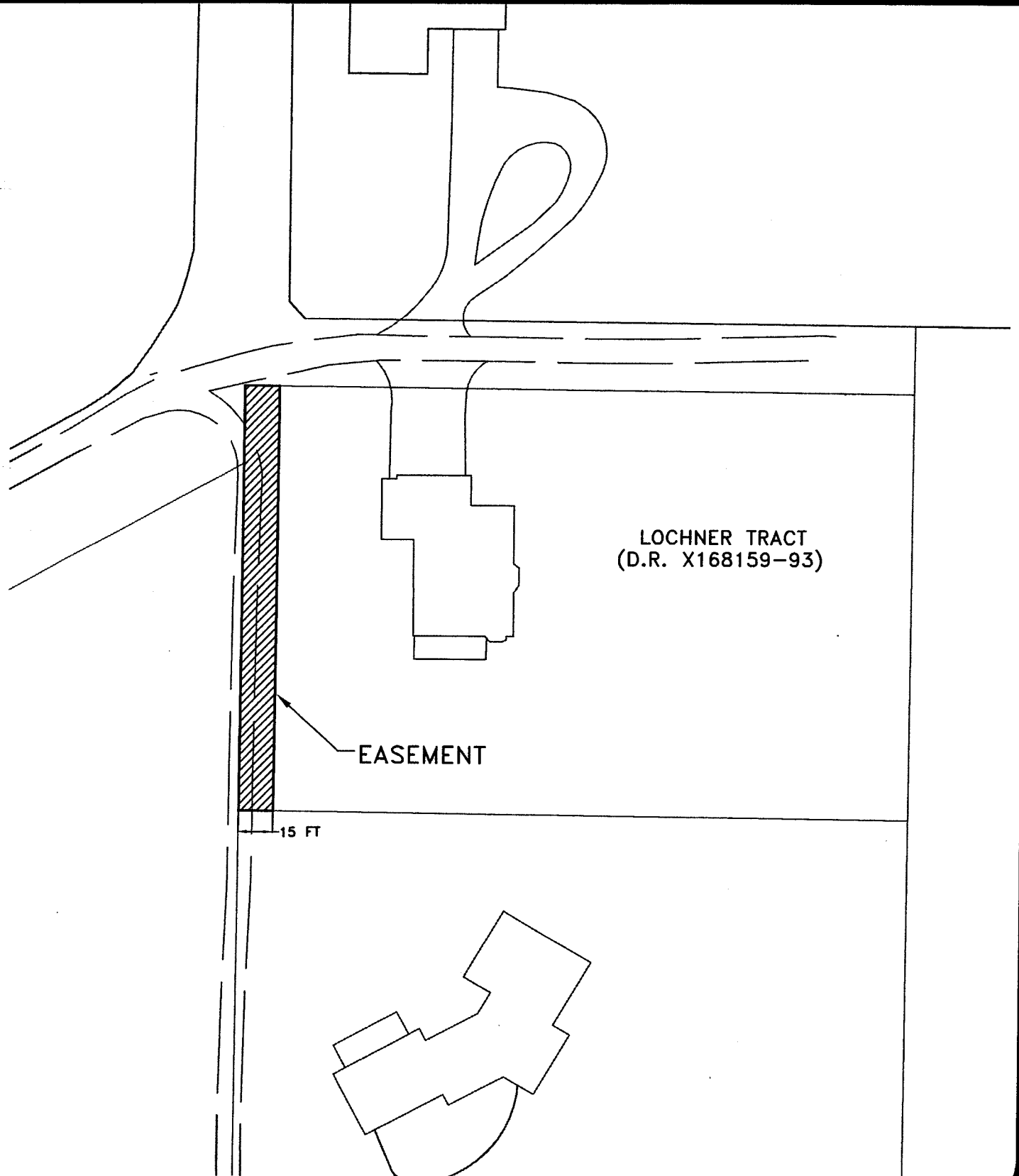
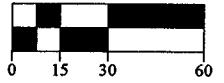


EXHIBIT B  
UTILITY EASEMENT  
T10S R04W SEC 36CD TL500



LOCHNER TRACT  
(D.R. X168159-93)

EASEMENT

15 FT

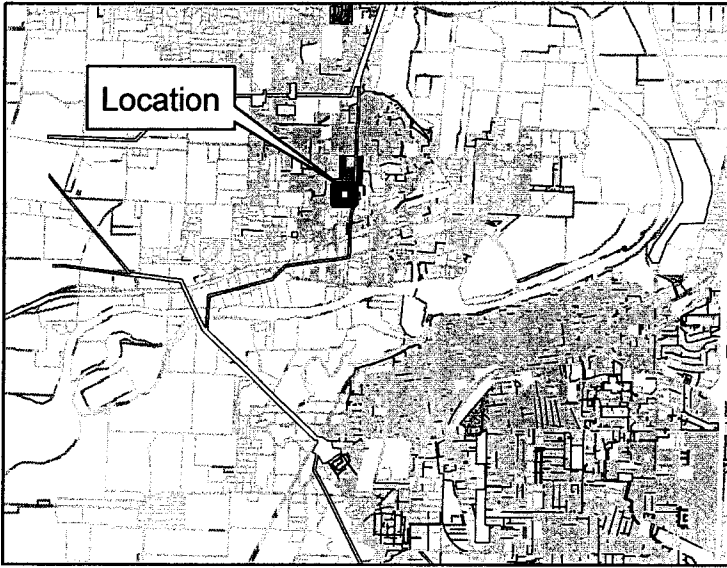
# EXHIBIT C

10S04W36CD00500

A 15-foot wide water line easement across Tax Lot 10S04W36CD00500 as part of WL-08-04, Maier Lane Water Line, water line replacement



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.

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**AFTER RECORDING RETURN TO:**

City of Albany Recorder

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1. Name/Title of Transaction - by ORS 205.234 (a)

Easement

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

Allen L. Lochner and Nancy J. Lochner

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

BENTON COUNTY, OREGON **2012-498985**

DE-EAS

Cnt=1 Str=9 PF

11/05/2012 3:04:22 PM

\$30.00 \$11.00 \$17.00 \$10.00 \$20.00

**\$88.00**



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

