

RESOLUTION NO. 5108

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Harrison and Katherine Lake

Shady Lane Waterline Replacement

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

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 13TH DAY OF APRIL 2005.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 23 day of November, 2004, by and between **Harrison and Katherine Lake**, 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 permanent public utility easement more particularly shown in attached EXHIBIT B and described in attached EXHIBIT A.
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 his hand and seal the day and year above written.

**GRANTORS:**

**Harrison and Katherine Lake**

Harrison Lake

Harrison Lake

Katherine Lake

Katherine Lake

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

The instrument was acknowledged before me this 23 day of November, 2004, by Harrison Lake as his voluntary act and deed.



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

The instrument was acknowledged before me this 23 day of November, 2004, by Katherine Lake as her voluntary act and deed.



[Signature]

Notary Public for Oregon  
My Commission Expires: May 4, 2005

[Signature]

Notary Public for Oregon  
My Commission Expires: May 4, 2005

**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 5108 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13 day of April, 2004.

[Signature]  
City Manager

**ATTEST:**

[Signature]  
City Recorder

# Exhibit A

Legal Description  
for Lake easement to the City of Albany

A 15-foot wide waterline easement across the western 15 feet of even width of that property conveyed to **Harrison and Katherine Lake**, by a deed recorded in Benton County, Oregon microfilm deed records 165042-93, as shown on the attached map labeled *Exhibit B*.

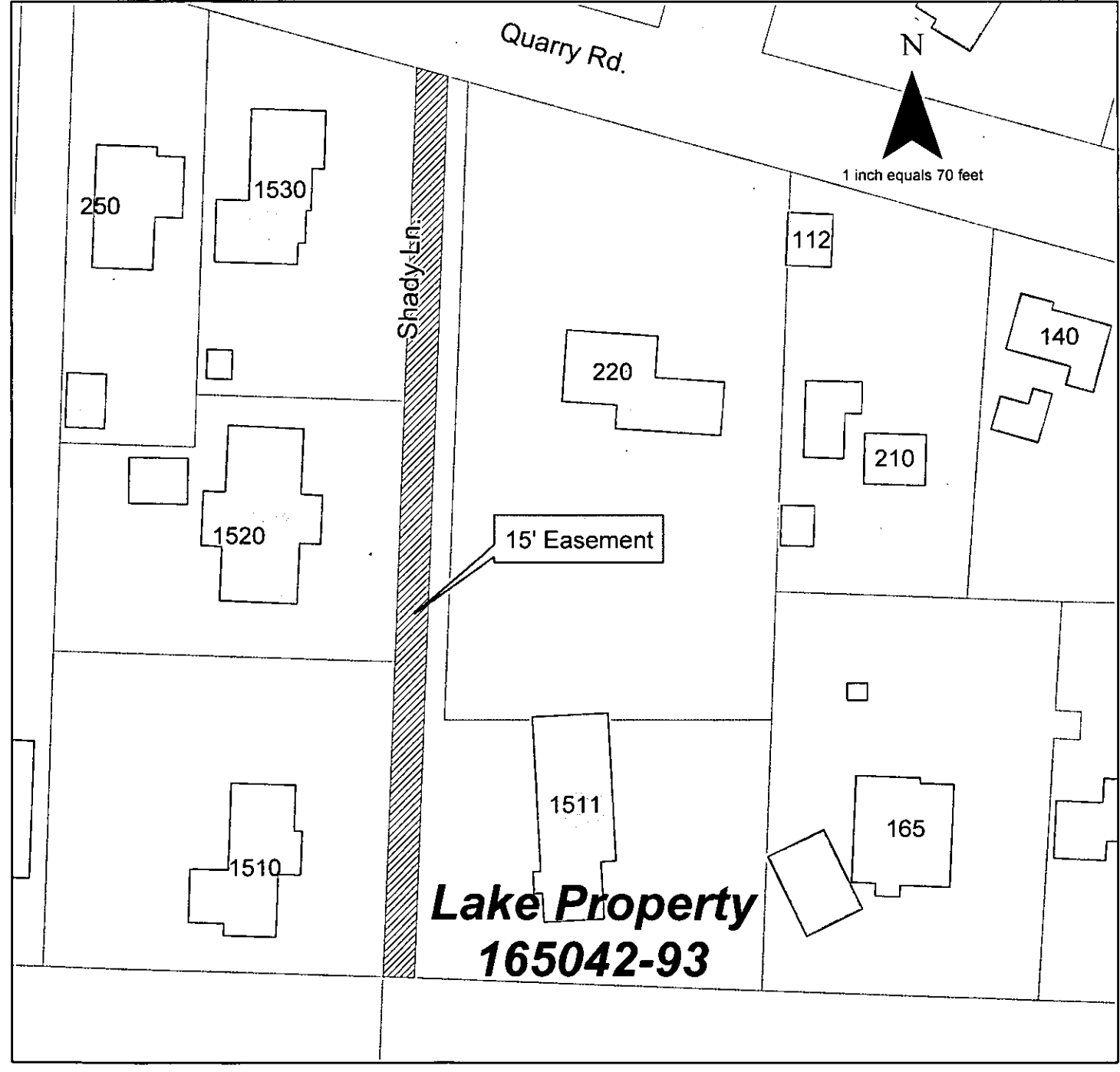
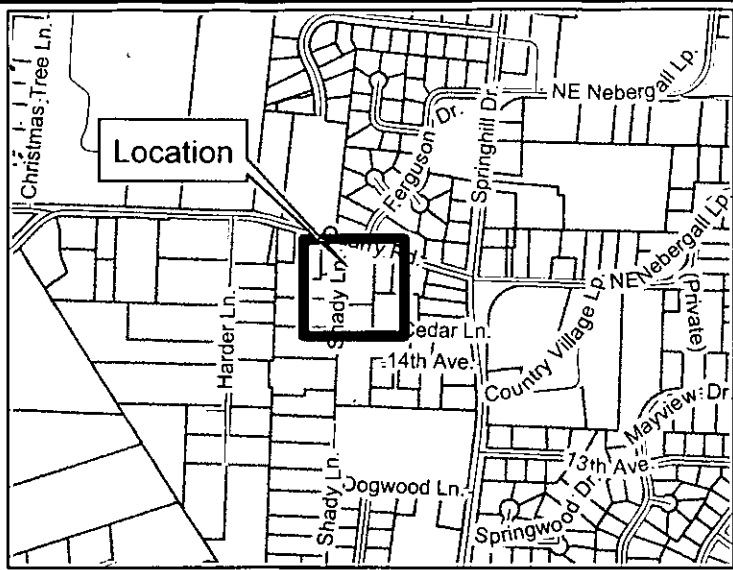
# EXHIBIT B

## Lake Property

Easement over existing waterline on Shady Lane



Geographic Information Services



**RECORDING COVER SHEET  
ALL TRANSACTIONS, ORS: 205.234**

This cover sheet has been prepared by the person  
Presenting the attached instrument for recording.  
Any errors in this cover sheet DO NOT affect the  
Transaction(s) contained in the instrument itself.

AFTER RECORDING RETURN TO:

Return to: City of Albany - Recorder P.O. Box 490, Albany, OR 97321

BENTON COUNTY, OREGON 2005-385471  
DE-EAS  
Cnt=1 Stn=8 NE 05/18/2005 02:14:09 PM  
\$25.00 \$11.00 \$10.00 \$15.00 \$81.00



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



1.) NAME(S) OF THE TRANSACTION(S) required by ORS 205.234(a)

*Easement for Public Utilities*

2.) DIRECT PARTY / GRANTOR, required by ORS 205.125(1)(b) and ORS 205.160

*Harrison and Katherine Lake*

3) INDIRECT PARTY / GRANTEE, required by ORS 205.125(1)(a) and ORS 205.160

*City of Albany*

4) TRUE and ACTUAL CONSIDERATION (if any), ORS 93.030

*0*

5) ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

*N/A*

6) FULL OR PARTIAL SATISFACTION ORDER or WARRANT FILED IN THE COUNTY  
CLERKS LIEN RECORDS, ORS 205.121(1)(e)

7) THE AMOUNT OF THE CIVIL PENALTY or THE AMOUNT, INCLUDING PENALTIES,  
INTEREST AND OTHER CHARGES FOR WHICH THE WARRANT, ORDER OR JUDGMENT  
WAS ISSUED. ORS 205.125(1)(c) and ORS 18.325

8) Rerecorded to correct \_\_\_\_\_  
Previously recorded as \_\_\_\_\_

Resolution No. 5108

Recorded Document Recorder File 4551