

RESOLUTION NO. 5315

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Ion Enterprises LLC

Purpose

The described easement is a sanitary sewer easement of varying width with a maximum width of 15 feet. A sanitary sewer line has existed in this location for several decades without a written sewer easement. The deteriorated sewer line was recently replaced and an easement was negotiated during coordination of that construction work.

A 15-foot maximum width sewer easement was negotiated in lieu of the standard 20-foot sewer easement. The property owner was concerned that an existing structure would fall within a 20-foot easement. The sewer line is shallow enough in this location to allow a 15-foot easement.


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

DATED AND EFFECTIVE THIS 9th DAY OF August 2006.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 22nd day of June, 2006, by and between Ion Enterprises 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 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 strip of land as described in Exhibit A and as shown in Exhibit B and Exhibit C.

The described easement is a sanitary sewer easement of varying width with a maximum width of 15 feet. A sanitary sewer line has existed in this location for several decades without a written sewer easement. The deteriorated sewer line was recently replaced and an easement was negotiated during coordination of that construction work.

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:
David G. Brown
David Brown, Ion Enterprises LLC

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

The foregoing instrument was acknowledged before me this 22nd day of June, 2006, by **David Brown** as his/her voluntary act and deed.



Paul R Jacobson
Notary Public for Oregon
My Commission Expires: 9/9/2008

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 5315, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9th day of August 2006.

Wes Hare
City Manager

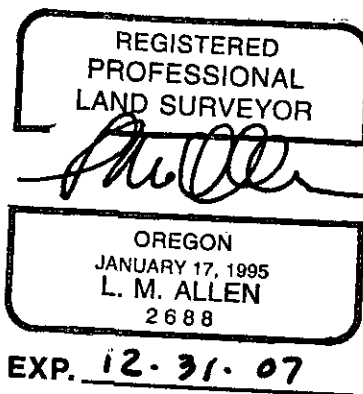
ATTEST:
Betty Langmuir
City Clerk

EXHIBIT A
001

An easement, over, across and upon all that portion of a certain tract of land as described in MF Volume 742, Page 298, Records of Linn County, Oregon, lying 15.00 feet westerly of the following described line:

Beginning at a point on the southerly line of said Tract, said point being 14.81 feet easterly from the southwest corner thereof and the south terminus of the line described herein; thence N 18°20'57" E a distance of 183.90 feet to a point on the north line of said Tract, said point being 5.18 feet easterly from the northwest corner thereof and the north terminus of the line described herein, All lying within the NW ¼ of the SW ¼ of Section 7, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon and containing 2021 square feet, more or less.

For reference purposes this Tract of land can be seen on tax assessor's map 11-3W-7CB, tax lot 3800, and on the attached exhibit "B".



001

EXHIBIT "B"

PACIFIC BOULEVARD

PARTITION PLAT 1991-42
PARCEL 1

5.18'

MF VOL. 742, PG. 298

10'

MF VOL. 742
PG. 298

15' EASEMENT

5'

14.81'

PARTITION PLAT 2004-04
PARCEL 1



SCALE: 1" = 50'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 17, 1995
L. M. ALLEN
2688



PacWest Engineering

1530 Ninth Avenue SE
Albany, OR 97321
Phone (541) 926-7634
Fax (541) 926-7539

DWG: 06-001.DWG

DATE: 2-20-06

PROJECT: 06-001

RENEWAL 12/31/2007

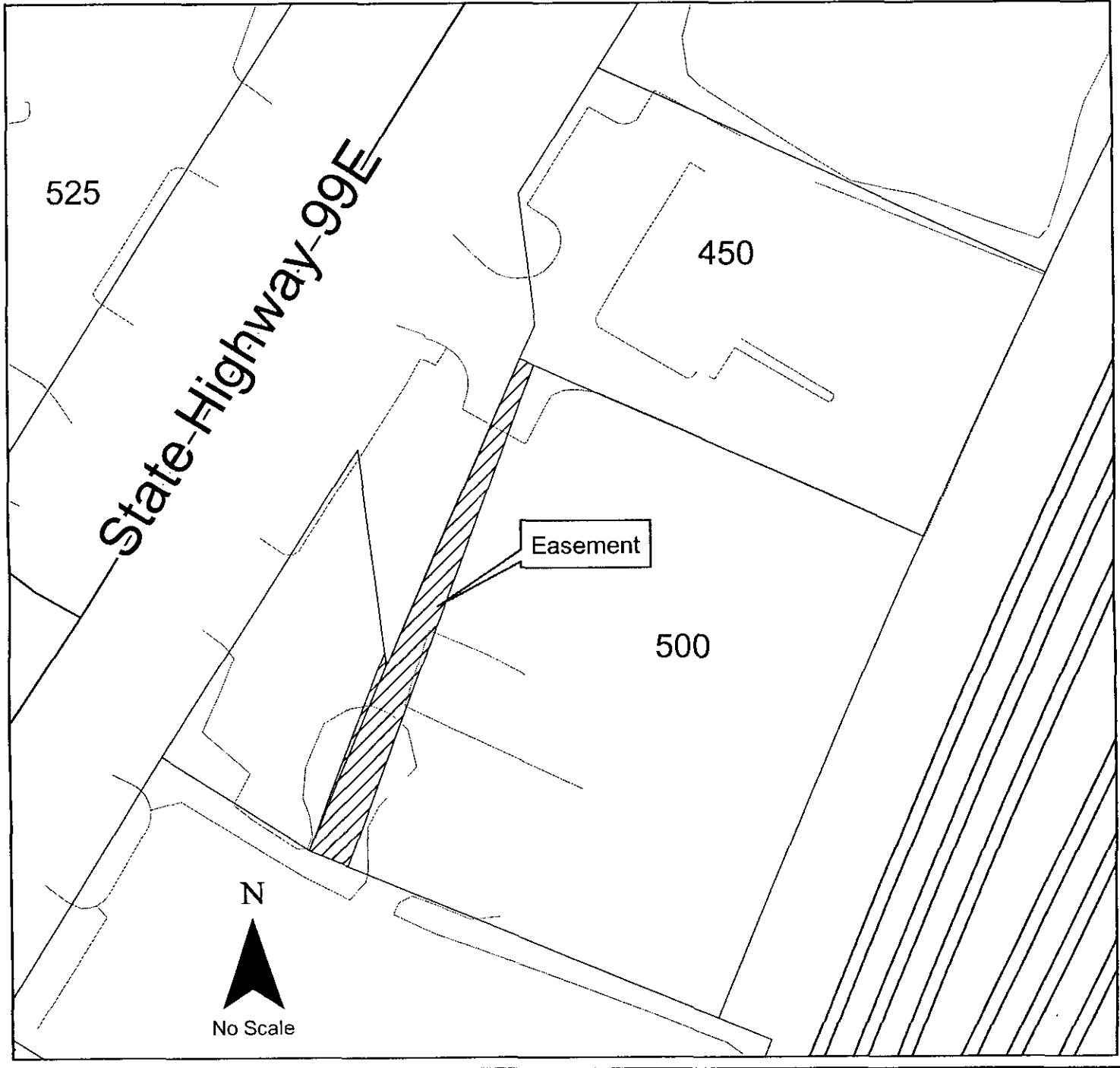
EXHIBIT C

11SO3W07CB03800

The described easement is a sanitary sewer easement of varying width with a maximum width of 15 feet.



Geographic Information Services





00023456200600207290060069

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

After Recording Return To:

City of Albany Recorder

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Government Agency - Exempt

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

Ion Enterprises 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

Resolution No. 5315

Recorded Document Recorder File No. 4807