

RESOLUTION NO. 6359

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Albany Mennonite Church

Purpose

A 26 foot by 15.91 foot water line easement for
WL-14-08, Century Drive Anode Bed

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

DATED AND EFFECTIVE THIS 24TH DAY OF SEPTEMBER 2014.


Mayor

ATTEST:


City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 5 day of September, 2014, by and between Albany Mennonite Church, 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. The existing tree as shown in Exhibit B will be protected to every extent practical.

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 Exhibit B and Exhibit C, incorporated herein by this reference.
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 \$3,000, 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:

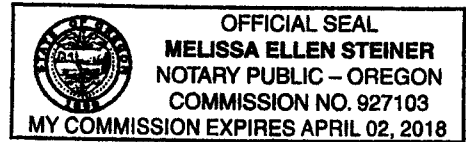
Albany Mennonite Church

[Signature]
By: Jon Dilbone, Church Treasurer

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

The foregoing instrument was acknowledged before me this 5 day of September 2014, by Jon Dilbone, Church Treasurer of the Albany Mennonite Church, as his voluntary act and deed.

[Signature]
Notary Public for Oregon
My Commission Expires: April 02, 2018



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 6359, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 6th day of October 2014.

[Signature]
City Manager

ATTEST:

[Signature]
City Clerk



EXHIBIT "A"

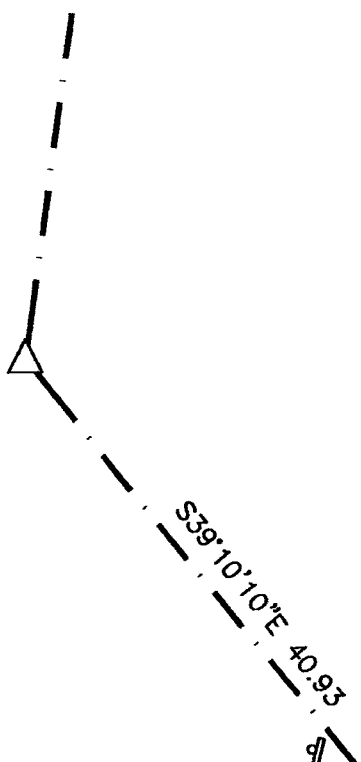
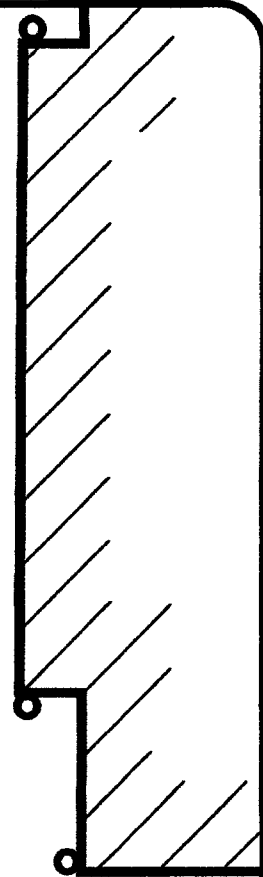
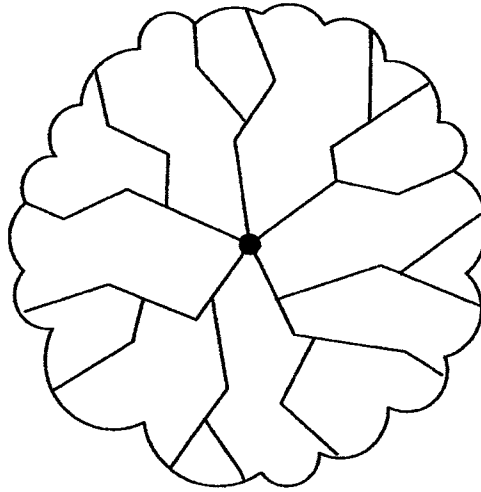
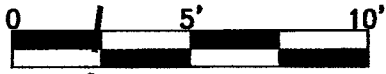
Description of
Waterline Easement

Beginning at a point on the North Right of Way line of Kizer Avenue, in the Southeast One Quarter of Section 33, Township 10 South, Range 3 West of the Willamette Meridian, Linn County, Oregon said point being West 717.80 feet and South 1° 56' East 109.67 feet from the Northwest corner of the Milton Houston Donation Land Claim No. 43; thence North 15.91 feet; thence East 26.00 feet; thence South 15.91 feet to the aforementioned North Right of Way line; thence West 26.00 feet to the point of beginning.

The above easement contains 414 square feet of land, more or less. The Basis of Bearings for the above described area is from Linn County Survey Number 4027

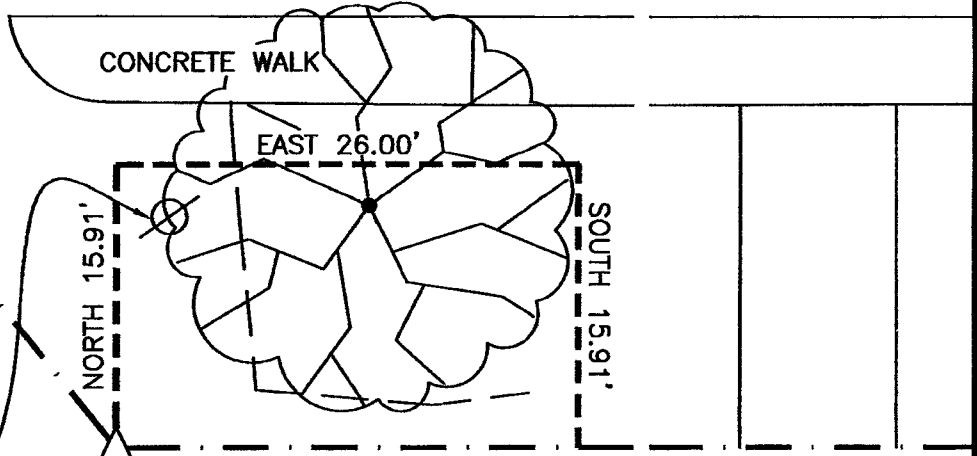
EXHIBIT "B"

CENTURY DRIVE



POWER POLE WITH ELECTRICAL BOXES

POINT OF BEGINNING



KIZER AVENUE

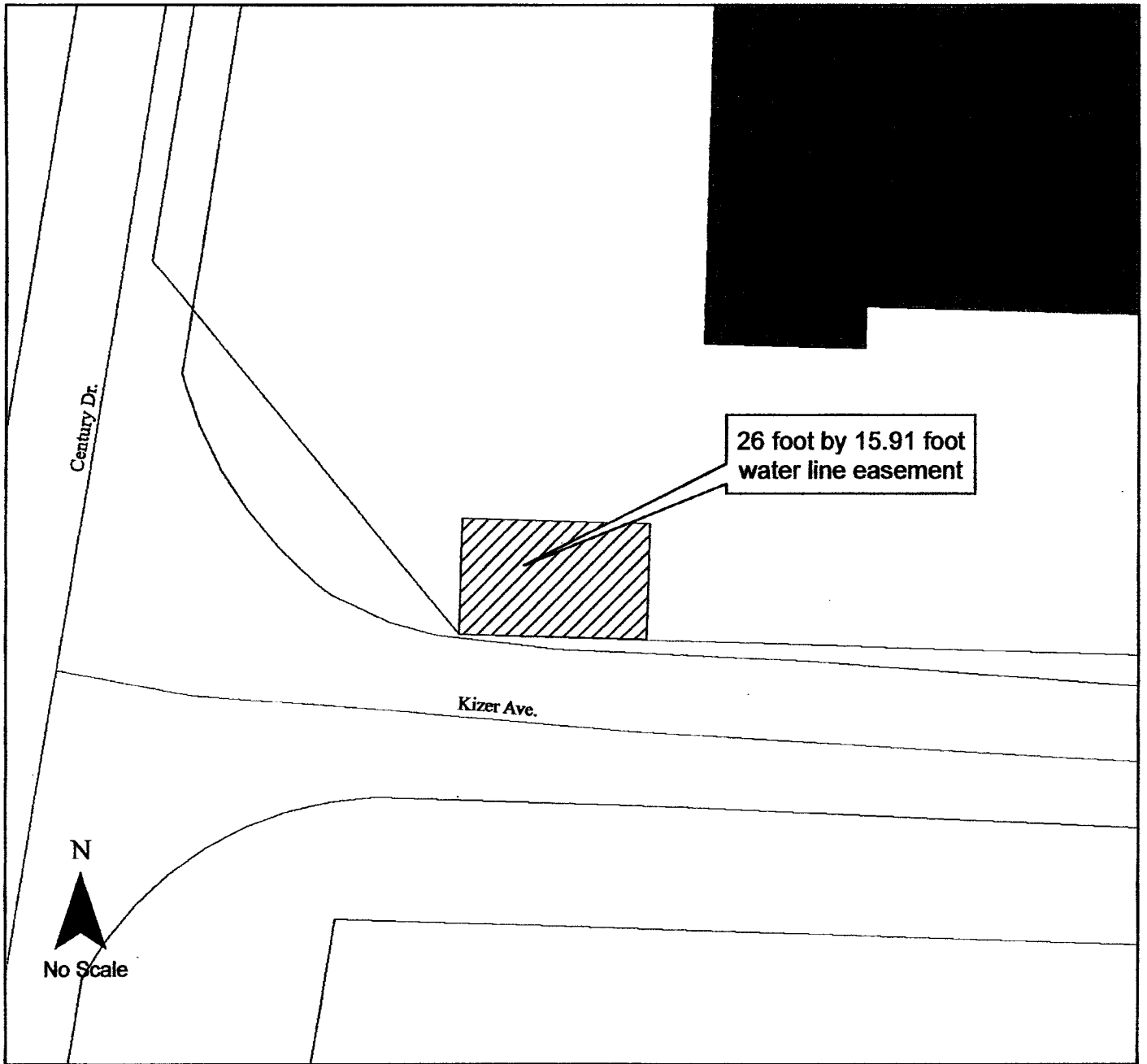
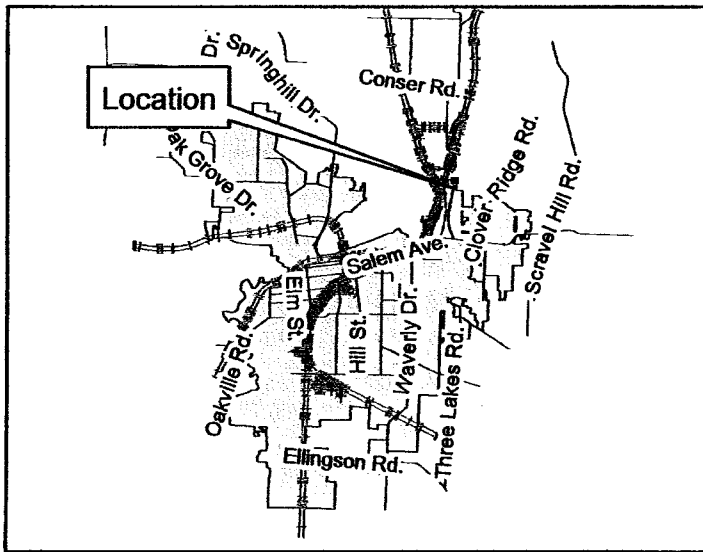
EXHIBIT C

10S03W33A 02200

A 26 foot by 15.91 foot
water line easement for
WL-14-08, Century Drive
Anode Bed



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY OREGON 2014-13030
E-EAS
Crt=1 Stn=44 COUNTER 10/07/2014 11:47:39 AM
\$30.00 \$11.00 \$20.00 \$19.00 \$10.00 \$90.00



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:

Albany Mennonite Church

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

Albany Mennonite Church

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

\$ 3,000

105. 10/1/2014