

RESOLUTION NO. 5535

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Rolland K. Brower and Judith L. Weissert

A 10-foot wide easement over an existing sewer.

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

DATED AND EFFECTIVE THIS 10TH DAY OF DECEMBER 2007.


Council President

ATTEST:


City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 7th day of November 2005, by and between Rolland K. Brower and Judith L. Weissert, 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 10-foot wide easement over an existing sewer. See legal description on attached Exhibit A and maps on attached Exhibits B and 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 \$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. The Grantor and the City acknowledge that if a structure exists on the public utilities easement described herein either additional permanent structures or additions to the existing structure may not be constructed on the public utilities easement. If the existing structure is removed from the public utility easement, no permanent structure may be reconstructed in its place.
7. Should the City determine that maintenance, repair, or reconstruction of the utilities located under the structure requires the removal or alteration of said structure, the City may undertake such removal or alteration as may be needed. In such event, however, the City shall, upon completion of said maintenance, repair, or reconstruction, restore the structure at City expense to its original or better condition.

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

GRANTORS:

Rolland K. Brower
Rolland K. Brower

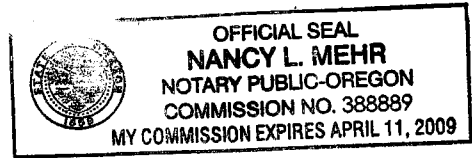
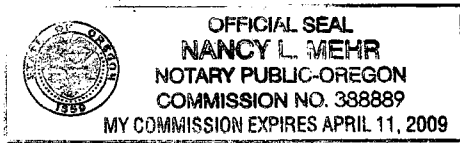
Judith L. Weissert
Judith L. Weissert

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 7th day of November, 2007, by **Rolland K. Brower** as his/her voluntary act and deed.

The foregoing instrument was acknowledged before me this 8th day of November, 2007, by **Judith L. Weissert** as his/her voluntary act and deed.



Nancy L. Mehr
Notary Public for Oregon
My Commission Expires: 4-11-09

Nancy L. Mehr
Notary Public for Oregon
My Commission Expires: 4-11-09

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 5535, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10th day of December 2007.

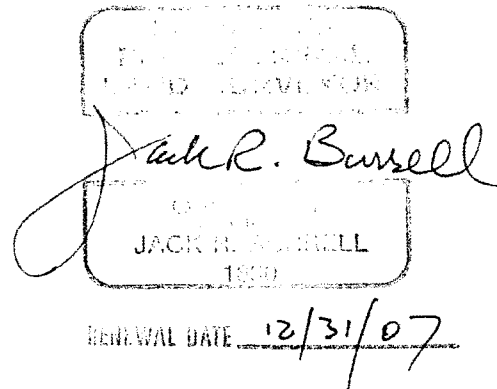
Wes Hare
City Manager

ATTEST

Jetty Langwell
City Clerk

EXHIBIT "A"
CITY SEWER EASMENT DESCRIPTION

Beginning at the northeast corner of Lot 5, Block 10 of "Hacklemans 3rd Addition", a subdivision of record in Linn County, Oregon; thence South 81°00'00" West 263.89 feet to the northwest corner of Lot 8 in said block; thence North 08°51'35" West, along the west line of said block, a distance of 10.00 feet; thence North 81°00'00" East 263.87 feet to the east line of said block; thence South 08°56'56" East 10.00 feet to the Point of Beginning.

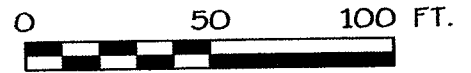


October 25, 2007
EXHIBIT "A"
CITY SEWER EASMENT DESCRIPTION
(06-195) JRB:anh
File Ref: shared documents/legals/06-195

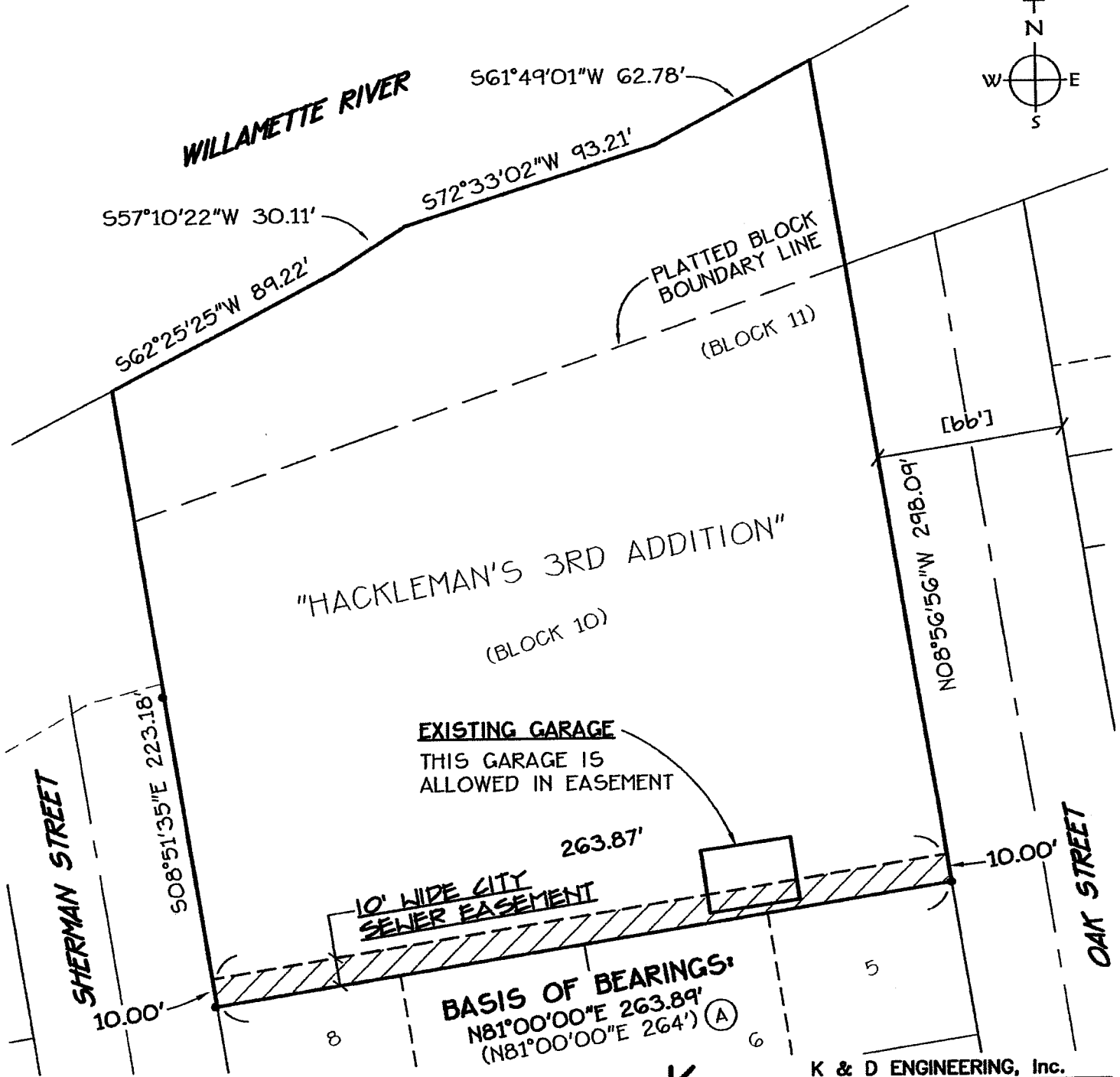
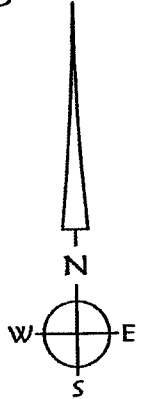
EXHIBIT "B"

LOCATED IN
A REPLAT OF LOTS 1, 2, 3 AND 4 OF BLOCK 10 AND
ALL OF BLOCK 11 OF "HACKLEMAN'S 3RD ADDITION",
SE 1/4 SEC. 6, T. 11 S., R. 3 W., W.M.
CITY OF ALBANY, LINN COUNTY, OREGON

OCTOBER 25, 2007



SCALE: 1" = 50'



Date: 10/25/2007 Time: 14:17
Scale: 1=50
File: dwg\2006\06-195\195-ex.dwg (Brian E)

K
D

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

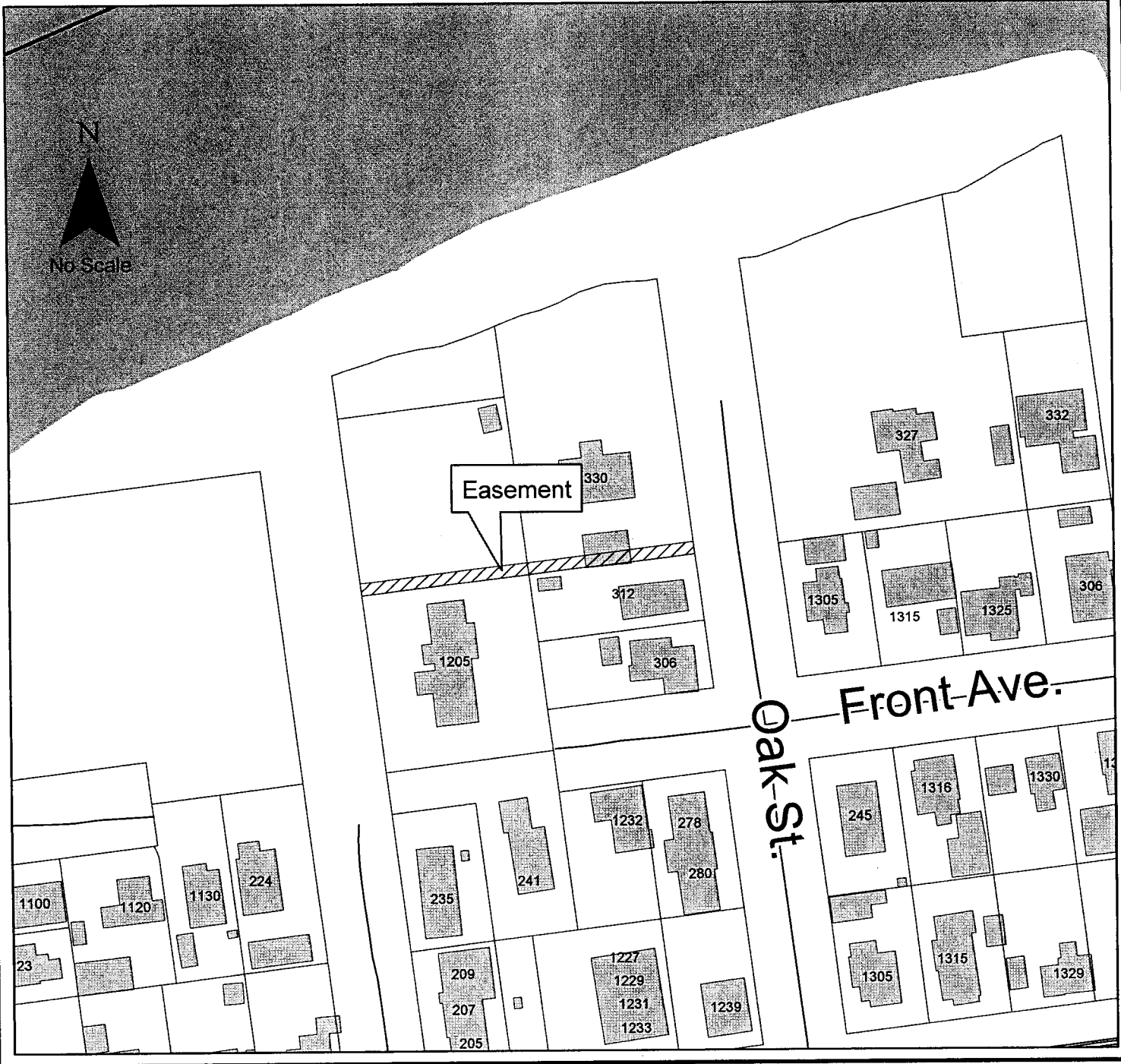
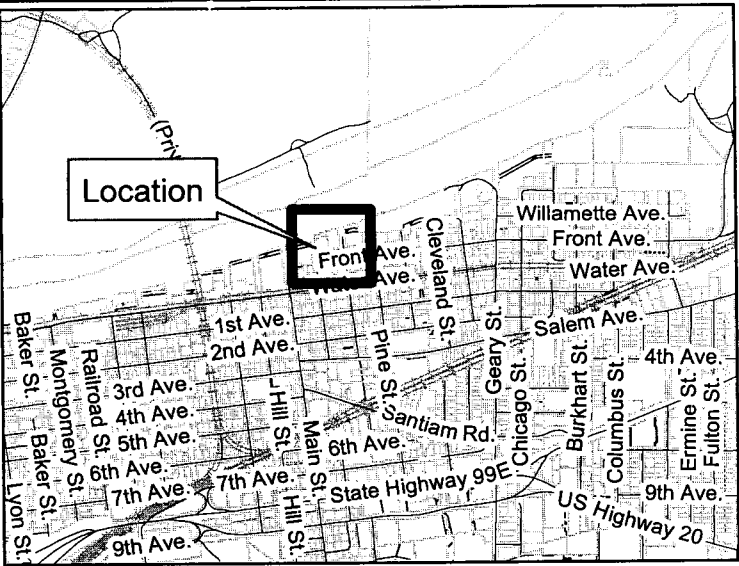
EXHIBIT C

11S03W06DA04800 and
11S03W06DA04900

A 10-foot wide easement
over an existing sewer.



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2008-03971**
E-UT
Cnt=1 Stn=1 COUNTER **02/28/2008 03:01:37 PM**
\$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:

Rosario Echeverria

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

Rolland D. Brower and Judith L. Weissert

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. 5535

Recorded Document Recorder File No. 5042