

RESOLUTION NO. 5304

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Tangent I.P., Inc., an Oregon Corporation

Purpose

A 15-foot wide easement over an off-site watermain serving Northwood Subdivision in North Albany.

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

DATED AND EFFECTIVE THIS 26TH DAY OF JULY 2006.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 26 day of July, 2006, by and between Tangent I.P., Inc., an Oregon Corporation, 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 15-foot wide easement over an off-site watermain serving Northwood Subdivision in North Albany. See legal description on attached Exhibit A and map on attached Exhibit B.
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:**

*C.D. Spencer*  
C.D. Spencer, President of Tangent I. P.,  
Inc., an Oregon Corporation

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

The foregoing instrument was acknowledged before me this 20 day of June, 2006, by C.D. Spencer, President of Tangent I. P., Inc., an Oregon Corporation as his/her voluntary act and deed.



*Lori Stutzman*  
Notary Public for Oregon  
My Commission Expires: February 8, 2008

**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 5304, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26 day of July 2006.

*Wes Hare*  
City Manager

ATTEST:  
*Betty Longwell*  
City Clerk

**EXHIBIT "A"**

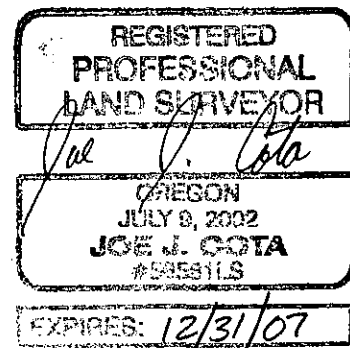
**City of Albany Waterline Easement**

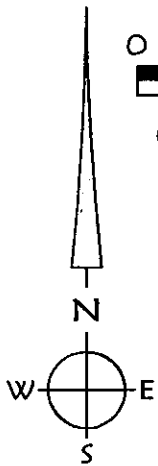
Over a portion of that Tangent I.P. Inc. Tract

A 15.00 foot wide City of Albany waterline easement over a portion of Parcel 2 of that Tangent I.P. Inc. Properties described by deed recorded in M-366475-04 in the Benton County Deed Records, said easement being more particularly described as follows:

Beginning at a 5/8 inch iron rod at the northeast corner of said Parcel 2, which corner being on the westerly right-of-way line of North Albany Road; thence South 18°35'09" East, along the westerly right-of-way line of North Albany Road, 15.82 feet; thence South 89°56'22" West, along a line that is parallel to the north line of said Parcel 2, a distance of 189.70 feet; thence South 56°14'54" West 27.37 feet to a point on the easterly right-of-way line of Grand Ridge Drive; thence North 31°05'35" West, along said easterly right-of-way, 15.02 feet; thence North 56°14'54" East 31.22 feet to a point on the north line of said Parcel 2; thence North 89°56'22" East, along the north line of said Parcel 2, a distance of 189.22 feet to the Point of Beginning.

May 19, 2006  
EXHIBIT "A"  
WATERLINE EASEMENT #3  
(03-72-M) JJC:nm  
File: nm\shared\legals\northwood waterline #3.doc

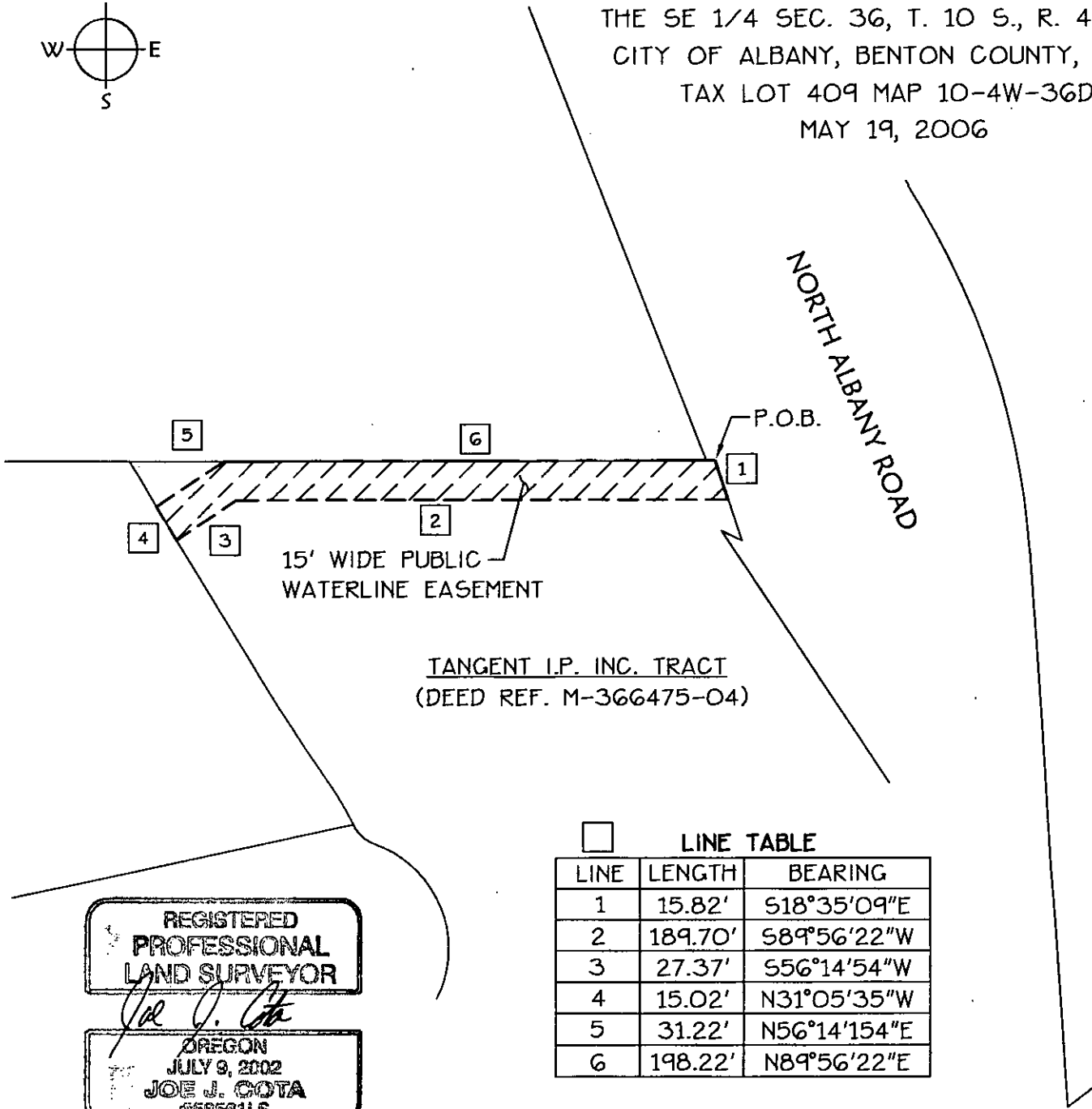




0 60 120 FT.  
 ORIG. SCALE: 1" = 60'

**EXHIBIT "B"**  
**15' WIDE WATERLINE EASEMENT**  
 FOR  
**CITY OF ALBANY**

LOCATED IN  
 THE SE 1/4 SEC. 36, T. 10 S., R. 4 W., W.M.  
 CITY OF ALBANY, BENTON COUNTY, OREGON  
 TAX LOT 409 MAP 10-4W-36DB  
 MAY 19, 2006



TANGENT I.P. INC. TRACT  
 (DEED REF. M-366475-04)

□ LINE TABLE

LINE	LENGTH	BEARING
1	15.82'	S18°35'09"E
2	189.70'	S89°56'22"W
3	27.37'	S56°14'54"W
4	15.02'	N31°05'35"W
5	31.22'	N56°14'154"E
6	198.22'	N89°56'22"E

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Joe J. Cota*  
 OREGON  
 JULY 9, 2002  
 JOE J. COTA  
 #59591LS

EXPIRES: 12/31/07



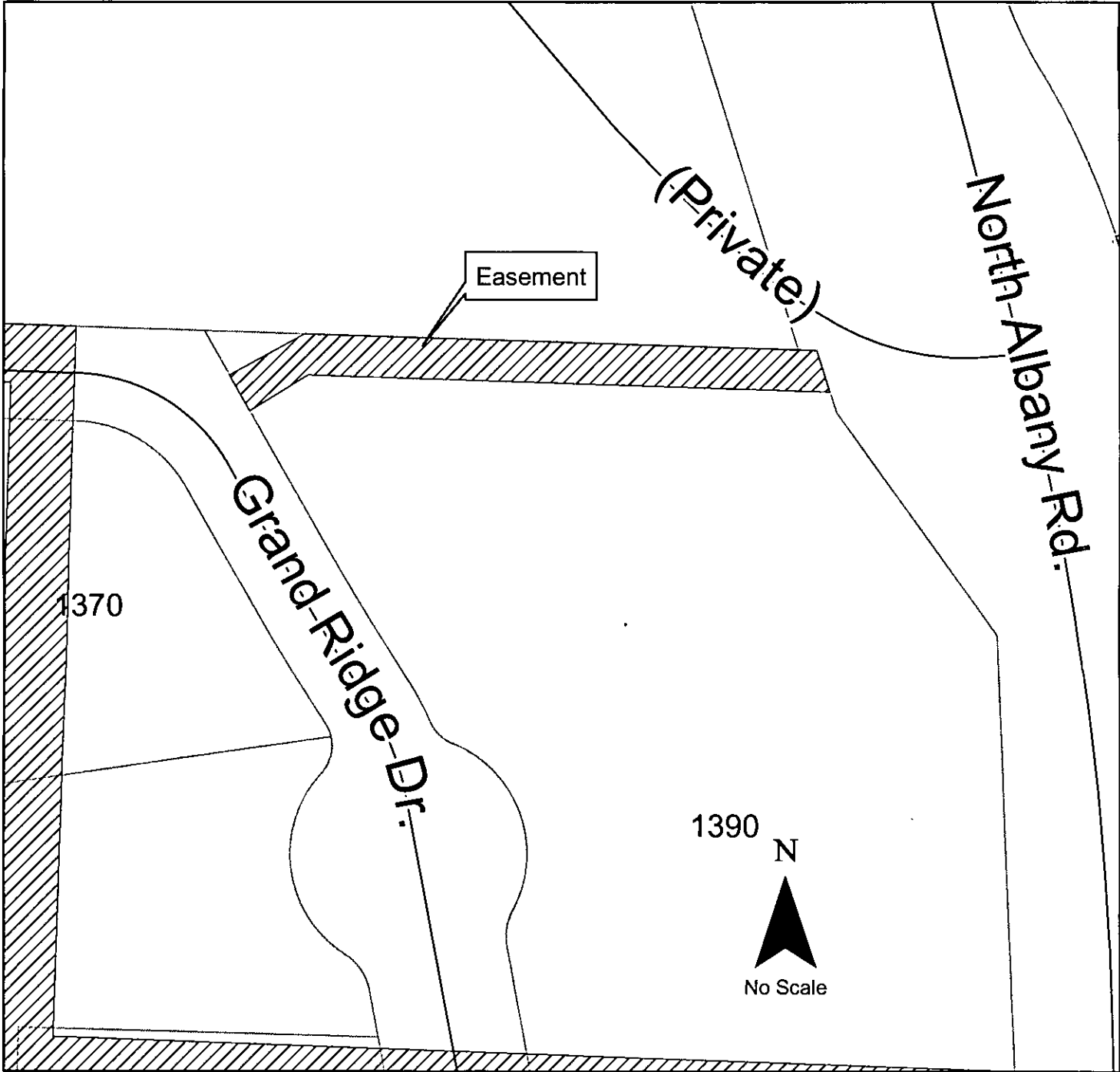
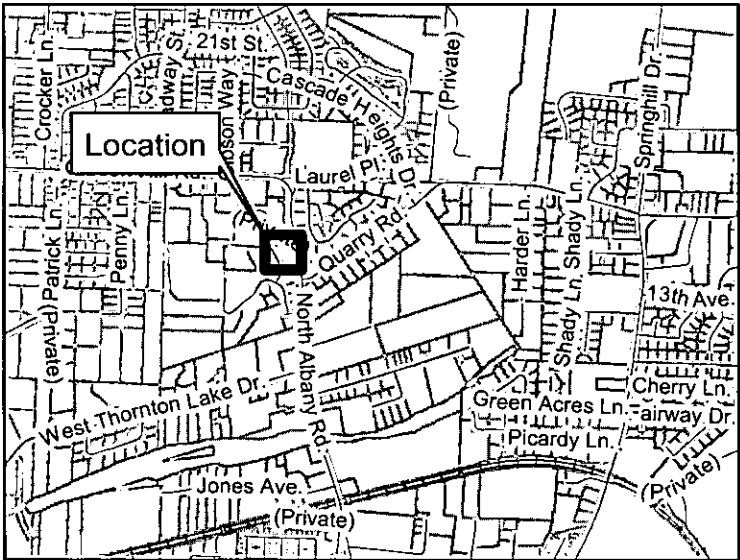
# EXHIBIT C

10S04W36DB00409

A 15-foot wide easement over an off-site watermain serving Northwood Subdivision.



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.

BENTON COUNTY, OREGON **2006-409380**  
DE-EAS  
Cnt=1 Stn=6 MR **08/25/2006 11:18:18 AM**  
\$30.00 \$11.00 \$10.00 \$15.00 **\$66.00**



C 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

*AFTER RECORDING RETURN TO:*

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

**PRINT or TYPE ALL INFORMATION**

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

\_\_\_\_\_ 0  
Easement for Public Utilities

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

\_\_\_\_\_  
Tangent, I.P., Inc.

**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**  
\$1.00

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

\_\_\_\_\_  
Governmental Agency  
\_\_\_\_\_

**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. 5304

Recorded Document Recorder File No. 4761