

RESOLUTION NO. 5838

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

RED CANOE CREDIT UNION

A 20 foot-wide sanitary sewer easement for the Red Canoe Credit Union construction project.

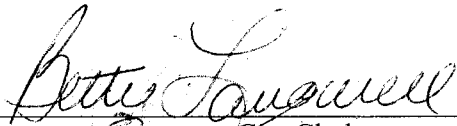
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 26TH DAY OF AUGUST 2009.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 12th day of August, 2009, by and between RED CANOE CREDIT UNION, 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 20 foot wide sanitary sewer easement for the Red Canoe Credit Union project. 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. 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.

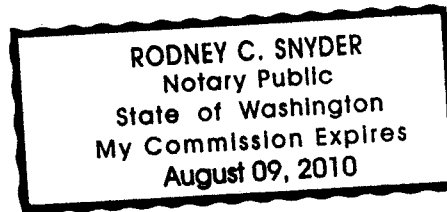
GRANTOR:

Red Canoe Credit Union

David Spaulding
David Spaulding, President/CEO

STATE OF WA)
County of Cowlitz) ss.
City of Longview)

The instrument was acknowledged before me this 12th
August day of _____, 2009,
by David Spaulding, President/CEO, on behalf of Red
Canoe Credit Union.



Rodney C. Snyder
Notary Public for WA
My Commission Expires: 8-9-2010

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 5738 do hereby
accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 6 day
of October, 2009.

Wes Hare
City Manager

ATTEST:

Margaret Langwell
City Clerk

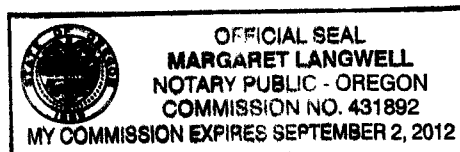
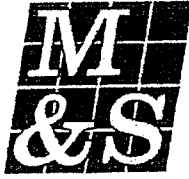


Exhibit A



MacKay & Sposito, Inc.

MacKay & Sposito, Inc.
1325 SE Tech Center Drive, Suite 140
Vancouver, WA 98683
Phone: 360-695-3411
Fax: 360-695-0833
www.mackaysposito.com

14954LD1
rev. 7/30/09
btm

LEGAL DESCRIPTION
SANITARY SEWER EASEMENT
RED CANOE CREDIT UNION
CITY OF ALBANY, LINN COUNTY, OREGON

A 20.00 foot Sanitary Sewer easement over real property situated in the City of Albany, Linn County, Oregon and lying in the Northwest quarter of Section 8, Township 11 South, Range 3 West of the Willamette Meridian, described as follows:

Commencing at the Northwest corner of that tract of land conveyed to Red Canoe Credit Union by deed recorded under Document No. 2009-01053, deed records of said county, said corner being on the Southerly right of way line of Pacific Boulevard/99E; thence along the North line of said Red Canoe Credit Union Tract and the Southerly right of way line of said Pacific Boulevard/99E North 68° 37' 41" East 17.93 feet to the **Point of Beginning**; thence continuing along said North line and said Southerly right of way line North 68° 37' 41" East 20.72 feet; thence South 06° 13' 49" East 74.91 feet; thence South 46° 24' 38" East 126.16 feet to the South line of said Red Canoe Credit Union Tract; thence along said South line North 89° 00' 19" West 29.55 feet; thence North 46° 24' 38" West 111.72 feet; thence North 06° 13' 49" West 76.82 feet to the **Point of Beginning**.

Containing approximately 3,896 square feet.

Subject to easements and restrictions of record.

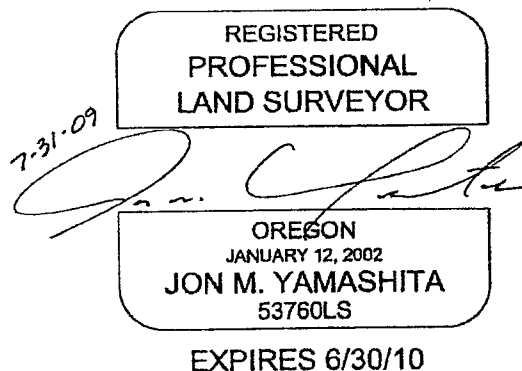
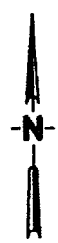
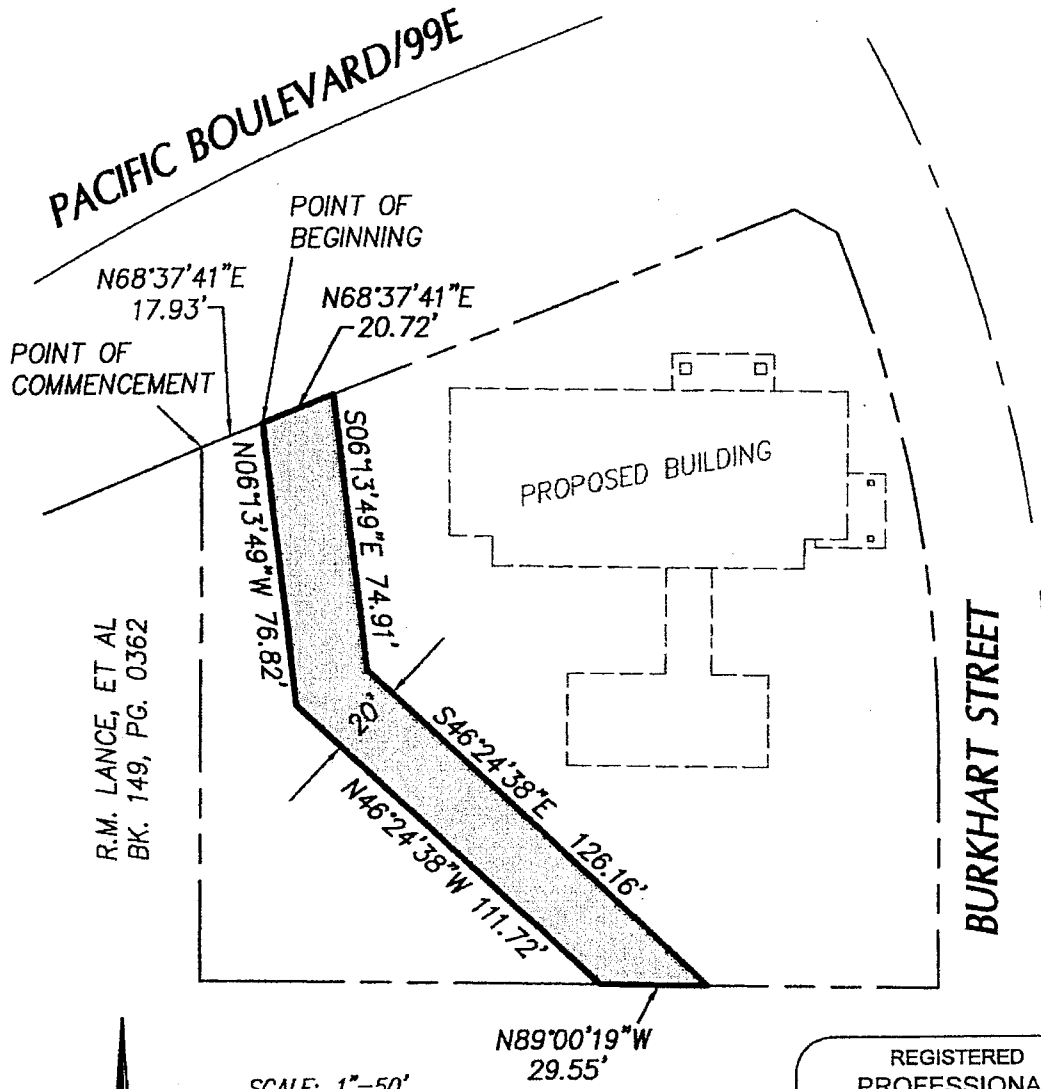


Exhibit B

SKETCH TO ACCOMPANY LEGAL DESCRIPTION SANITARY SEWER EASEMENT RED CANOE CREDIT UNION CITY OF ALBANY, LINN COUNTY, OREGON



SCALE: 1"=50'
rev. JULY, 2009

MacKay & Sposito, Inc.
ENGINEERS SURVEYORS PLANNERS
VANCOUVER, WASHINGTON KENNEWICK, WASHINGTON

7-31-09

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

EXPIRES 6/30/10

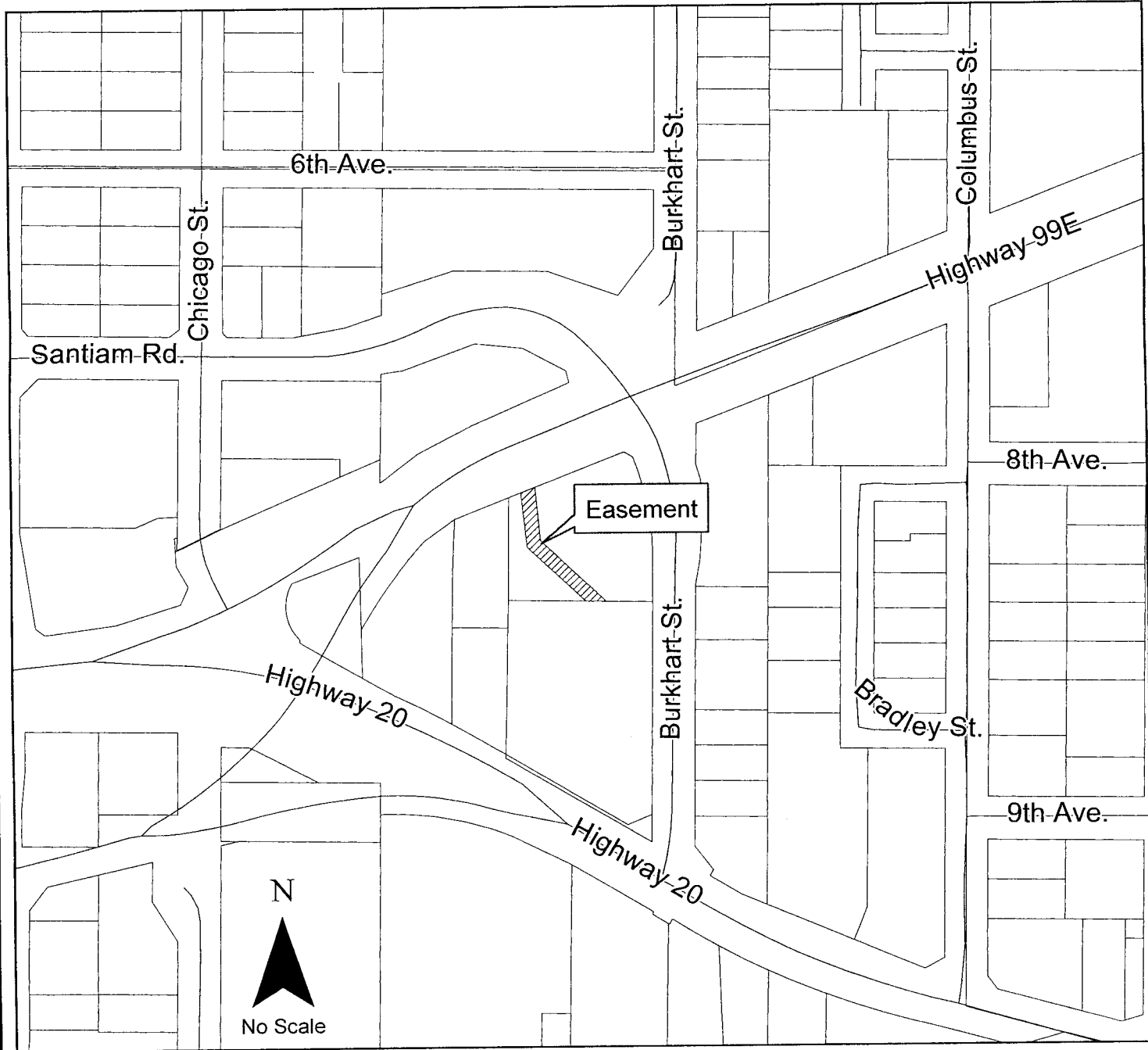
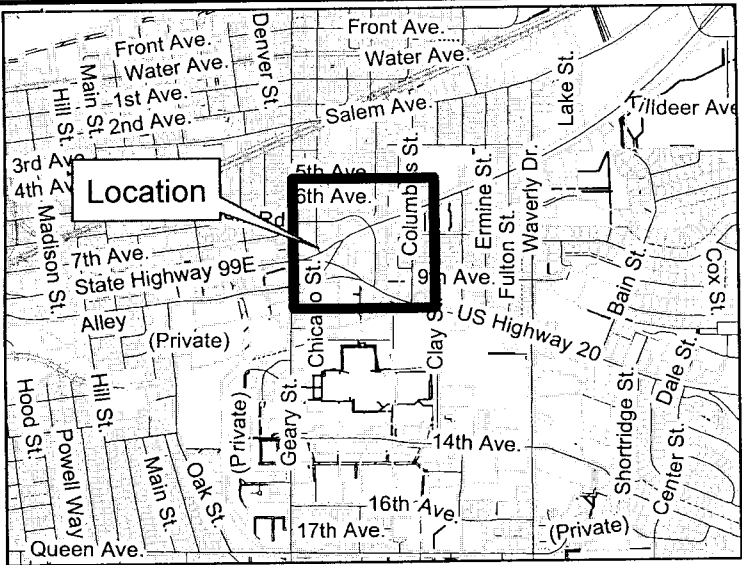
EXHIBIT C

11S03W08BA02600

A 20 foot-wide sanitary sewer easement for the Red Canoe Credit Union construction project.



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2009-18169**
E-UT
Cnt=1 Stn=1 COUNTER **10/16/2009 03:26:04 PM**
\$30.00 \$11.00 \$15.00 \$9.00 \$10.00 **\$75.00**



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:

NA

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

Red Canoe Credit Union.

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. 5838

Recorded Document Recorder File No. 5403