

RESOLUTION NO. 5467

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

George C. and Twyla J. Nelson

Purpose

Six-foot wide storm drainage easement to convey storm water from 9th Avenue to Locust Place.

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

DATED AND EFFECTIVE THIS 8TH DAY OF AUGUST 2007.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 3rd day of July, 2007, by and between George C. and Twyla J. Nelson, 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:

Six-foot wide storm drainage easement to convey storm water from 9th Avenue to Locust Place. As described on attached Exhibit A and shown 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 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.

GRANTORS:

George C. Nelson
George C. Nelson

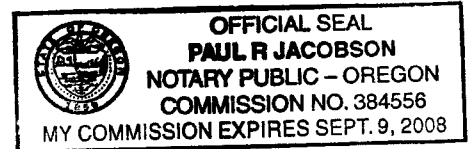
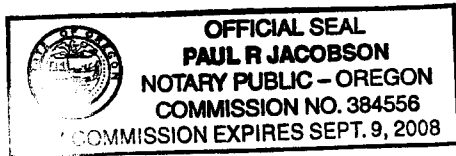
Twyla J. Nelson
Twyla J. Nelson

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 3rd day of July, 2007, by George C. Nelson as his/her voluntary act and deed.

The foregoing instrument was acknowledged before me this 3rd day of July, 2007, by Twyla J. Nelson as his/her voluntary act and deed.



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

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 5467, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8 day of August 2007.

Wes Hare
City Manager

ATTEST:

Betty Langmeier
City Clerk

EXHIBIT A

PERMANENT UTILITY EASEMENT

A permanent public utility easement across that property conveyed to George C. and Twyla J. Nelson, described in Volume 398, Page 974, Linn County, Oregon Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled "EXHIBIT B".

The southern 6 feet of the property described in Volume 398, Page 974, Linn County Microfilm Deed Records, said 6 foot wide strip being a strip of land running parallel to the south property line of said Nelson property.

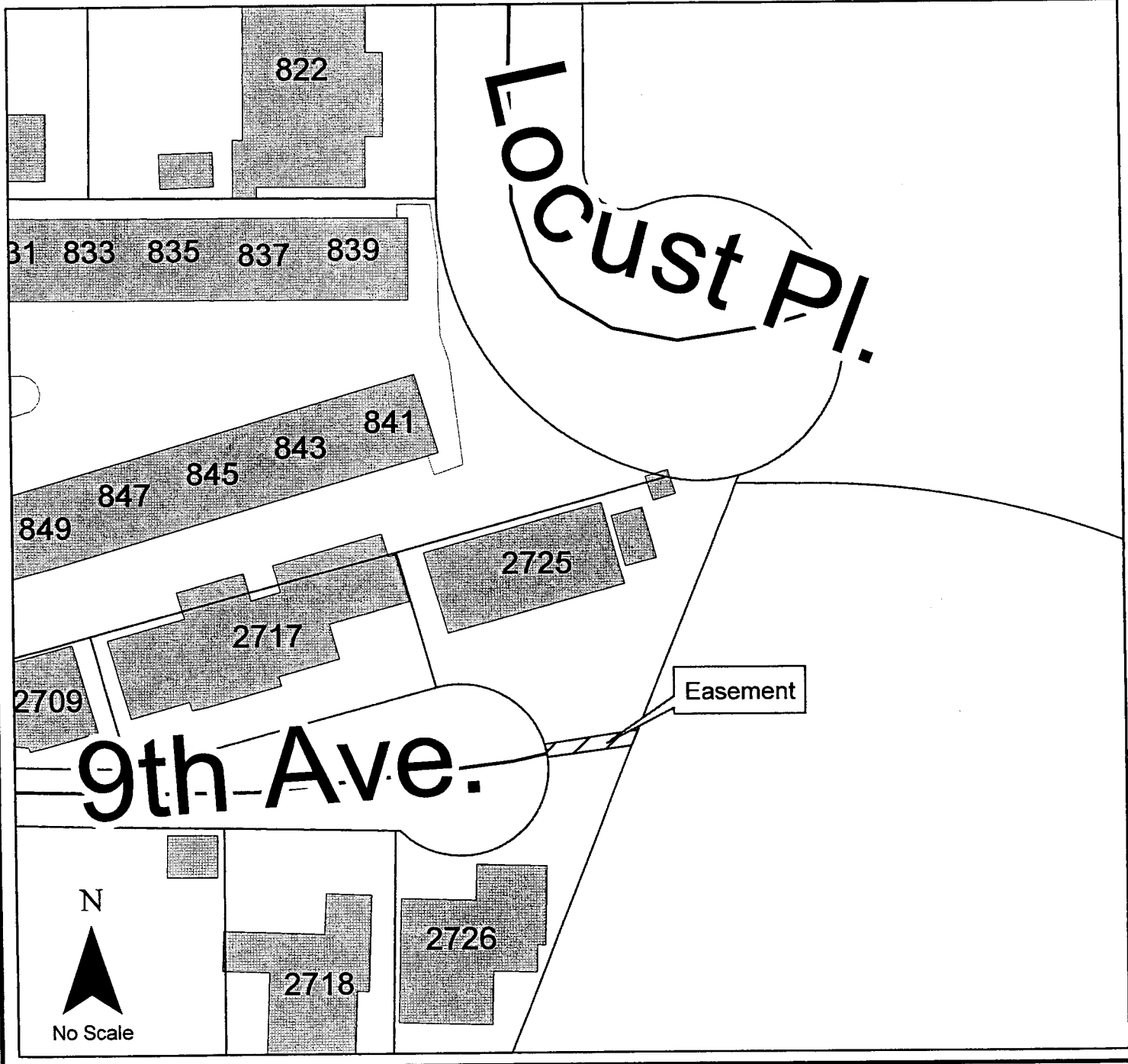
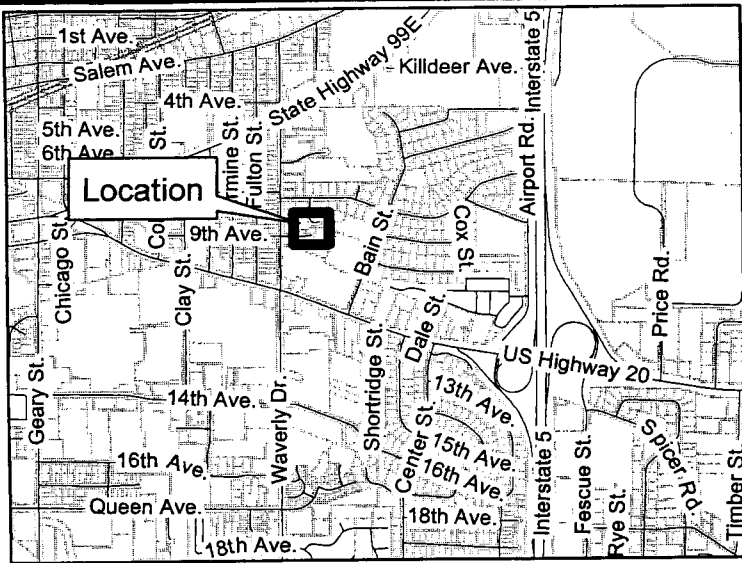
EXHIBIT B

11SO3W08AA01305

Six-foot wide storm drainage easement to convey storm water from 9th Avenue to Locust Place.



Geographic Information Services



5467

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2007-21065**
E-UT
Cnt=1 Stn=1 COUNTER **08/31/2007 02:29:53 PM**
\$25.00 \$11.00 \$10.00 **\$46.00**



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



After Recording Return To:

City of Albany City Clerk _____

PO Box 490 _____

Albany, OR 97321 _____

All Tax Statements Should Be Sent To:

N/A Government Agency _____

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

George C. and Twyla J. Nelson _____

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. 5467

Recorded Document Recorder File No. 4964