

RESOLUTION NO. 5966

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Paul L. Zehr

Purpose

A variable width easement over public sanitary sewer and storm drainage facilities for Skyline Terrace Subdivision.

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

DATED AND EFFECTIVE THIS 8TH DAY OF DECEMBER 2010.


Mayor

ATTEST:


City Clerk



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 8th day of December, 2010, by and between Paul L. Zehr, 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 variable width easement over public sanitary sewer and storm drainage facilities for Skyline Terrace Subdivision. See legal description on attached Exhibit A and maps on attached Exhibits B and C.

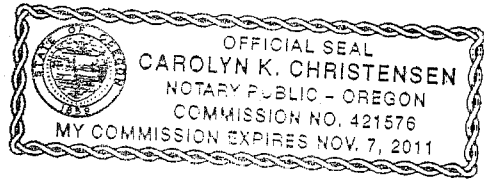
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted 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: Paul L. Zehr
Paul L. Zehr

STATE OF Oregon)
County of Linn) ss.
City of Harrisburg)

The foregoing instrument was acknowledged before me this 16 day of Nov, 2010, by Paul L. Zehr as his voluntary act and deed.



Carolyn K. Christensen
Notary Public for Oregon
My Commission Expires: 11-7-11

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 5966, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____ 2010.

City Manager

ATTEST:

City Clerk

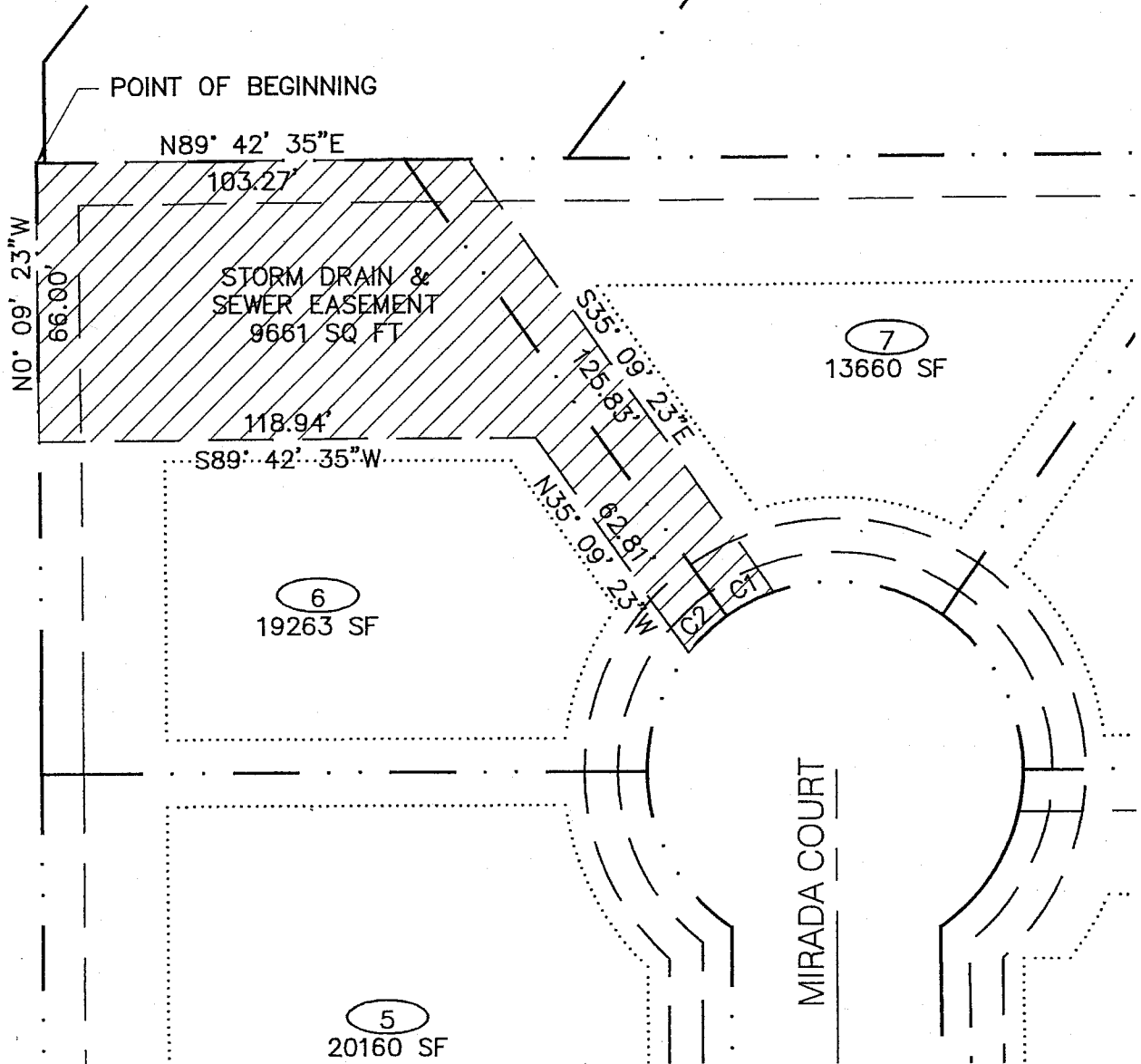
Exhibit A

Storm Drainage & Sanitary Sewer Easement

Legal Description:

An easement for the installation, maintenance and replacement of storm drainage & sanitary sewer facilities located on Lots 6, and 7 of Block 1 of the Skyline Terrace Subdivision in Benton County also in Section 36 of Township 10 South, Range 4 West of the Willamette Meridian described as follows:

Beginning at the Northwest corner of Lot 6 Block 1 of the Skyline Terrace Subdivision; Thence $S0^{\circ} 09' 23''E$ 66.00 feet along the west line of Lot 6; Thence $N89^{\circ} 42' 35''E$ 118.94 feet to a line offset 12.50 feet perpendicular from the common line of Lots 6 and 7 in a westerly direction; Thence $S35^{\circ} 09' 23''E$ 62.81 feet parallel to the common line of Lots 6 and 7 to the right of way of Mirada Court; Thence 12.67 feet along the right of way of Mirada Court on a non-tangential curve to the right having a radius of 45.00 feet, and a chord bearing $N46^{\circ} 46' 54''E$ 12.62 feet to the common line of Lots 6 and 7; Thence continuing along the right of way 12.67 feet on a curve to the right having a radius of 45.00 feet, and a chord bearing $N62^{\circ} 54' 32''E$ 12.62 feet to a line offset from the common line of Lots 6 and 7 12.50 feet in an easterly direction; Thence $N35^{\circ} 09' 23''W$ 125.83 feet parallel to the common line of Lots 6 and 7 to the north line of Lot 7; Thence $S89^{\circ} 42' 35''W$ 103.27 feet along the north line of Lots 6 and 7 to the point of beginning; containing an area of 9661 square feet more or less.



PARCEL CURVE DATA					
SEGMENT	LENGTH	RADIUS	DELTA	CHORD LENGTH	CHORD DIRECTION
C1	12.67'	45.00	16.13	12.62'	S62°54'32"W
C2	12.67'	45.00	16.13	12.62'	S46°46'54"W

DATE 9/10/10
 SCALE 1"=40'
 DRAWN PJS
 FILE G:\09109

**SKYLINE TERRACE SUBDIVISION
 STORM DRAIN & SEWER EASEMENT**

Exhibit B

EXHIBIT C

10SO4W36CC00800 and
10SO4W36CC0900

A variable width easement over
public sanitary sewer and storm
drainage facilities for Skyline
Terrace Subdivision.



Geographic Information Services

