

RESOLUTION NO. 6176

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

John Charles Chimenti and
Myra Gaye Chimenti

Purpose

A 15-foot wide water line easement across Tax Lot
10S04W36CD00700 as part of WL-08-04, Maier
Lane Water Line, water line replacement

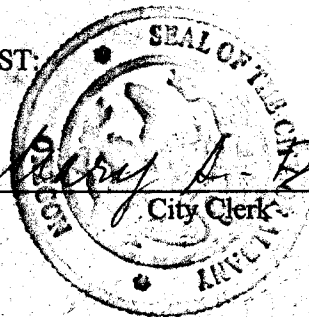
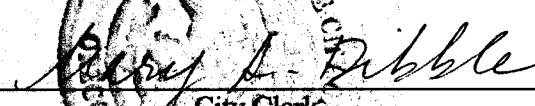
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this
easement.

DATED AND EFFECTIVE THIS 24TH DAY OF OCTOBER 2012.



Mayor

ATTEST:

City Clerk

EASEMENT FOR PUBLIC UTILITIES AND ACCESS

THIS AGREEMENT, made and entered into this 14 day of September 2012, by and between John Charles Chimenti and Myra Gaye Chimenti, 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:

John Charles Chimenti
John Charles Chimenti

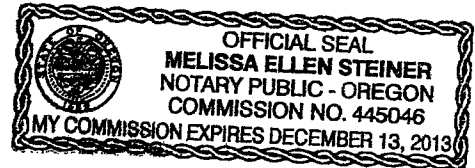
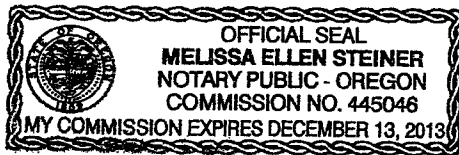
Myra Gaye Chimenti
Myra Gaye Chimenti

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 14 day of September, 2012, by John Charles Chimenti as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 14 day of September, 2012, by Myra Gaye Chimenti 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 6176, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 29 day of Oct 2012.

Wes Hare
City Manager

ATTEST:

Mary A Dibble
City Clerk

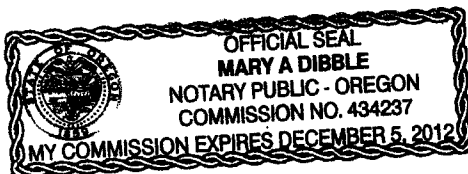


Exhibit A

Legal Description for water line easement

A fifteen foot wide water line easement lying over the southern 15 feet of the northernmost twenty-two and a half feet of the property as recorded in Benton County, Oregon deed records 37088-72, in the NW corner of Section 36, T10South, R4West, Willamette Meridian, City of Albany, Benton County, Oregon, more particularly described as follows;

A 15 foot wide by 275 foot long strip lying seven and a half feet south of the north property line of said Chimenti tract. As shown on the attached maps labeled Exhibit B and Exhibit C, attached hereto and made a part hereof this description.



EXHIBIT B
PUBLIC UTILITY EASEMENT
T10S R04W SEC 36CD TL700

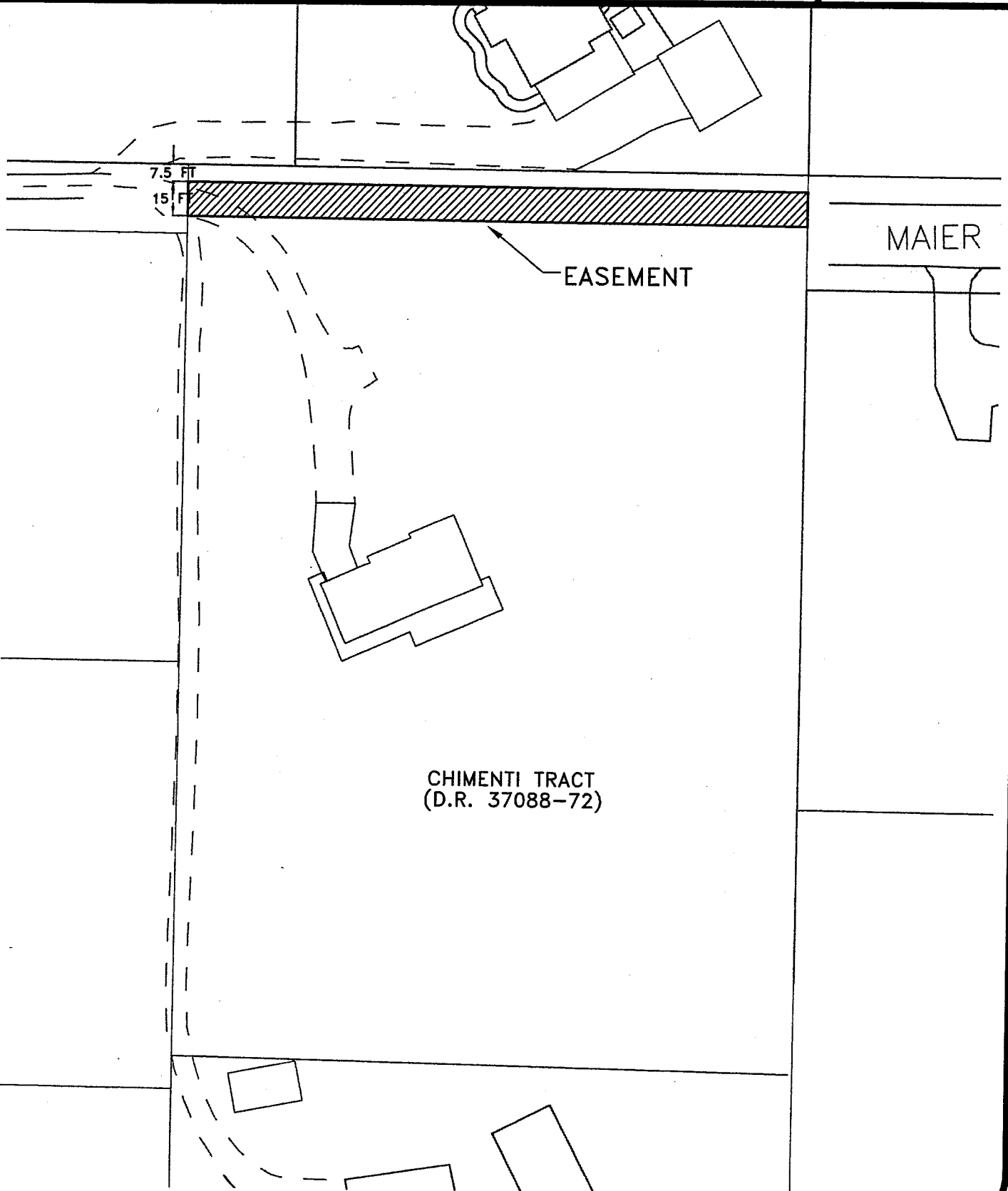
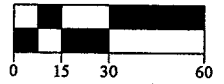
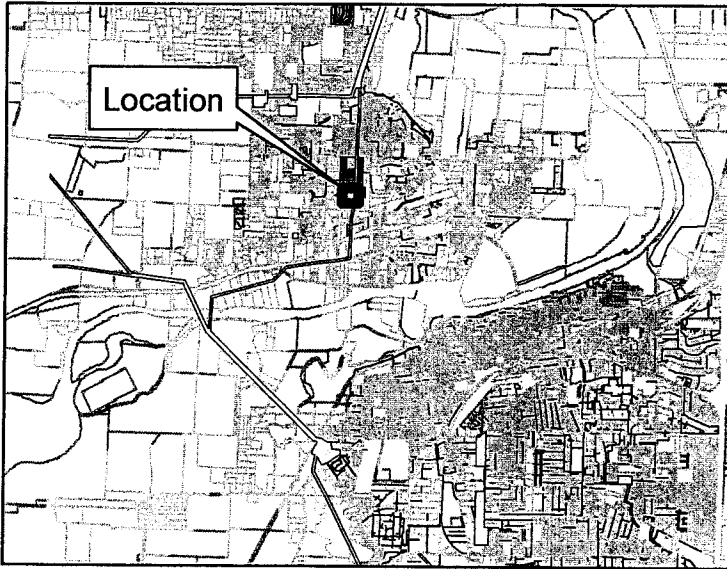


EXHIBIT C

10S04W36CD00700

A 15-foot wide water line easement across Tax Lot 10S04W36CD00700 as part of WL-08-04, Maier Lane Water Line, water line replacement



Geographic Information Services





DEPARTMENT OF ADMINISTRATIVE SERVICES
 Records & Elections Division
 120 NW 4th Street
 Corvallis OR 97330
 Records 541.766.6831 FAX 541.766.6675
 Elections 541.766.6756 FAX: 541.766.6757

IMPORTANT: INSTRUMENT MAY REQUIRE RE-RECORDING

BENTON COUNTY INSTRUMENT NUMBER

[20 12 - 498986]

INSTRUMENT RECEIVED FROM:

City of Albany Recorder
 PO Box 490
 Albany, OR 97321

The attached instrument has been recorded. However, the instrument may require re-recording. If you wish to make corrections to this instrument, please do so, by returning the instrument along with a completed coversheet and the appropriate re-recording fee, indicated below:

RE-RECORDING FEE: \$ 93.00

The instrument requires or may require the following correction(s):

- Insufficient or erroneous reference number to a previously recorded instrument provided
- Lacks or contains insufficient legal description of the subject property
- True and actual consideration not indicated on the first page of instrument
- Not a Benton County property. Record with _____.
- Lacks after recording return to information, must appear on first page of instrument
- Lacks tax statement name & address, must appear on first page of instrument
- Incomplete or lacks notarization
- OTHER: Original signatures on page 3 are needed for Chimenti's and notary.

- Coversheet required, please complete the attached coversheet form and return it with instrument for re-recording. The coversheet is available in electronic format at www.co.benton.or.us/admin/records
 Each instrument presented for re-recording, must contain the completed statement that follows on the first page/coversheet: Please, be sure to complete this statement prior to submitting the instrument.

"RE-RECORDED AT THE REQUEST OF _____ TO CORRECT _____, PREVIOUSLY RECORDED AS INSTRUMENT NUMBER _____."

If you have any questions, or if we may be of further assistance to you in this matter please give us a call at this telephone number: 541.766.6831.

Mary Bible

Thank you,

Sandy Emge Priscilla Fleming
 Sr. Deputy Clerk

*11/8/2012 2:45 pm
 I called Priscilla to discuss why this needs to be re-recorded. She said it does not; that this action is an advisory only. I verified no further filing needed.*

Dibble, Mary

From: Dibble, Mary
Sent: Thursday, November 08, 2012 2:56 PM
To: Steiner, Melissa
Subject: Chimenti easement

Hi Melissa,

Benton County returned the Chimenti easement (Res. No. 6176) with a note saying it "...may require re-recording". I called to ask what that meant. They said the original looks like a copy due to the type of ink that was used for the signatures. They accepted it, but this is their way of notifying us that it was suspect.

So please don't use that particular pen anymore. I am sending you a copy of the recorded easement as usual along with their note. They verified that we do not need to take further action; this was just an advisory.

Thanks Melissa

Mary A. Dibble, MMC
City Clerk
Finance Office
City of Albany, Oregon
Phone: 541-917-7532
Fax: 541-917-7511
mary.dibble@cityofalbany.net

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.

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

John Charles Chimenti and Myra Gaye Chimenti

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 **2012-498986**
DE-EAS
Crt=1 Str=9 PF **11/05/2012 3:04:22 PM**
\$30.00 \$11.00 \$17.00 \$10.00 \$20.00 **\$88.00**



00249992201204989860060062

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

