



RESOLUTION NO. 6787

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT

Grantor

Steven G. Ballinger

Purpose

Accepting a 6-foot wide sanitary sewer easement over an existing sanitary sewer main, as part of a building permit for a replacement garage with a dwelling above the garage. 11S04W12AD 06700

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

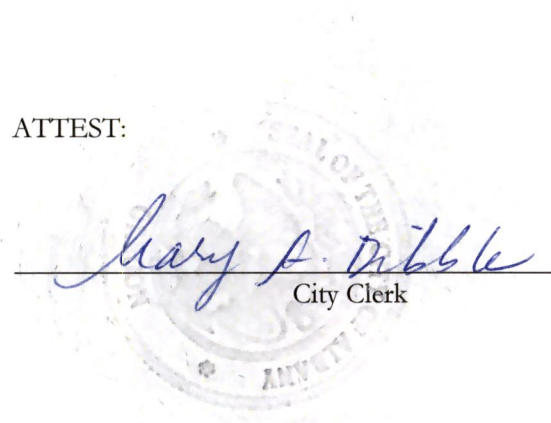
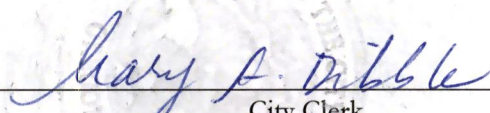
BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 10TH DAY OF APRIL 2019.



Mayor

ATTEST:

City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 20 day of March, 2019, by and between Steven G. Ballinger, 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 6-foot wide sewer easement for City of Albany utilities over an existing sewer line. 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:

Steven G. Ballinger

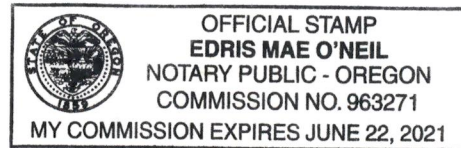


Steven G. Ballinger

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

The foregoing instrument was acknowledged before me this 20th day of March, 2019, by Steven G. Ballinger as his voluntary act and deed.

Edris Mae O'Neil
Notary Public for Oregon
My Commission Expires: June 23, 2021



CITY OF ALBANY:

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

I, Peter Troedsson, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number _____, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____ 2019.

City Manager

ATTEST:

City Clerk

EXHIBIT A

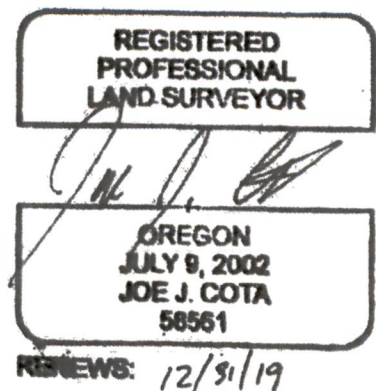
K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

Legal Description

City of Albany Sanitary Sewer Easement
Located over
Tax Lot 6700 of Assessor Map 11S-4W-12AD
828 Calapooia St., Albany, OR 97321

A 6.00 foot wide strip of land for easement purposes located over the most northerly 6.00 feet of that property conveyed to Steven G. Ballinger by Statutory Warranty Deed recorded as Document Number 2011-16745 in the Linn County, Oregon Deed Records on November 29, 2011.



Project # 19-30

EXHIBIT B

EASEMENT MAP STEVEN BALLINGER


LOCATED OVER

TAX LOT 6700 OF
ASSESSOR MAP 115-4W-12AD

CITY OF ALBANY, LINN COUNTY, OREGON

MARCH 6, 2019

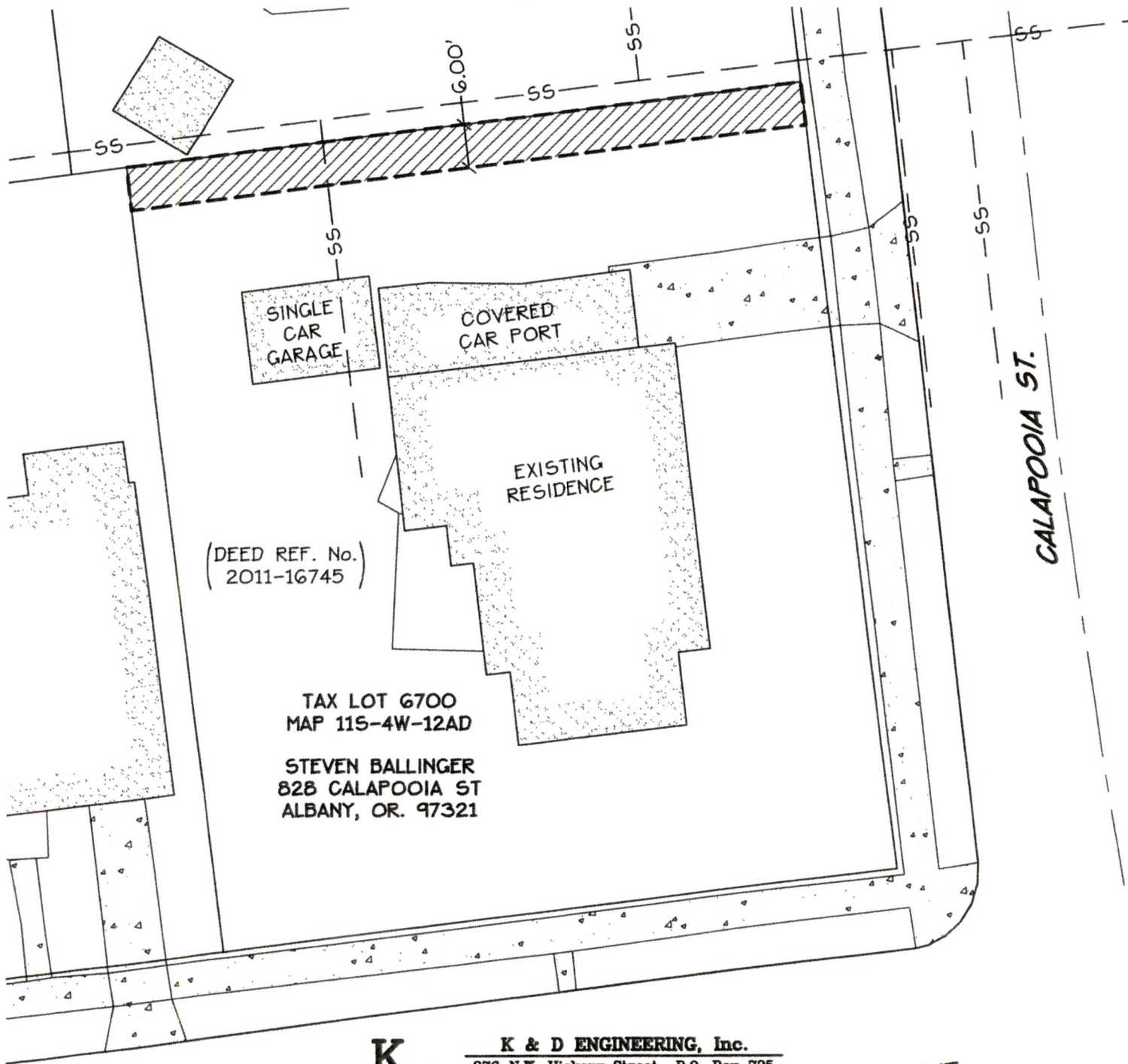
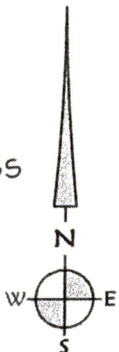
LEGEND:

- SS— EXISTING SEWER MAIN + LATERALS
-  AREA OF EASEMENT 564 S.F. MORE OR LESS

0 10 20 40 FT.



SCALE: 1" = 20'



(DEED REF. No.)
2011-16745

TAX LOT 6700
MAP 115-4W-12AD

STEVEN BALLINGER
828 CALAPOOIA ST
ALBANY, OR. 97321

CALAPOOIA ST.

9th AVENUE



K & D ENGINEERING, Inc.

276 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583

Date: 3/6/2019

Time: 10:59

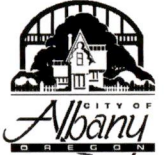
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File: dwg\2019\19-30\19-30_ease.dwg (George)

EXHIBIT C

11S04W12AD- 06700

A 6 foot wide sewer easement,
as part of a building permit
to build a garage



Geographic Information Services



No Scale