

RESOLUTION NO. 4917

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Glorietta Bay, LLC

Purpose

A permanent 10-foot-wide public utility easement described as shown on attached EXHIBIT B and described in attached EXHIBIT A.

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

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 10TH DAY OF DECEMBER 2003.



Council President

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 12th day of November, 2003 by and between **Glorietta Bay, LLC**, herein called Grantors, and the **CITY OF ALBANY**, a Municipal Corporation, herein called "City."

WITNESSETH:

That the Grantor has this day granted unto the City of Albany, 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 10.0-foot wide permanent public utility easement as shown on attached EXHIBIT B and described in attached EXHIBIT A.
2. In order that the work may be done in a timely and complete manner, we hereby agree to grant and allow a temporary right of entry for construction access to the City, its representatives and to the Contractor, for access to, upon and over our property for planning and construction of a sanitary sewer, service connection, and such appurtenances as are required to make the project complete. It is understood and agreed that this access agreement shall terminate on the date that such work has been satisfactorily completed and accepted by the City of Albany.
3. 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.
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 Grantors 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.

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P.O. Box 490, Albany, OR 97321

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 his hand and seal the day and year above written.

GRANTORS:

Glorietta Bay, LLC

Glorietta Bay, LLC

By: _____

By: _____

Date: November 12, 2003

Date: _____

STATE OF OREGON)
County of Linn) ss.
City of Albany)

STATE OF OREGON)
County of _____) ss.
City of _____)

The instrument was acknowledged before me this 12 day of November, 2003, by Scott Lepman, a representative of **Glorietta Bay, LLC** and Managing Member.

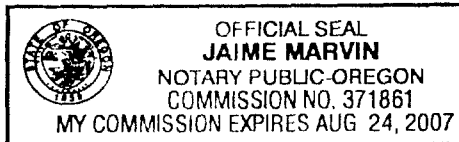
The instrument was acknowledged before me this _____ day of _____, 2003, by _____, a representative of **Glorietta Bay, LLC** and Managing Member.

Jaime Marvin
Notary Public for Oregon
My Commission Expires: August 24, 2007

Notary Public for Oregon
My Commission Expires: _____

CITY OF ALBANY:

STATE OF OREGON)
County of Linn) ss.
City of Albany)



I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4917 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10 day of December, 2003.

Steve Bryant
City Manager

ATTEST:

[Signature]
City Recorder

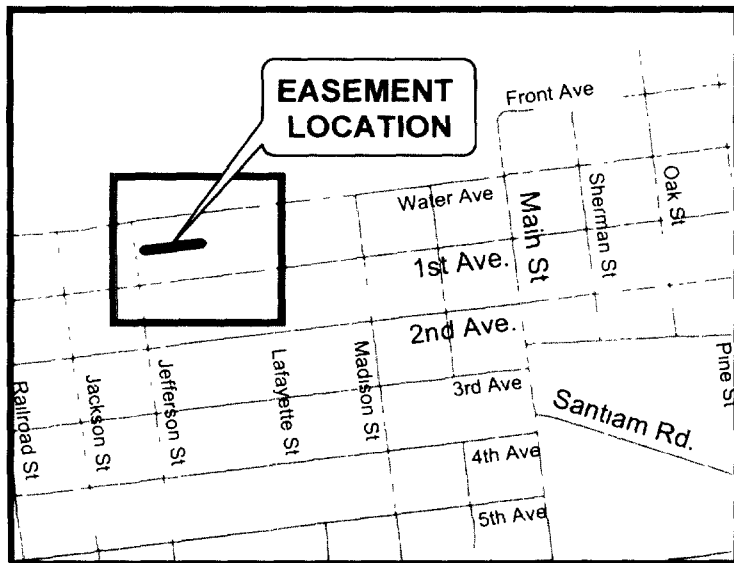
EXHIBIT A

PERMANENT UTILITY EASEMENT

A permanent public utility easement across that property conveyed to **Glorietta Bay, LLC**, described in Volume 1395 , Page 133 , Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled "EXHIBIT B".

The southern 10 feet of the North ½ of Block 114, Hacklemans Eastern Addition to the City of Albany, Section 06, T. 11S, R. 3W, Willamette Meridian, Linn County, Oregon, recorded June 29, 1882.

EXHIBIT B

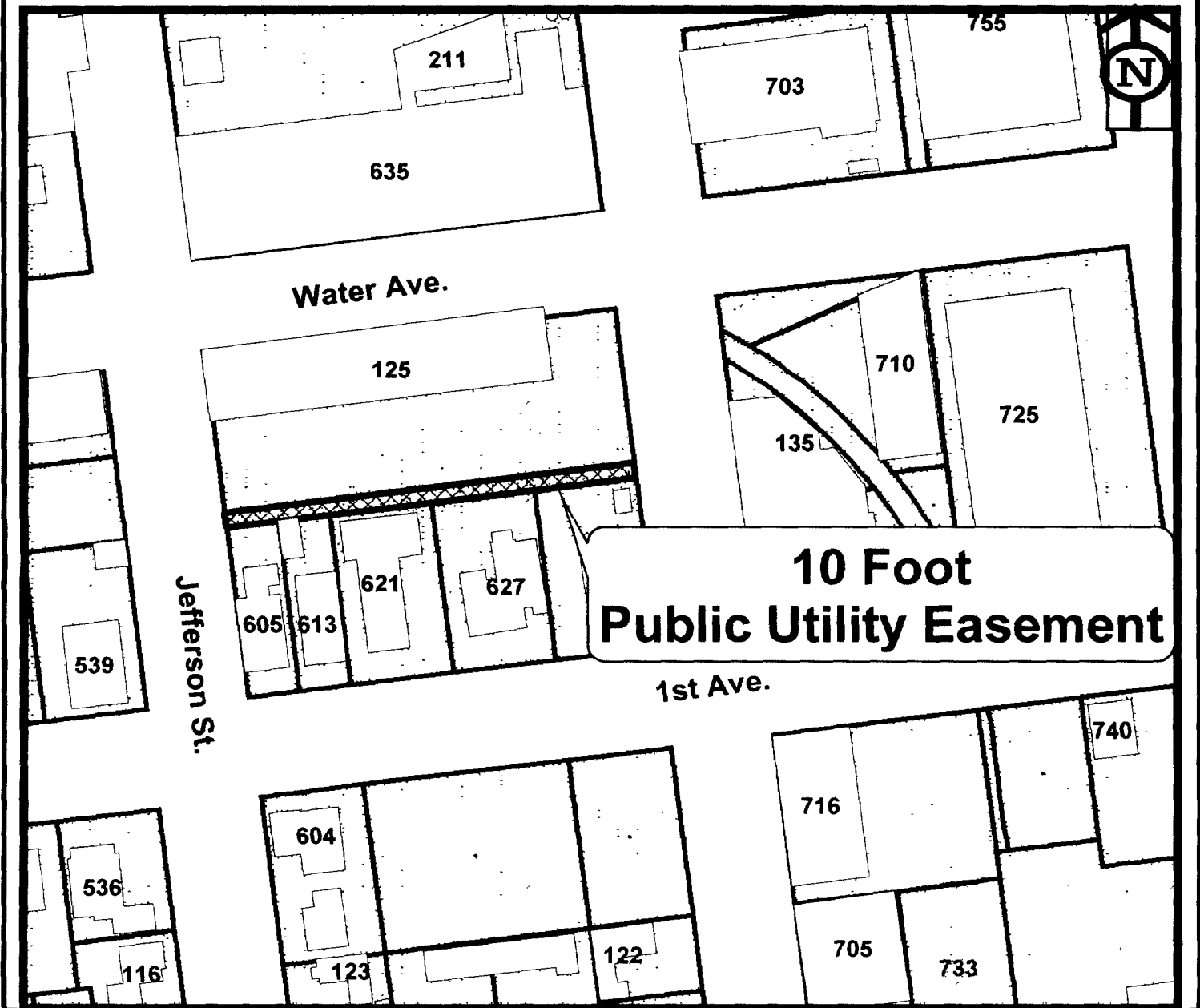


VICINITY MAP

Glorietta Bay, LLC
11S03W06DC06300
Hackleman's Eastern Addition
Block 114
125 Jefferson St. NE
City of Albany, Linn Co., OR

10' Public Utility Easement
Over Existing Sewer Main

1 inch equals 100 feet



10 Foot
Public Utility Easement

STATE OF OREGON
County of Linn

I hereby certify that the attached
was received and duly recorded
by me in Linn County records

STEVE DRUCKENMILLER
Linn County Clerk

By SD Deputy MF 1537
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Recorded Document Recorder File 4352