

RESOLUTION NO. 5475

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Kenneth R. Spann
Rozanne E. Spann

Purpose

The described easement is a 15-foot access easement along the Santiam-Albany Canal from Red Bridge Road to the Cox Creek. This easement will provide better access to the Canal and the diversion structure on Cox Creek.

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

DATED AND EFFECTIVE THIS 22 DAY OF August 2007.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 11 day of August, 2007, by and between Kenneth R. Spann, Rozanne E. Spann, 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 on adjacent easements, together with the 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 Exhibit A and as shown in Exhibit B and 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 of utilities on adjacent easements.
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:

Kenneth R. Spann
Kenneth R. Spann

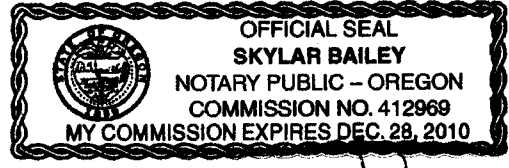
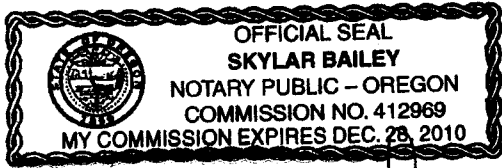
Rozanne E. Spann
Rozanne E. Spann

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 11 day of August, 2007, by **Kenneth R. Spann** as his/her voluntary act and deed.

The foregoing instrument was acknowledged before me this 11 day of August, 2007, by **Rozanne E. Spann** as his/her voluntary act and deed.



Skylar Bailey
Notary Public for Oregon
My Commission Expires: 12/28/2010

Skylar Bailey
Notary Public for Oregon
My Commission Expires: 12/28/2010

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 5475, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 28 day of August 2007.

Wes Hare
City Manager

ATTEST:

Margaret Langwell
City Clerk

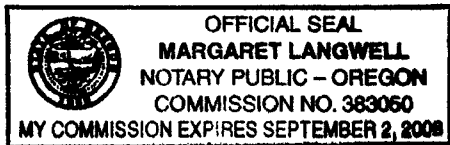


Exhibit A

A strip of land 15.00 feet in width over, across and upon that certain tract of land described in MF volume 471, at page 481 in the official deed records of Linn County, Oregon. The North Line of said strip being parallel with and 15.00 feet Northerly as measured at right angles to the North Line of the "Albany - Santiam Canal" as said Canal is shown located in the records of the Linn County Surveyor's Office as C.S. 22239, said strip more particularly described as follows:

Beginning at a point on the North Line of said "Albany - Santiam Canal", said point being North 52°42'44" West and distant 622.69 feet from the point of intersection of the East Line of said deeded tract with the North Line of said Canal, thence North 52°42'44" West on said North Line a distance of 685.62 feet to an angle point in said North Line, thence continuing North 52°00'56" West on said North Line a distance of 386.10 feet to the Southwest corner of said deeded tract and also being a point on the East Marginal Boundary of Red Bridge Road (C.R. # 342), thence leaving said North Line North 02°01'56" East on said East Marginal Boundary a distance of 18.53 feet, thence leaving said East Marginal Boundary South 52°00'56" East parallel with and distant 15.00 feet Northerly of the North line of said Canal, a distance of 396.89 feet to an angle point, thence continuing parallel with and distant 15.00 feet Northerly of the North Line of said Canal South 52°42'44" East a distance of 681.41 feet, thence South 21°57'01" West a distance of 15.55 feet to the point of beginning and the end of this description.

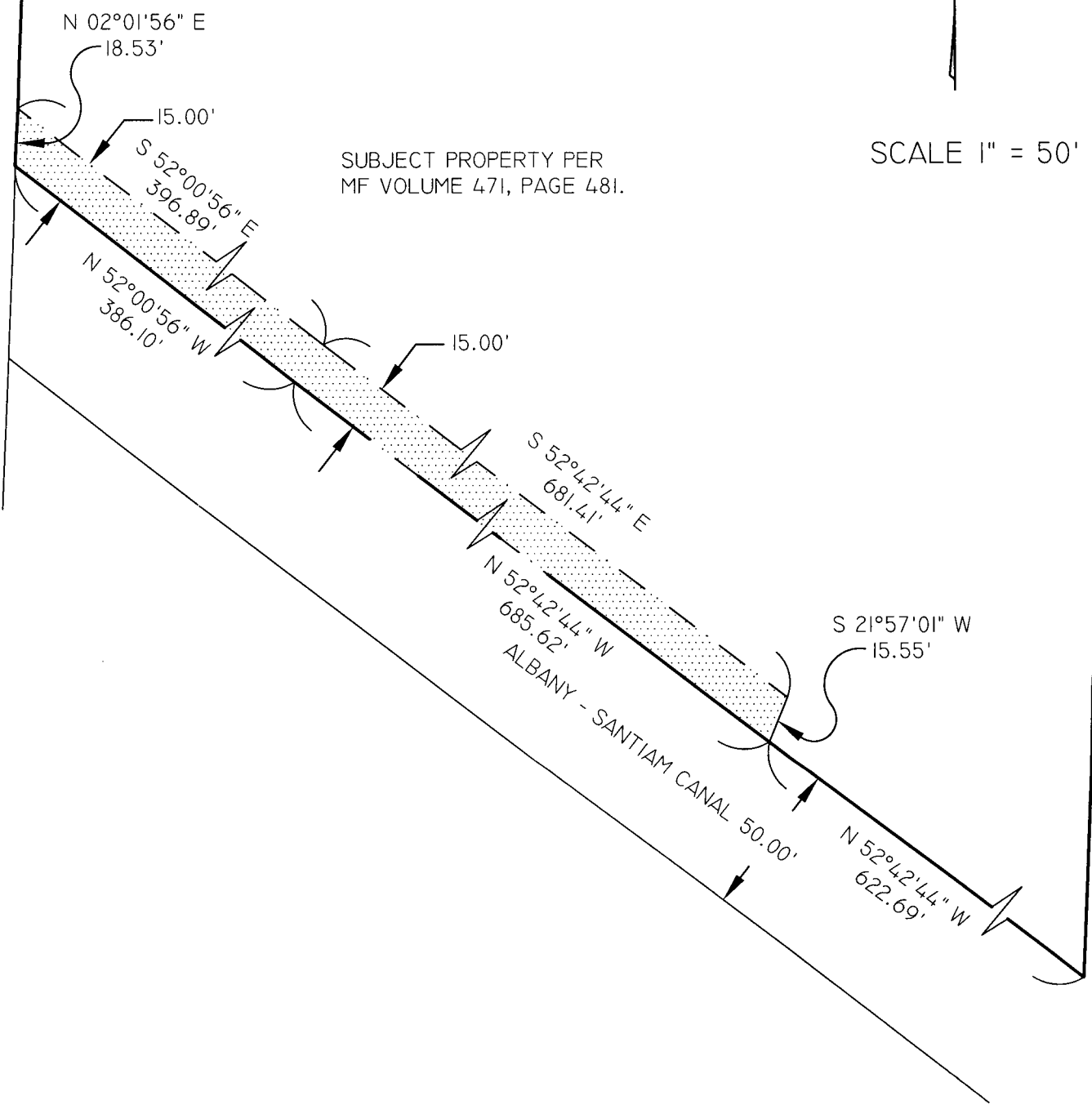
REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JANUARY 17, 1995
L. M. ALLEN
2688

EXP. 12-31-07

RED BRIDGE ROAD (C.R. # 342)



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

DWG: EXHIBITB.DWG
 DATE: 08/08/07
 PROJECT: 06-010

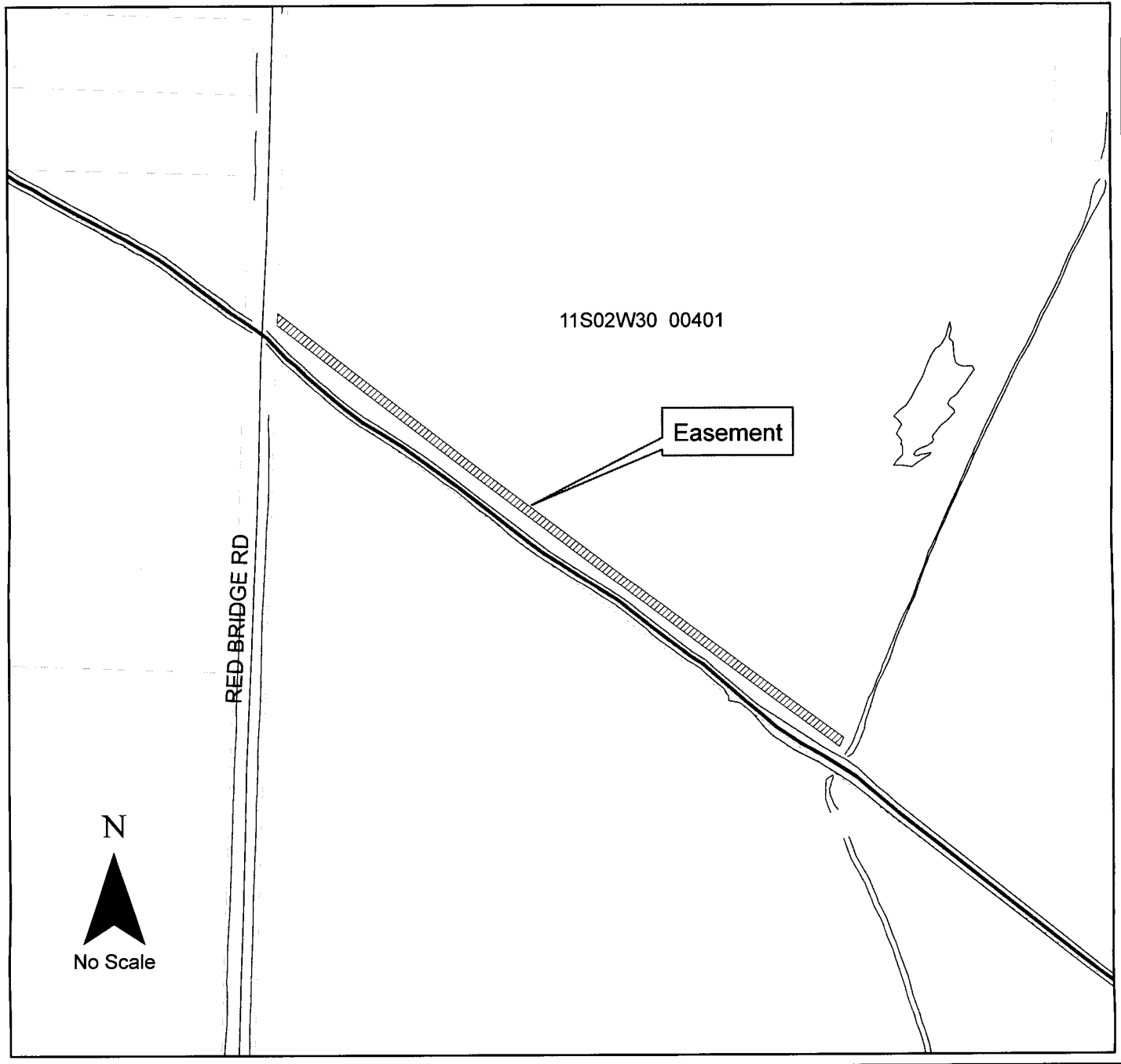
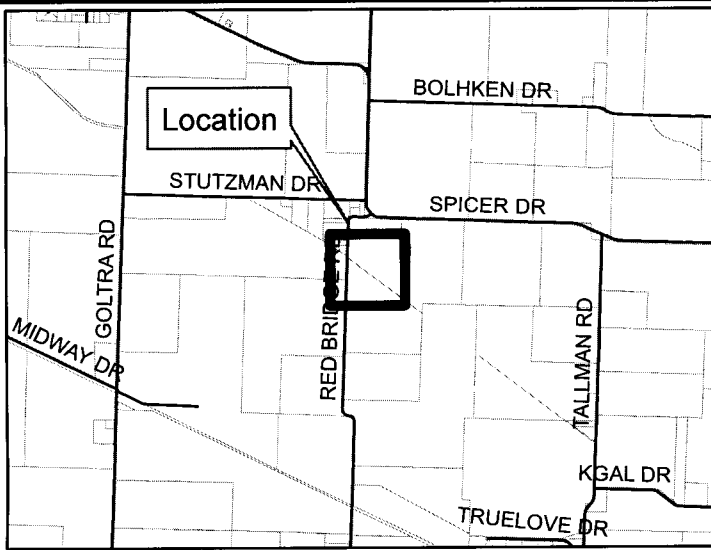
EXHIBIT C

11S02W30 00401

15 foot access easement along
the Albany - Santiam Canal from
Red Bridge Rd. to the
Canal Diversion Structure



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2007-21467**
E-UT **09/07/2007 01:18:24 PM**
Cnt=1 Str=1 COUNTER
\$30.00 \$11.00 \$10.00 **\$51.00**



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
Kenneth R. Spann and Rozanne E. Spann
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. 5475

Recorded Document Recorder File No. 4971