

RESOLUTION NO. 6234

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Humberto Martinez and Susana Martinez

Purpose


A 10 foot wide easement over an existing public sanitary sewer as part of SS-13-01, 2013 Cured-in-Place Pipe Project.

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

DATED AND EFFECTIVE THIS 12TH DAY OF JUNE 2013.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



LINN COUNTY  
Recording Cover Sheet  
All Transactions, ORS: 205.234

LINN COUNTY, OREGON      **2013-10196**  
E-EAS  
Cnt=1 Str=1 M. DAVIS      **06/20/2013 11:21:32 AM**  
\$30.00 \$11.00 \$15.00 \$19.00 \$10.00      **\$85.00**



00205880201300101960060063

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

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

Humberto Martinez and Susana Martinez

\_\_\_\_\_

\_\_\_\_\_

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

\$600.00

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 10 day of April, 2013, by and between Humberto and Susana Martinez, 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:  
  
A 10 foot wide easement over an existing public sanitary sewer. See legal description on attached Exhibit A and map 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 \$600.00, 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.

**GRANTOR:**

**Humberto and Susana Martinez**

Humberto Martinez  
Humberto Martinez

Susana Martinez  
Susana Martinez

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

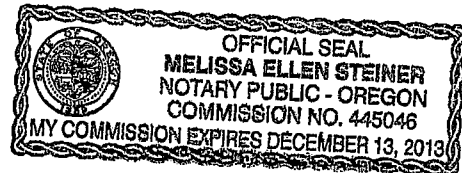
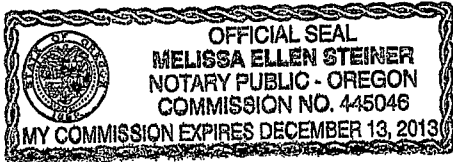
STATE OF Oregon )  
County of Linn ) ss.  
City of Albany )

The foregoing instrument was acknowledged before me this 10 day of April, 2013, by Humberto Martinez as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 10 day of April, 2013, by Susana Martinez as her voluntary act and deed.

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

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



**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 6234, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 19<sup>th</sup> day of June 2013.

Wes Hare  
City Manager

ATTEST:

Mary A. Dibble  
City Clerk



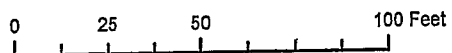
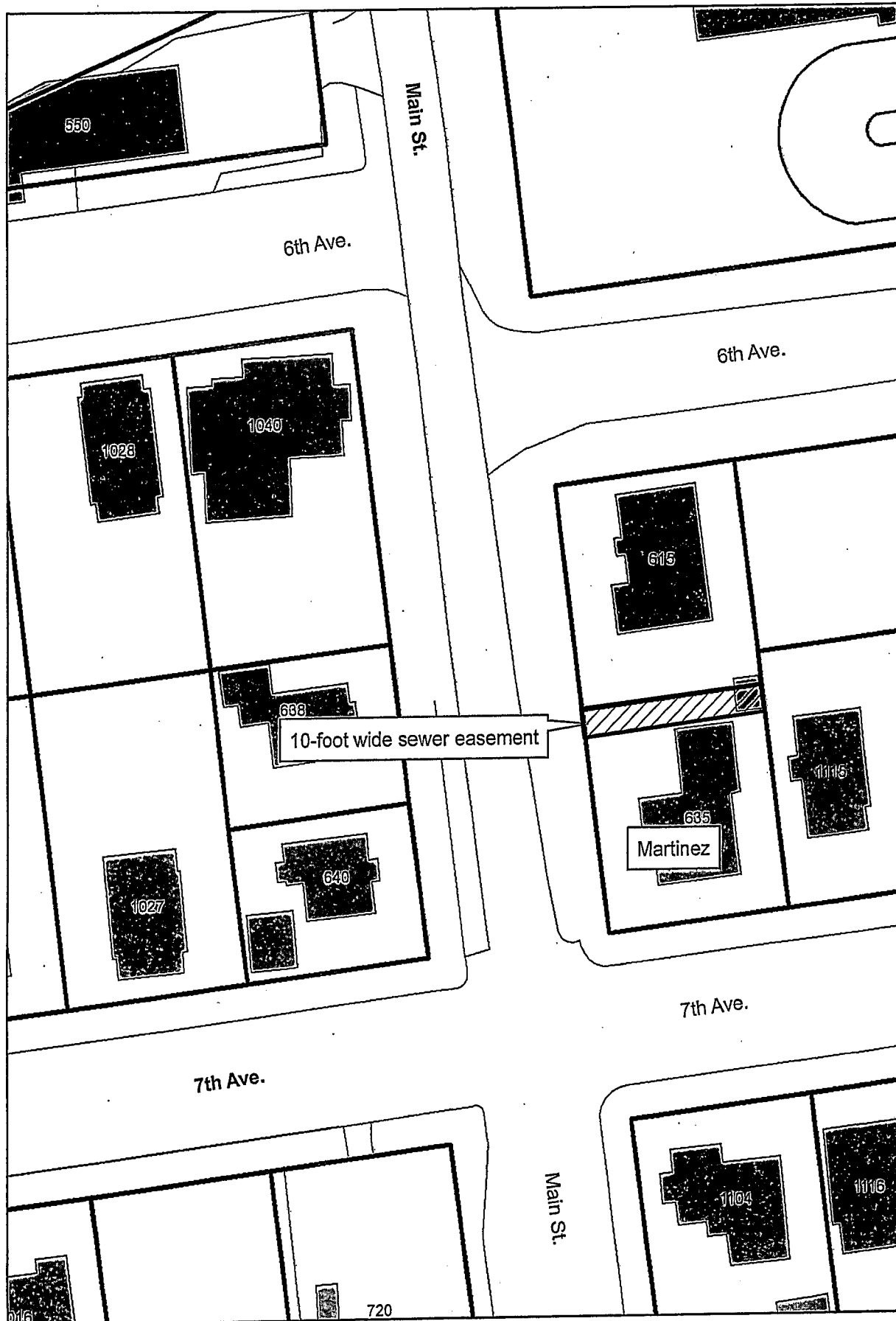
# **EXHIBIT A**

## **PERMANENT UTILITY EASEMENT**

Legal Description – A 66 foot by 10 foot sanitary sewer easement, more particularly described as follows.

The northern 10 feet, of Linn County Oregon Assessor's tax lot 11S03W07AA00300, said tax lot containing the Southern one-half of Lot 1, Block 1, Hackleman Heirs First Addition to the City of Albany, Oregon. The easement is as shown on the attached maps labeled Exhibits B and C, attached hereto and incorporated herein by this reference.

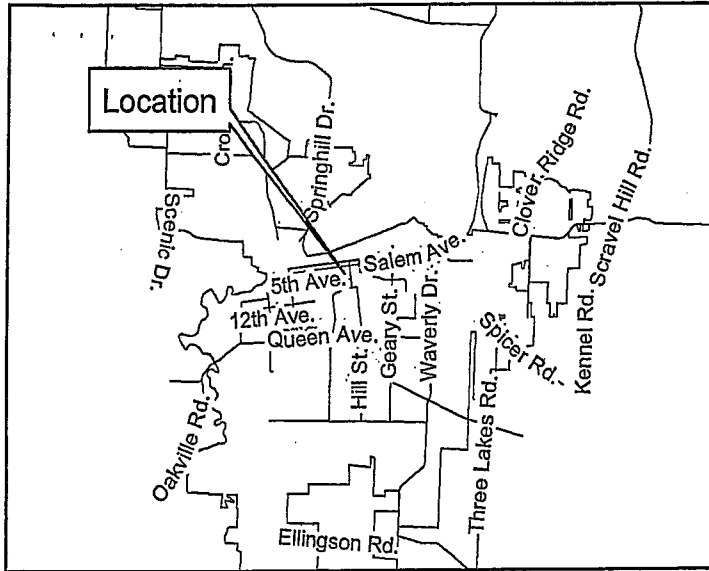
# Exhibit B - Martinez Sewer Easement Map



# EXHIBIT C

11S03W07AA00300

A 10 foot wide easement over  
an existing public sanitary sewer  
as part of SS-13-01, 2013  
Cured-in-Place Pipe Project



Geographic Information Services

