

RESOLUTION NO. 5048

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Cassidy Family, LLC

Easement over existing sanitary sewer

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 22ND DAY OF SEPTEMBER 2004.

Mayor
Council president

ATTEST:

City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 7th day of September, 2004, by and between Cassidy Family, 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 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:

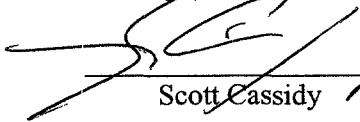
1. The right-of-way hereby granted consists of:
A 20-foot wide easement centered over the existing sanitary sewer as described on attached Exhibit A and as shown on the map on attached Exhibit B.
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized 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 exchange for the City waiving Sanitary Sewer Connection Fees for the existing 240-foot long 24-inch diameter sanitary sewer across the property, (currently calculated at \$41/foot x 240 feet = \$9,840), 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.

Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

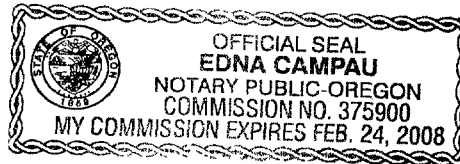
GRANTOR:


Cassidy Family LLC


Scott Cassidy *MANAGING MEMBER*

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

The instrument was acknowledged before me this
7th day of *September*, 2004,
by: Scott Cassidy
title: Managing Member, as a representative of
Cassidy Family LLC.

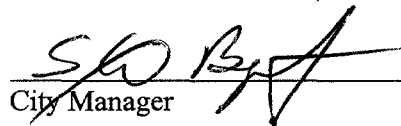



Notary Public for Oregon
My Commission Expires: *Feb. 24, 2008*

CITY OF ALBANY:

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

I, Steve Bryant as City Manager of the City of
Albany, Oregon, pursuant to Resolution Number *5043*,
do hereby accept on behalf of the City of Albany,
the above instrument pursuant to the terms thereof
this *22* day of *September*, 2004.


City Manager

ATTEST:


City Recorder

EXHIBIT A

PERMANENT UTILITY EASEMENT

A variable width permanent public utility easement across that property conveyed to Cassidy Family, LLC, described in Volume 1524, Page 740, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled "EXHIBIT B".

A 20-foot wide easement that extends 10 feet on each side of the existing sanitary sewer, except that portion of the 20-foot wide strip that lies within Pacific Boulevard right-of-way. The centerline of said sewer and 20-foot wide easement follows the following line; - Beginning at a point on the south property line of the Cassidy Family, LLC property described in Linn County Microfilm Deed Records Volume 1524, Page 740, said point also lying at the centerline of vacated Alder Street; thence North 150 feet along the center line of Alder Street to the Southeast right-of way line of Pacific Highway; thence Northeast 90 feet along the right-of-way line of Pacific Highway to the north property line of the aforementioned Cassidy Family, LLC property.

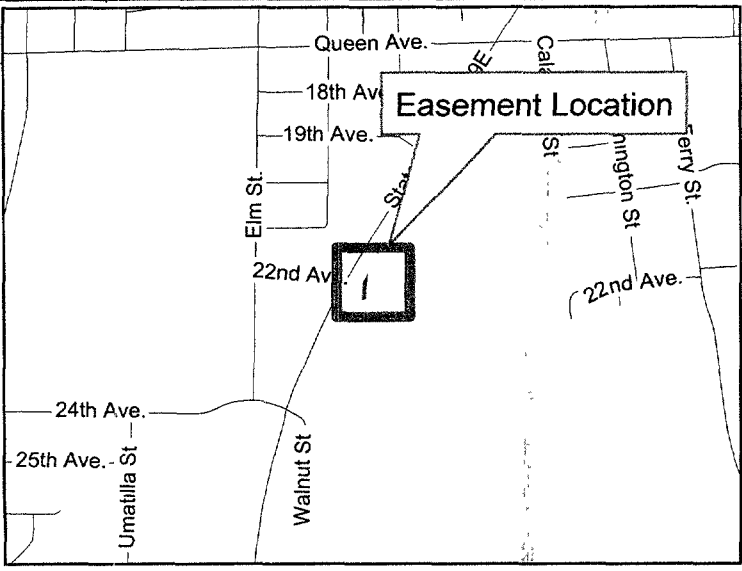


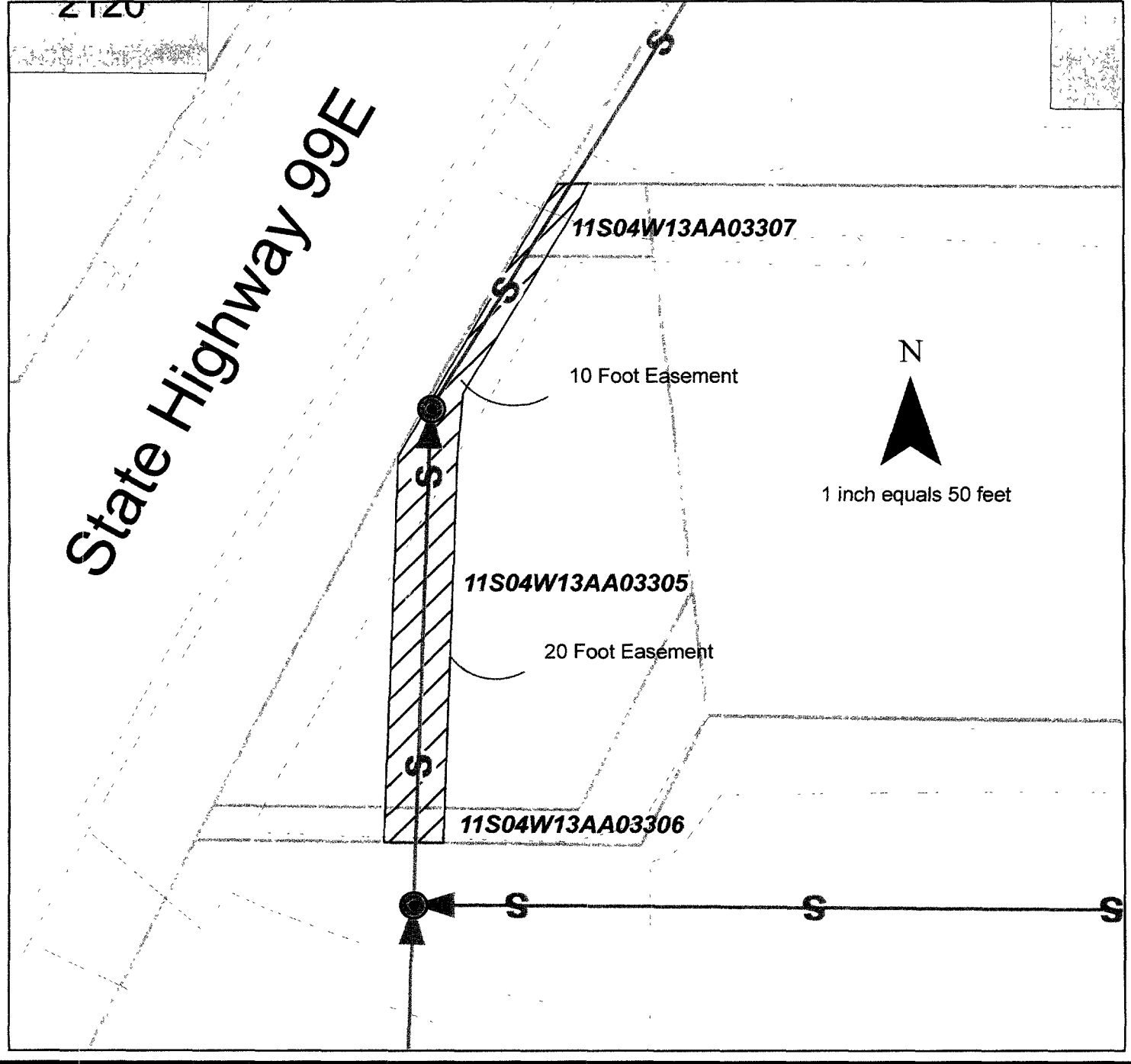
EXHIBIT B

Cassidy Family, LLC

Easement over existing Sanitary Sewer
Condition of Approval for Mini-Storage Development



Geographic Information Services



STATE OF OREGON
County of Linn

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk

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By SW Deputy PAGE 30

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Recorded Document Recorder File 4441