

RESOLUTION NO. 5119

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

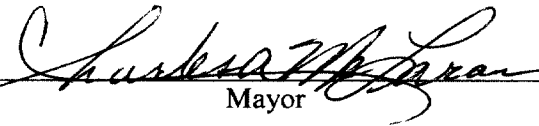
Kenneth E. Self and Syble M. Self

Public Utility Easement

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 27TH DAY OF APRIL 2005.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 14 day of February, 2005, by and between Kenneth E. Self and Syble M. Self, 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:
See attached Legal Description labeled Exhibit A, attached Vicinity Map labeled Exhibit B, and attached Easement Map labeled Exhibit 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.

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.

GRANTORS:

Kenneth E. Self
Kenneth E. Self

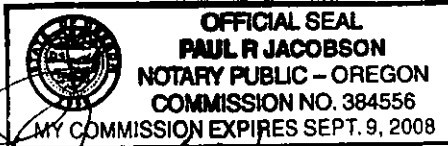
Syble M. Self
Syble M. Self

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 24th day of February, 2004, by **Kenneth E. Self** as their voluntary act and deed.

The foregoing instrument was acknowledged before me this 24th day of February, 2004, by **Syble M. Self** by as their voluntary act and deed.

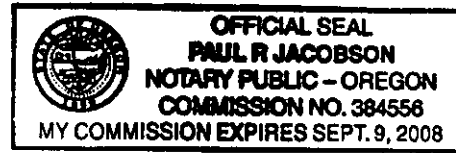


Paul R Jacobson
Notary Public for Oregon
My Commission Expires: 9/9/08

Paul R Jacobson
Notary Public for Oregon
My Commission Expires: 9/9/08

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 5119, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27 day of April 2004.

Steve Bryant
City Manager
ATTEST:
Betty Laquell
City Recorder

EXHIBIT A**PERMANENT UTILITY EASEMENT**

A permanent public utility easement across that property conveyed to Kenneth E. Self and Syble M. Self, described in Volume 769, Page 260 and 261, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached Vicinity Map labeled "EXHIBIT B" and Easement Map labeled "EXHIBIT C".

Beginning at a ½ inch iron rod South 01°14' East 184.70 feet and South 89°06' West 67.62 feet from the Northeast corner of Tract 3, Southern Addition to Morningside Tracts, Albany, Linn County, Oregon and running thence South 89°06' West 82.53 feet to the POINT OF BEGINNING; thence South 89°06' West 17.47 feet to a ½ inch iron rod on the West line of said addition; thence North 01°14' West along said West line 93.00 feet; thence North 89°06' East 17.47 feet; thence South 01°14' East 25.5 feet; thence North 89°06' East 8.50 feet; thence South 01°14' East 8.00 feet; thence South 89°06' West 8.50 feet; thence South 01°14' East 24.65 feet; thence North 89°06' East 10.30 feet; thence South 01°14' East 8.00 feet; thence South 89°06' West 10.30 feet; thence South 01°14' East approximately 26.85 feet to THE POINT OF BEGINNING.

EXHIBIT B

1361 / 1363 27th Ave SE
11S03W17BC02404

A public waterline easement across the western width of the Self property

WL-05-06 north of 27th Ave. water line



Geographic Information Services

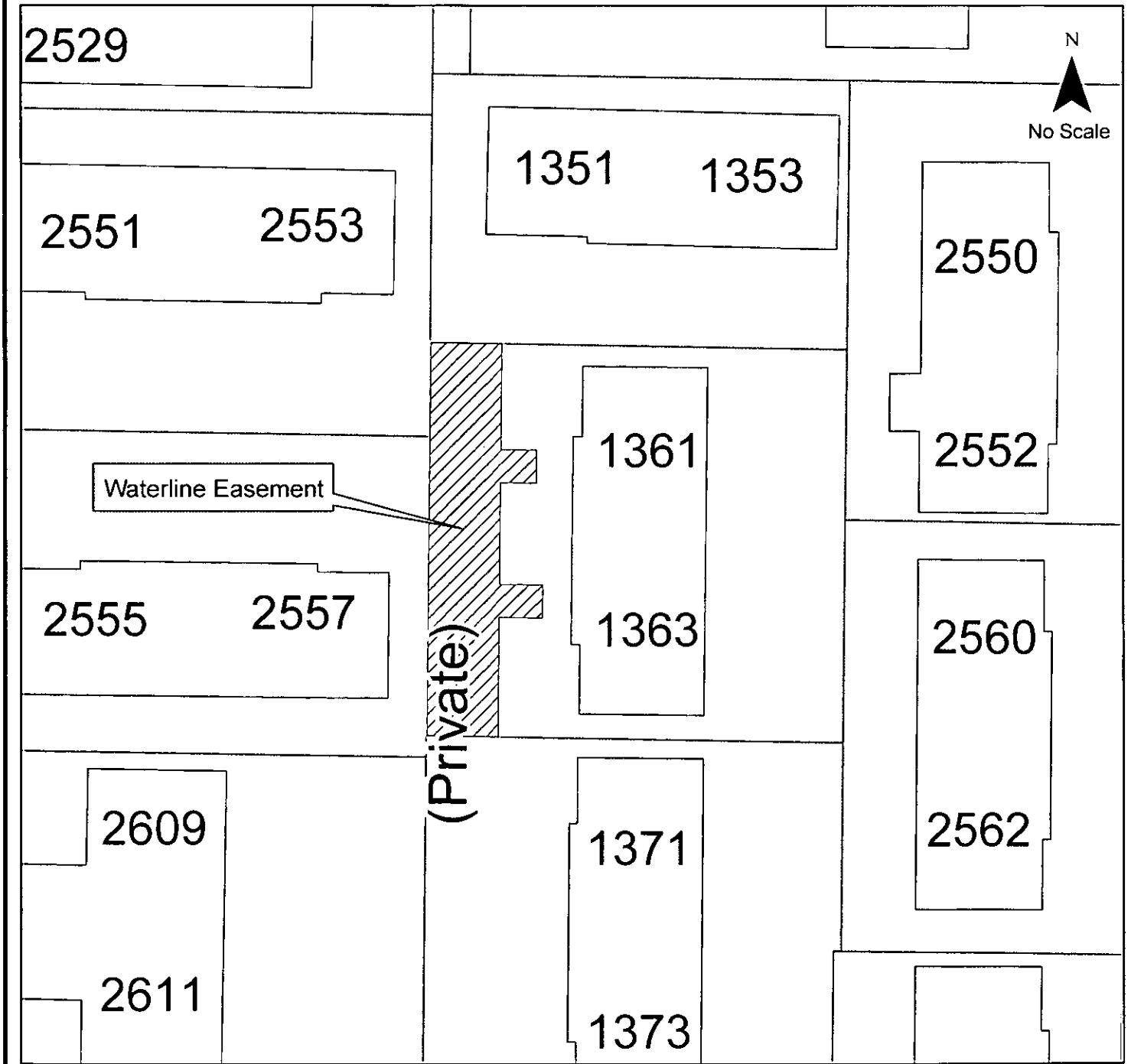
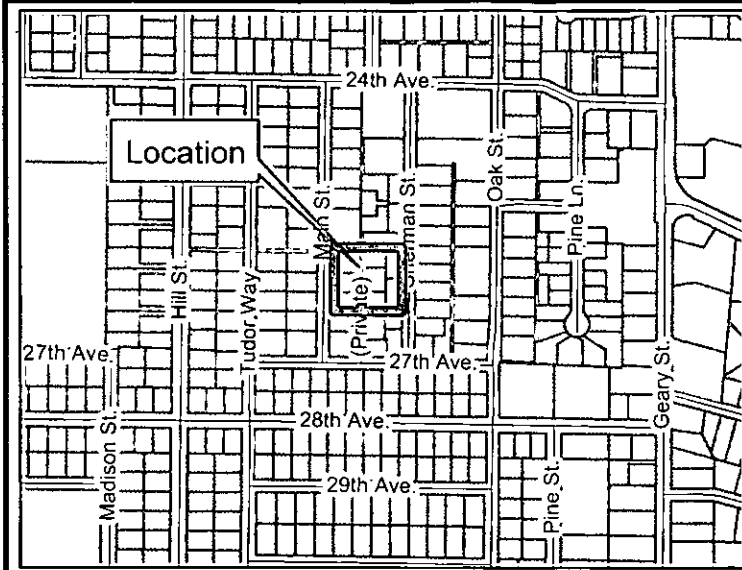
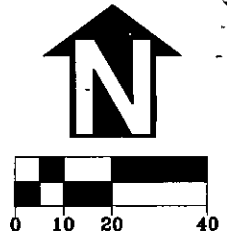
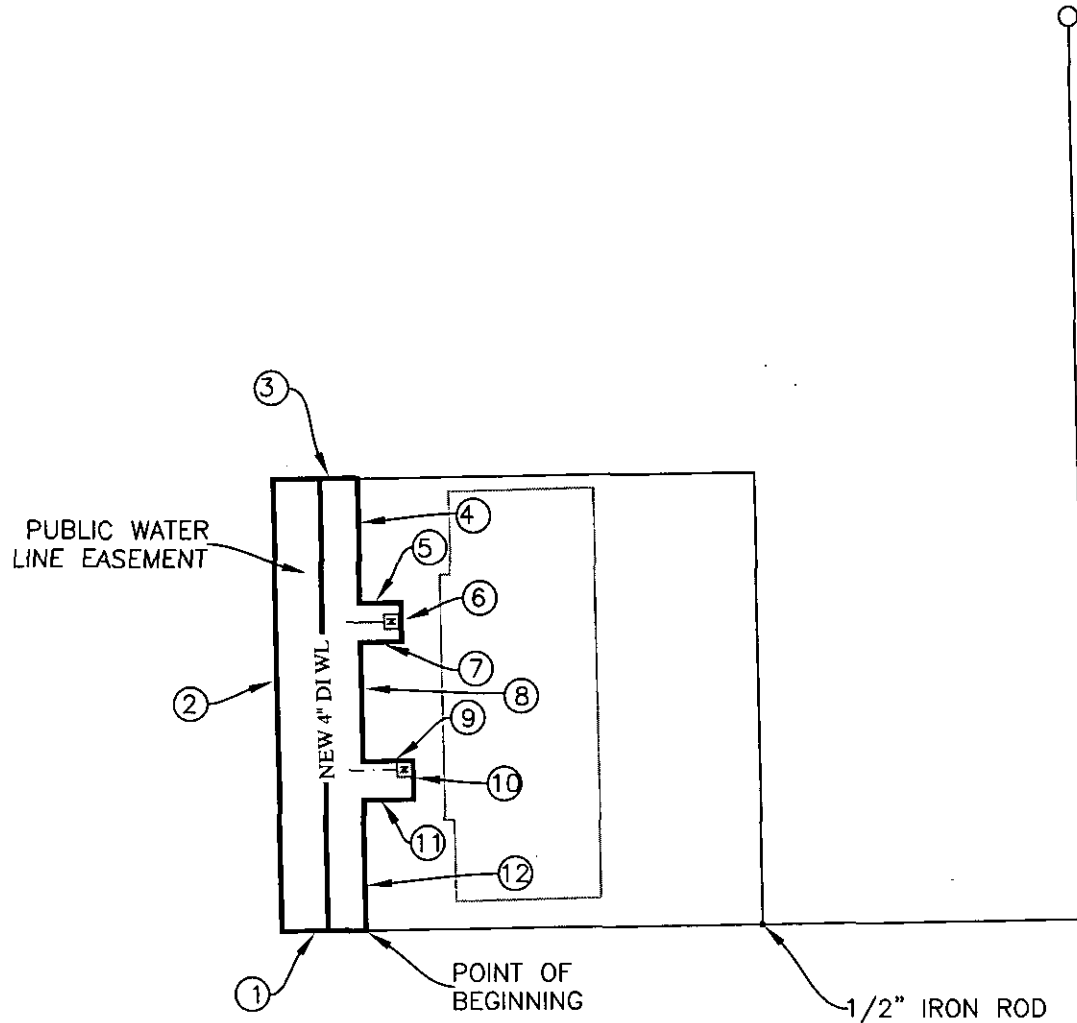




EXHIBIT C
WL-05-06, 2200 BLOCK OF OAK STREET AND NORTH OF 27TH AVENUE
PUBLIC WATER LINE EASEMENT
 11S3W17BC02404
 1361 27TH AVENUE SE
 1363 27TH AVENUE SE



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INITIAL REFERENCE POINT.
 3/4" BOLT AT THE NORTHEAST CORNER OF
 TRACT 3, SOUTHERN ADDITION TO
 MORNINGSIDE TRACTS, LINN COUNTY
 OREGON

- ① S 89° 06' W 17.47'
- ② N 01° 14' W 93.00'
- ③ N 89° 06' E 17.47'
- ④ S 01° 14' E 25.50'
- ⑤ N 89° 06' E 8.50'
- ⑥ S 01° 14' E 8.00'
- ⑦ S 89° 06' W 8.50'
- ⑧ S 01° 14' E 24.65'
- ⑨ N 89° 06' E 10.30'
- ⑩ S 01° 14' E 8.00'
- ⑪ S 89° 06' W 10.30'
- ⑫ S 01° 14' E 26.85'

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
 MF 1710
 2005 MAY 12 A 10:15
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Resolution No. 5119

Recorded Document Recorder File 4545