

RESOLUTION NO. 6416

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Top Notch Properties, LLC
Shevach Group Albany, LLC
Murray One, LLC

Purpose

A variable width utility easement for City of Albany utilities as part of the Country Village Loop water line project. 10S03W31DB 02001

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

DATED AND EFFECTIVE THIS 13TH DAY OF MAY 2015.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 28th day of APRIL, 2015, by and between Top Notch Properties, LLC, Shevach Group Albany, LLC and Murray One LLC, 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, 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 easement hereby granted consists of:

A variable width utility easement for City of Albany utilities as part of the County Village Loop water line project. See legal description on attached Exhibit A and easement 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.

GRANTOR:

Top Notch Properties, LLC

Wendy Liebreich
By: **Wendy Liebreich, Manager**

STATE OF OREGON)
County of Washington) ss.
City of Beaver ton)

The foregoing instrument was acknowledged before me this 21st day of April, 2015, by Wendy Liebreich, Manager of Top Notch Properties, LLC, on behalf of Top Notch Properties, as her voluntary act and deed.

Carlos Cea
Notary Public for Oregon
My Commission Expires: 4/9/2018



GRANTOR:

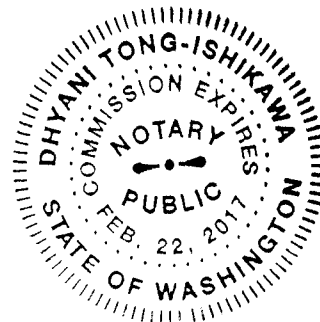
Shevach Group Albany, LLC

Janet Dalrymple
By: **Janet Dalrymple, Member**

WASHINGTON duo
STATE OF ~~OREGON~~)
County of KING) ss.
City of SEATTLE)

The foregoing instrument was acknowledged before me this 15th day of APRIL, 2015, by Janet Dalrymple, Member of the Shevach Group Albany, LLC, on behalf of the Shevach Group Albany, LLC, as her voluntary act and deed.

Duyell
Notary Public for ~~Oregon~~ WASHINGTON duo
My Commission Expires: 2/22/17



GRANTOR:

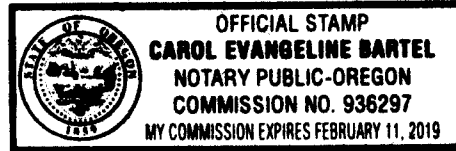
Murray One, LLC

Annette Murray Mason
By: Annette Murray-Mason (POA) POA

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

The foregoing instrument was acknowledged before me this 28th day of April, 2015, by Annette Murray-Mason (POA), on behalf of Murray One, LLC, as her voluntary act and deed.

Carol E. Bartel
Notary Public for Oregon
My Commission Expires: 2-1-19



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 6416, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 18th day of May 2015.

Wes Hare
City Manager

ATTEST:

Mary A. Dibble
City Clerk



EXHIBIT A

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

Legal Description

City of Albany Utility Easement

A portion of Parcel 2 of that deed recorded in Document Number 2012-500611 of the Benton County, Oregon Deed Records, said portion being in the Southeast 1/4 of Section 31, Township 10 South, Range 3 West, Willamette Meridian, Benton County, Oregon and is more particularly described as follows:

Beginning at a point that is on the east right-of-way line of Springhill Drive that is South 02°18'31" West 562.57 feet of the easterly northeast corner of the J. Q. Thornton Donation Land Claim Number 37 in said Section 31; thence South 84°14'29" East 17.25 feet; thence North 81°59'04" East 170.32 feet to a point on the boundary line of said Parcel 2; thence South 08°12'44" East, along said boundary line, 22.68 feet; thence North 81°47'16" East, along said boundary line, 279.00 feet; thence South 08°02'07" East 7.37 feet; thence along the arc of a 97.40 foot radius curve to the right (long chord which bears South 68°57'00" West 43.93 feet) a distance of 44.32 feet; thence South 81°59'04" West 378.08 feet; thence South 70°17'36" West 51.45 feet to a point on the east right-of-way line of said Springhill Drive; thence along the arc of a 1462.40 foot radius curve to the left on said east right-of-way line (long chord which bears North 02°33'39" West 53.78 feet to the POINT OF BEGINNING.

December 31, 2014
UTILITY EASEMENT DESCRIPTION
(14-97) JJC:ls
File Ref: z:/projects/2014/14-97/surveying/documents/14-97 Legal Description 2.doc

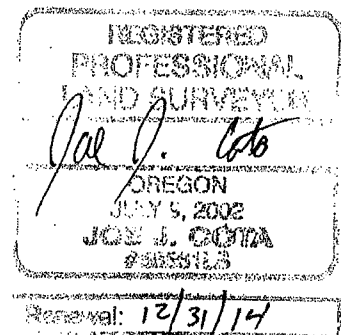


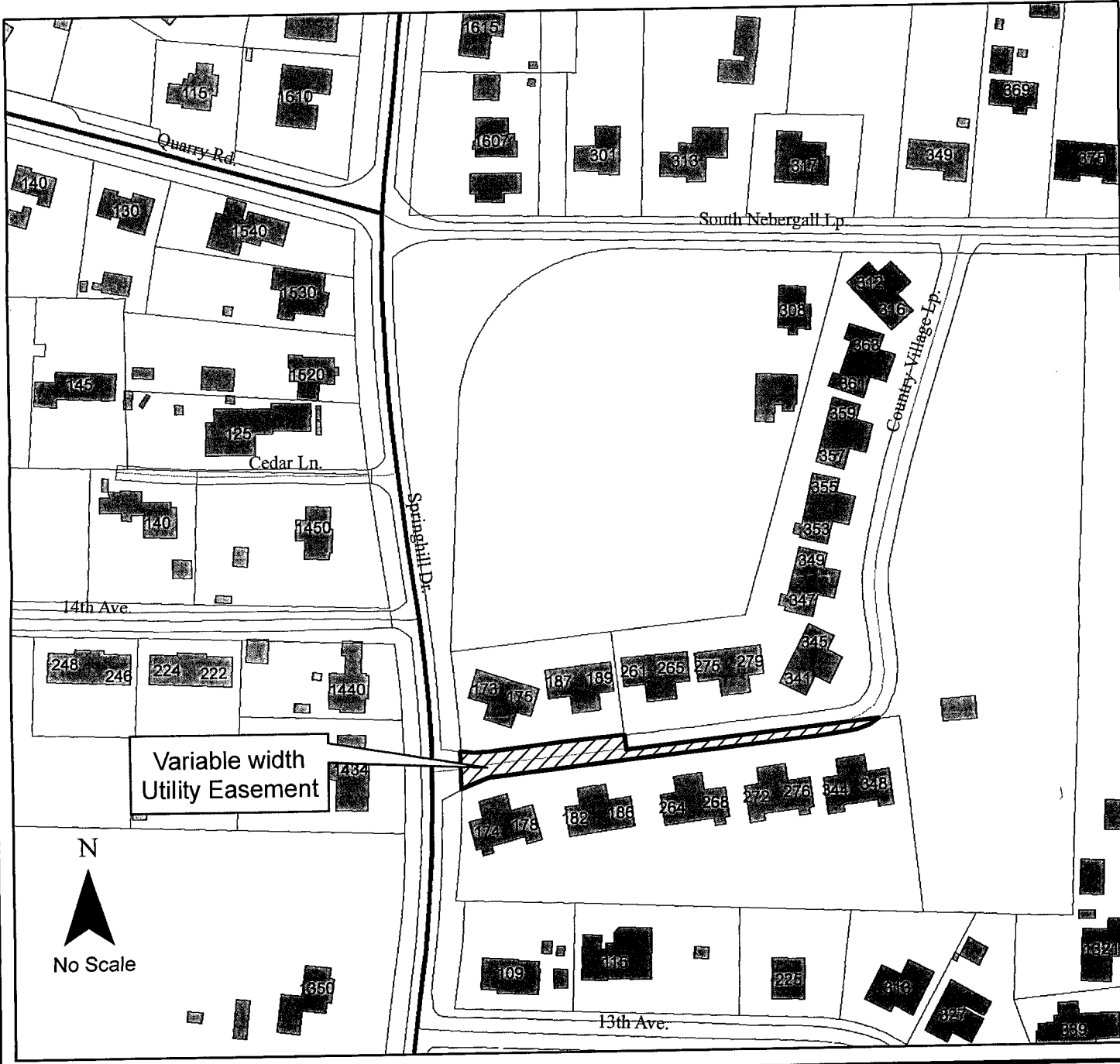
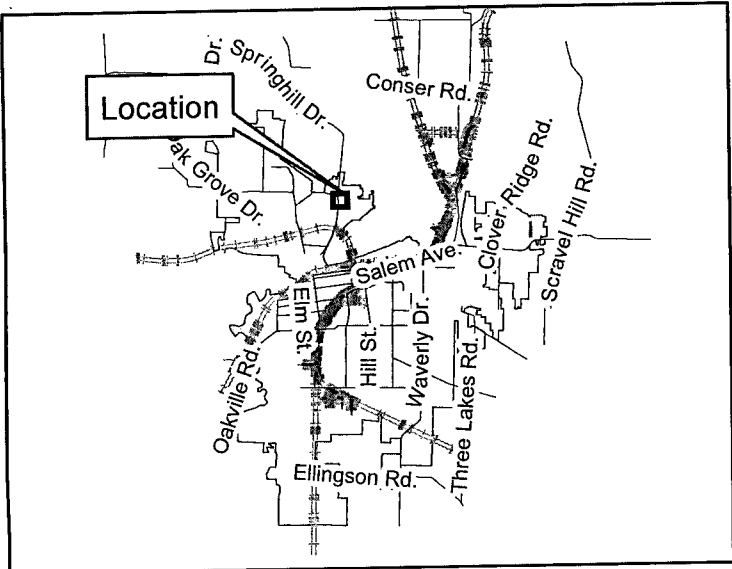
EXHIBIT C

10S03W31DB- 02001

A variable width utility easement,
as part of the Country Village Loop
water line project



Geographic Information Services



**INVOICING: Charge to City of Albany,
Attn: Finance Dept, Mary Dibble
PO Box 490, Albany, OR, 97321**

RECORDING RECIEPT: Email to 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 City Clerk

PO Box 490

Albany, OR 97321

BENTON COUNTY, OREGON **2015-531445**
DE-EAS
Cnt=1 Stn=6 RV **05/27/2015 09:10:23 AM**
\$35.00 \$11.00 \$22.00 \$10.00 \$20.00 **\$98.00**



00300570201505314450070073

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



All Tax Statements Should Be Sent To:

Top Notch Properties, LLC

Shevach Group Albany, LLC

Murray One, LLC

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

Easement for Public Utilities

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

Top Notch Properties, LLC; Shevach Group Albany, LLC; and Murray One, LLC

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

Rec'd