

RESOLUTION NO. 5500

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

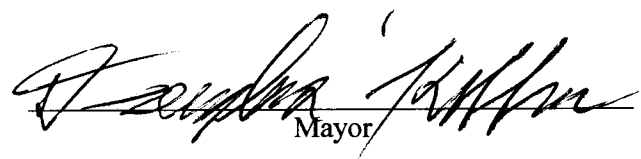
Marcelino Loriz
Betty A. Loriz

Purpose

The described easement is a variable width storm line easement that stretches from Thornton Lake Place to West Thornton Lake. This easement will allow for an 18-inch storm drain to be installed as described in the Storm Water Master Plan.

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

DATED AND EFFECTIVE THIS 24th DAY OF October 2007.


Mayor

ATTEST:


City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 15th day of October, 2007, by and between Marcelino Loriz and Betty A. Loriz, 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 construct, 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:

The described easement is a variable width storm line easement that stretches from Thornton Lake Place to West Thornton Lake. This easement will allow for an 18-inch storm drain to be installed as described in the Storm Water Master Plan. See legal description on attached Exhibit A and maps on attached Exhibits B & 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 one dollar, 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 new 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:

Marcelino Loriz
Marcelino Loriz

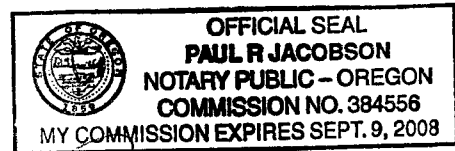
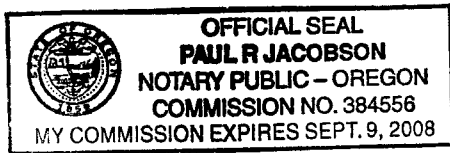
Betty A. Loriz
Betty A. Loriz

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 15th day of October, 2007, by **Marcelino Loriz** as his/her voluntary act and deed.

The foregoing instrument was acknowledged before me this 15th day of October, 2007, by **Betty A. Loriz** 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, Was Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 5500, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of October 2007.

Was Hare
City Manager

ATTEST:

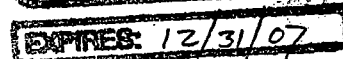
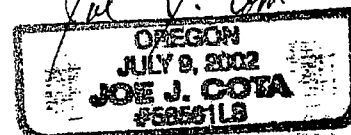
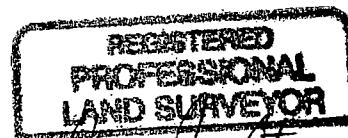
Margaret Longwell
City Clerk

Exhibit "A"

City of Albany Storm Drainage Easement
Located in Lots 4 and 5 of Block 3 of "LESLEE PARK" subdivision
Tax Lot 2700 Assessor Map 11-04W-01BA

A variable width strip of land located in Lots 4 and 5 of Block 3 of "LESLEE PARK", a subdivision recorded in Benton County, Oregon which strip being more particularly described as follows:

Beginning at a point on the south right-of-way line of Thornton Lake Place which point being North 69°52'00" East 0.76 feet from a 5/8 inch rod at the northwest corner of said Lot 5; thence South 14°02'58" East 157.89 feet; thence South 64°30'14" West 27.00 feet; thence North 13°49'43" West 31.13 feet to a 5/8 inch rod; thence North 05°17'33" East 78.52 feet to a 5/8 inch rod; thence North 11°24'35" East 53.35 feet to a 5/8 inch rod on the south right-of-way line of Thornton Lake Place; thence North 69°52'00" East 12.00 feet to the Point of Beginning. Containing 3039 square feet of land more or less.



Project # 07-152
October 11, 2007
By: JJC

EXHIBIT "B"

CITY OF ALBANY

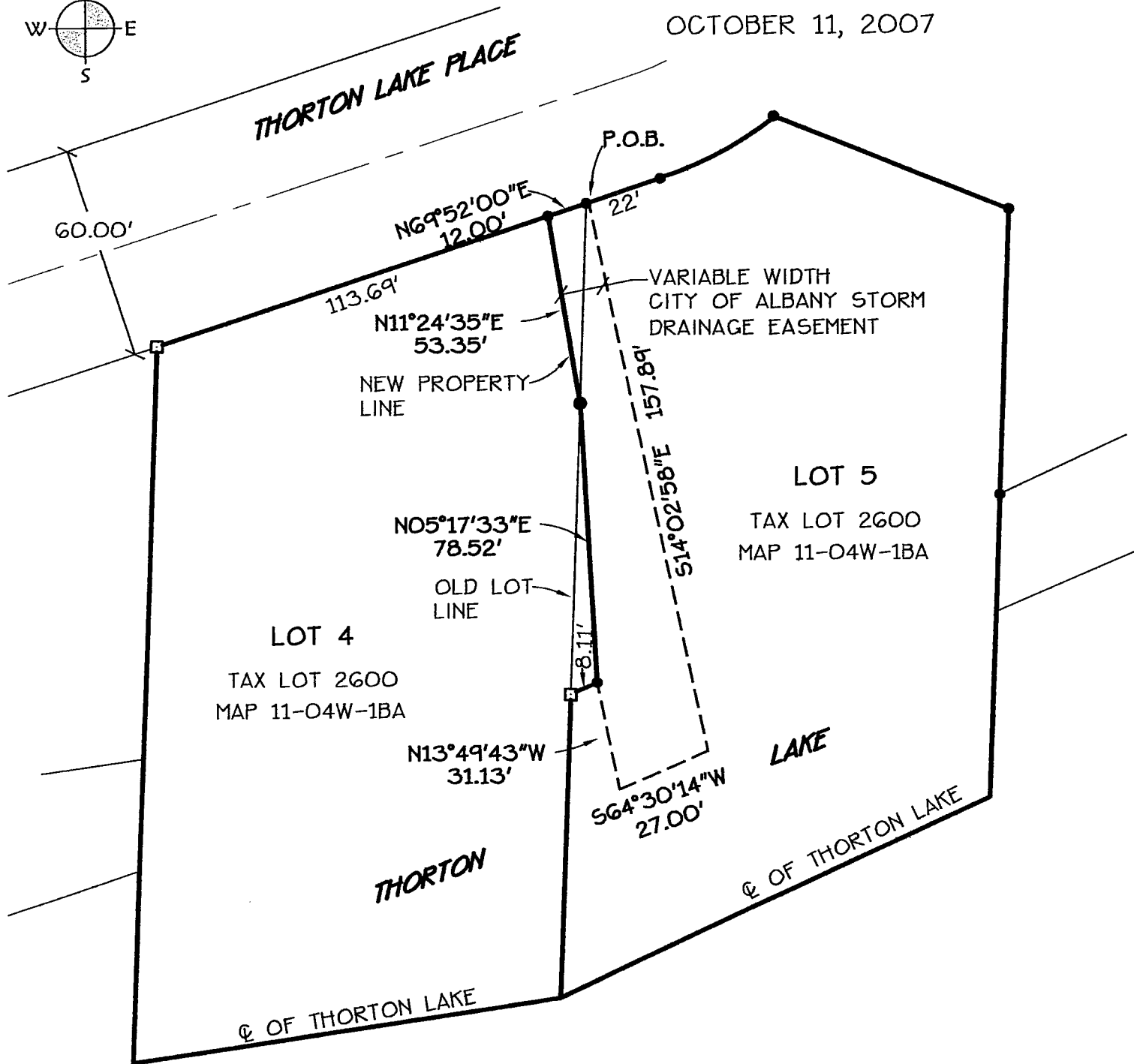
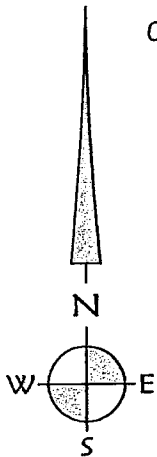
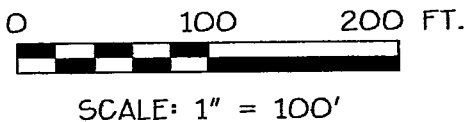
STORM DRAINAGE EASEMENT

LOCATED IN

BLOCK 3 OF "LESLEE PARK" SUBDIVISION
NE 1/4 NW 1/4 SEC. 1, T. 11 S., R. 4 W., W.M.

CITY OF ALBANY, BENTON COUNTY, OREGON

OCTOBER 11, 2007



Date: 10/11/2007

Time: 8:08

Scale: 1=40

File: dwg\2007\07-152\152-ex1.dwg (Jeff D)



K & D ENGINEERING, Inc.

276 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583

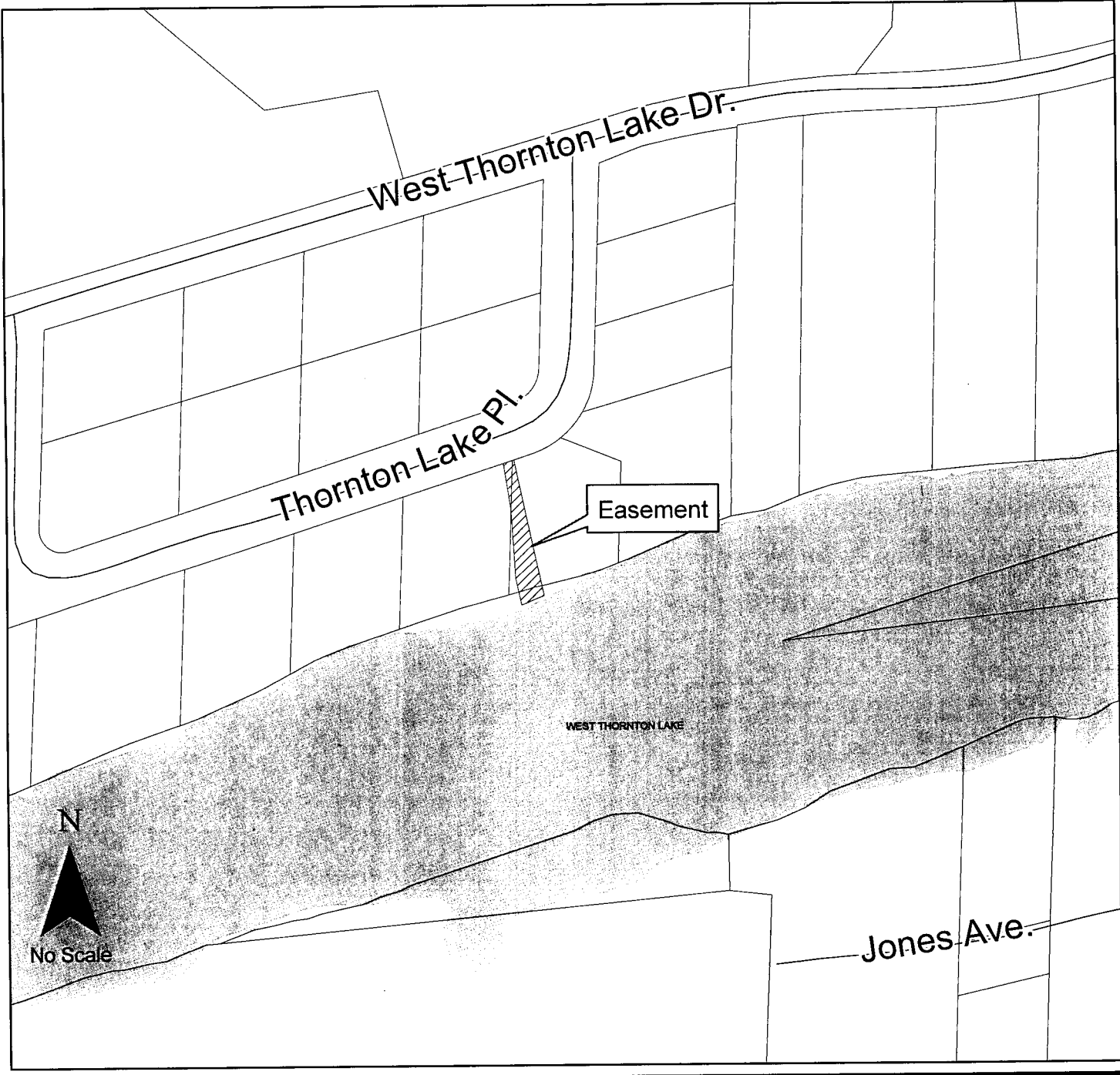
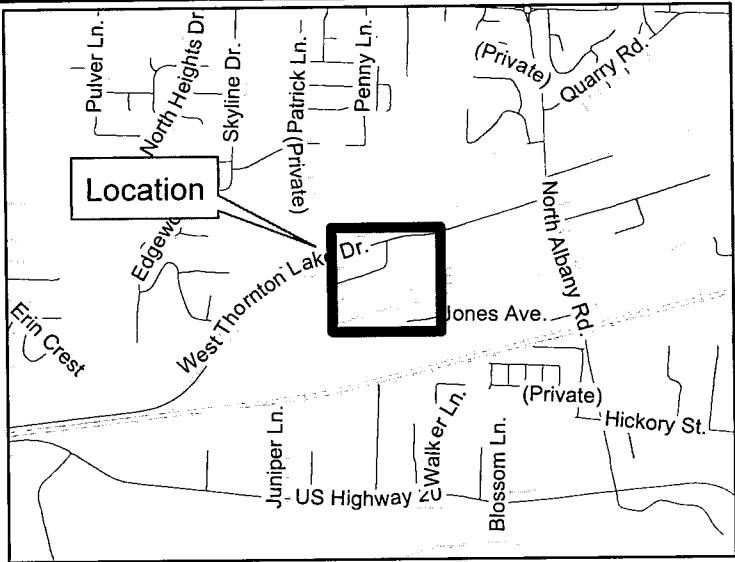
EXHIBIT C

11SO4W01BA02700

A variable width storm line easement to allow for an 18-inch storm drain installation.



Geographic Information Services



RECORDING COVER SHEET (Please Print or Type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

BENTON COUNTY, OREGON **2007-429742**
DE-EAS
Cnt=1 Stn=5 MR **11/05/2007 01:38:44 PM**
\$30.00 \$11.00 \$10.00 \$15.00 **\$66.00**



I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



James V. Morales - County Clerk

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

Marcelino Loriz and Betty A. Loriz

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

\$.00

Resolution No. 5500

Recorded Document Recorder File No. 4999