

RESOLUTION NO. 5152

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Orial Evans and Iris Evans

Public Water Line 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 8TH DAY OF JUNE 2005.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 19th day of March, 2005, by and between Orial Evans and Iris Evans, 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 15.0-foot wide permanent public utility easement as shown on the 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 waiving Water Connection Fees for the water line constructed through the parcel conveyed to Orial and Iris Evans described in Volume 463, Page 797, Linn County Microfilm Deed Records. The water line runs from the south property line located along Spicer Drive to the north property line located at Goldfish Farm Road. Currently these fees are \$24 per linear foot. Today's value, based on current fees, for waiving the Water Connection Fees is approximately \$21,600. The value of this settlement offer would increase in the future if the Water Connection Fees increase. This consideration 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:

Orial T. Evans
Orial T. Evans

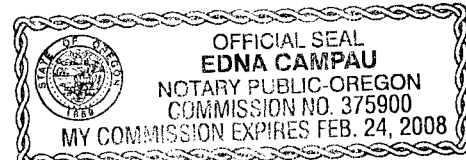
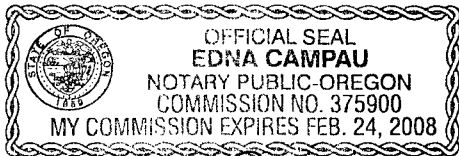
Iris K. Evans
Iris K. Evans

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 19th day of May, 2005, by **Orial T. Evans** as their voluntary act and deed.

The foregoing instrument was acknowledged before me this 19th day of May, 2005, by **Iris K. Evans** by as their voluntary act and deed.



Edna Campau
Notary Public for Oregon
My Commission Expires Feb. 24, 2008

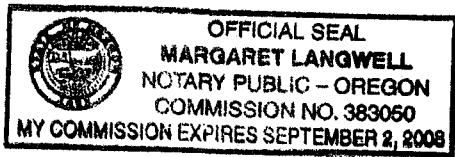
Edna Campau
Notary Public for Oregon
My Commission Expires Feb. 24, 2008

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 5152, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13 day of June 2005.

Steve Bryant
City Manager



ATTEST:
Margaret Langwell
City Recorder

EXHIBIT A

PERMANENT UTILITY EASEMENT

A permanent public utility easement across that property conveyed to Oriol Evans and Iris Evans, described in Volume 463, Page 797, 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".

A 15-foot wide water line easement lying 7.5 feet on either side of the described center line:

All exterior lines of said easement shall terminate at the intersection with their respective property line reference.

Beginning at a 1¼" iron pipe which is 27.89 chains South and 22.20 chains West of the Northeast corner of the E. N. White Donation Land Claim No. 48, in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; thence South 0° 52' East 937.80 feet to a ⅝" iron rod; thence North 59° 20' 30" West 341.00 feet to the TRUE POINT OF BEGINNING; thence North 30° 38' 59" East 272.74 feet; thence on the arc of a 612 foot radius curve to the left (the long chord of which bears North 17° 10' 43" East 384.88 feet) 391.53 feet; thence North 0° 52' 0" West 144.41 feet; thence North 9° 5' 47" East 17.26 feet more or less to the centerlines terminus point, lying on the northerly property line of that parcel described in Volume 463, Page 797, Linn County Microfilm Deed Records.

EXHIBIT B

**WL-05-02, East End Transmission Main
Phase III
15' Public Utility Easement**

**11S03W09D 00900
4400 Spicer Dr. SE**



Geographic Information Services

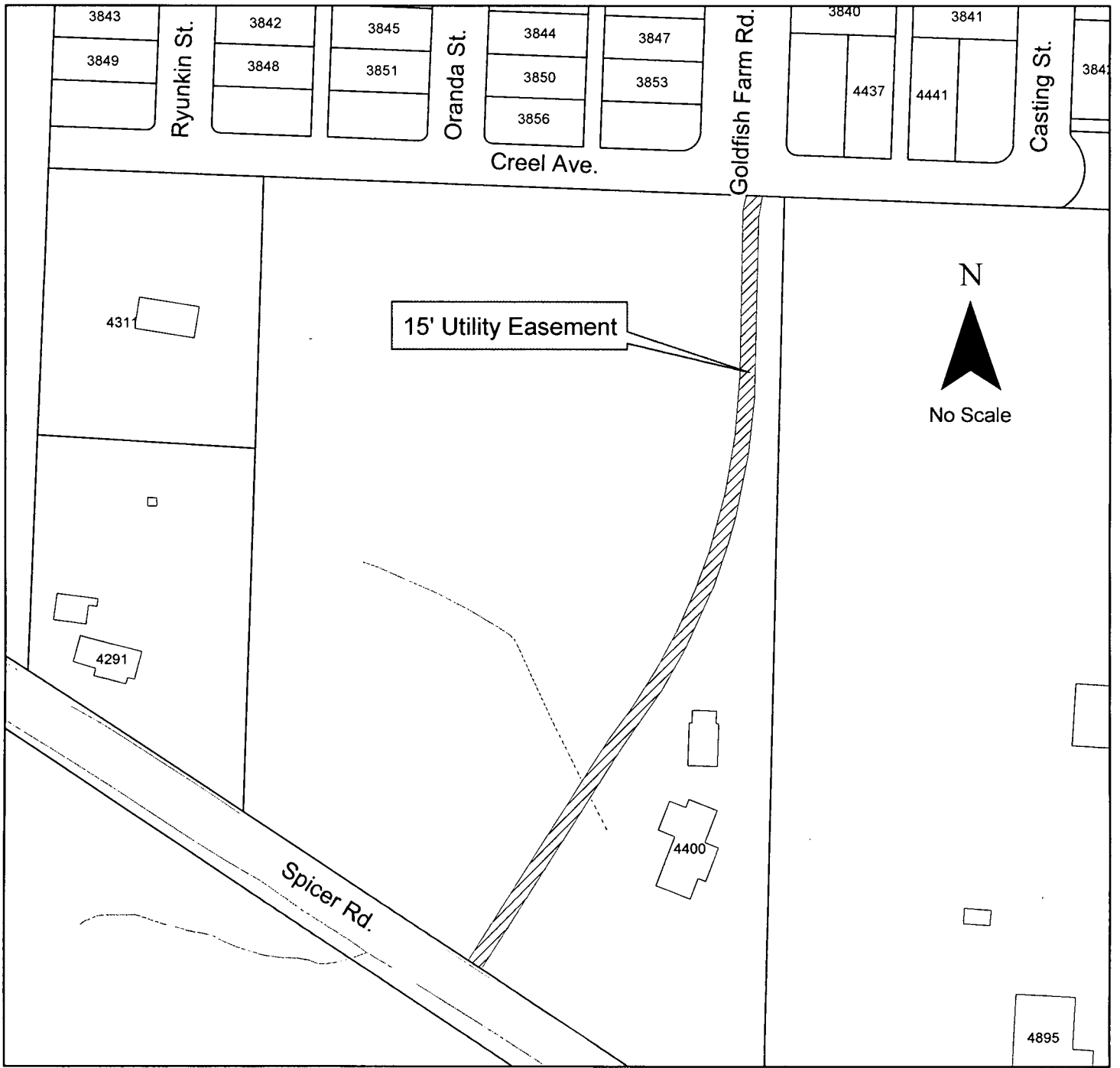
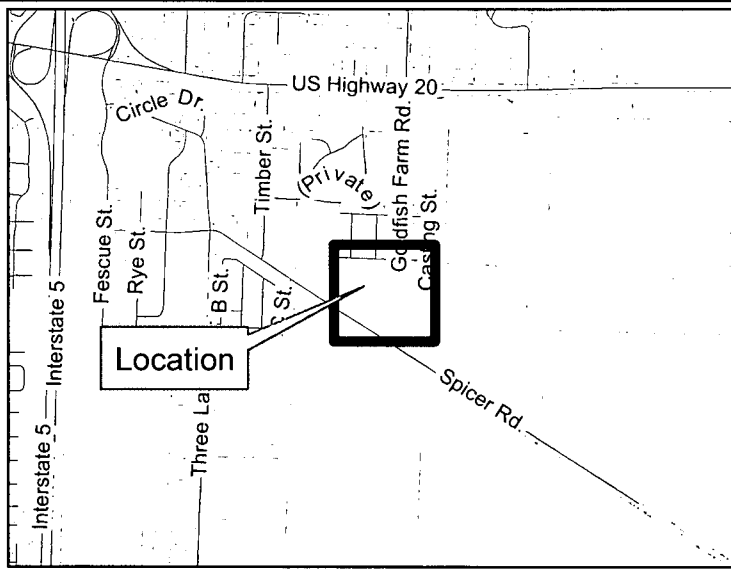
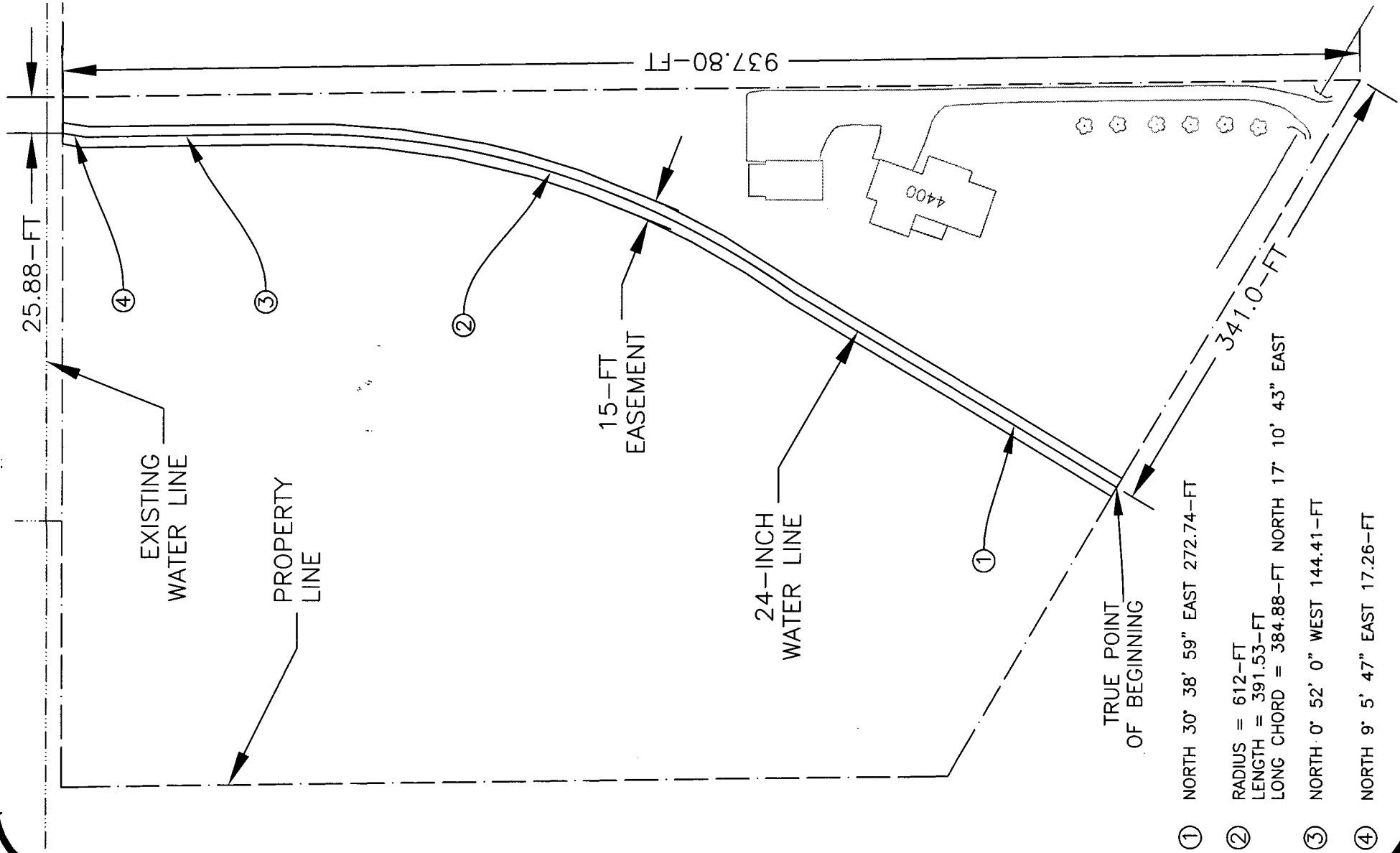
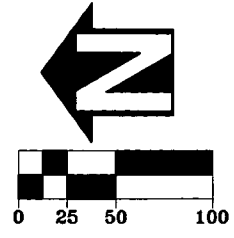




EXHIBIT C
 WL-05-02, EAST END TRANSMISSION MAIN, PHASE III
 15-FT PUBLIC UTILITY EASEMENT
 11S3W09D 00900
 4400 SPICER DRIVE SE



- ① NORTH 30° 38' 59" EAST 272.74-FT
- ② RADIUS = 612-FT
LENGTH = 391.53-FT
LONG CHORD = 384.88-FT NORTH 17° 10' 43" EAST
- ③ NORTH 0° 52' 0" WEST 144.41-FT
- ④ NORTH 9° 5' 47" EAST 17.26-FT

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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

By AO Deputy PAGE 436

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A 11
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Recorded Document Recorder File 4605