

RESOLUTION NO. 5466

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Granada Land Co

Purpose

A 20-foot wide public utility easement for the purpose of constructing a sewer force main.

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

DATED AND EFFECTIVE THIS 8TH DAY OF AUGUST 2007.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 8 day of August, 2007, by and between Granada Land Co, 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 public utility easement for the purpose of constructing a sewer force main. described in the attached legal description labeled Exhibit A and map labeled 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 \$12,400, 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.

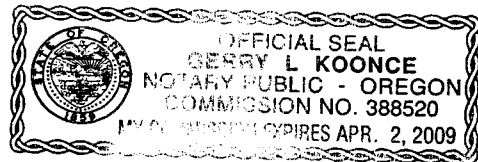
GRANTOR:

Granada Land Company

Lawrence T. Epping
Lawrence T. Epping, Managing Partner

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

The foregoing instrument was acknowledged before me this 26th day of June, 2007, by Lawrence T Epping as his/her voluntary act and deed.



Gerry L. Koonce
Notary Public for Oregon
My Commission Expires: 4-2-09

CITY OF ALBANY:

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

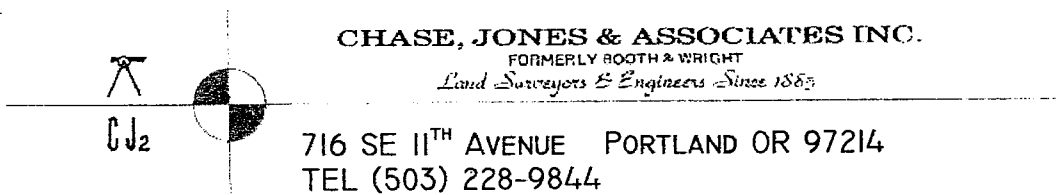
I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 5466, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8th day of August 2007.

Wes Hare
City Manager

ATTEST:

Betty Langwell
City Clerk

EXHIBIT A



April 26, 2007

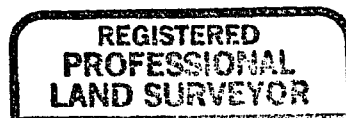
#12057

GRANADA SEWER EASEMENT

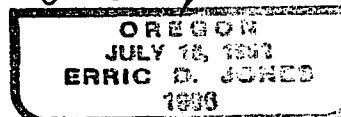
A 20 foot wide strip of land located within that property described in Vol. 869, Page 514 situated in the N.W. 1/4 of Section 19, Township 11 South, Range 3 West of the Willamette Meridian in the City of Albany, County of Linn, State of Oregon, being more particularly described as follows:

Beginning at the intersection of the north right of way line of the Bonneville Power Administration Easement with the east right of way line of U.S. Highway 99E (being 44.00 feet from centerline); thence South $81^{\circ}22'30''$ East, along the northern right of way line of the B.P.A. easement, a distance of 1,244.10 feet to the west right of way line of Southern Pacific Railroad (being 80.0 feet wide); thence South $2^{\circ}11'16''$ West, along said right of way, a distance of 20.13 feet; thence North $81^{\circ}22'30''$ West, parallel with, and 20.0 feet when measured perpendicular to the north line of said B.P.A. easement, a distance of 1,243.55 feet to said east right of way line of U.S. Highway 99E; thence North $0^{\circ}37'42''$ East, along said east right of way, a distance of 20.20 feet to the POINT OF BEGINNING.

This tract contains 24,876 square feet more or less.

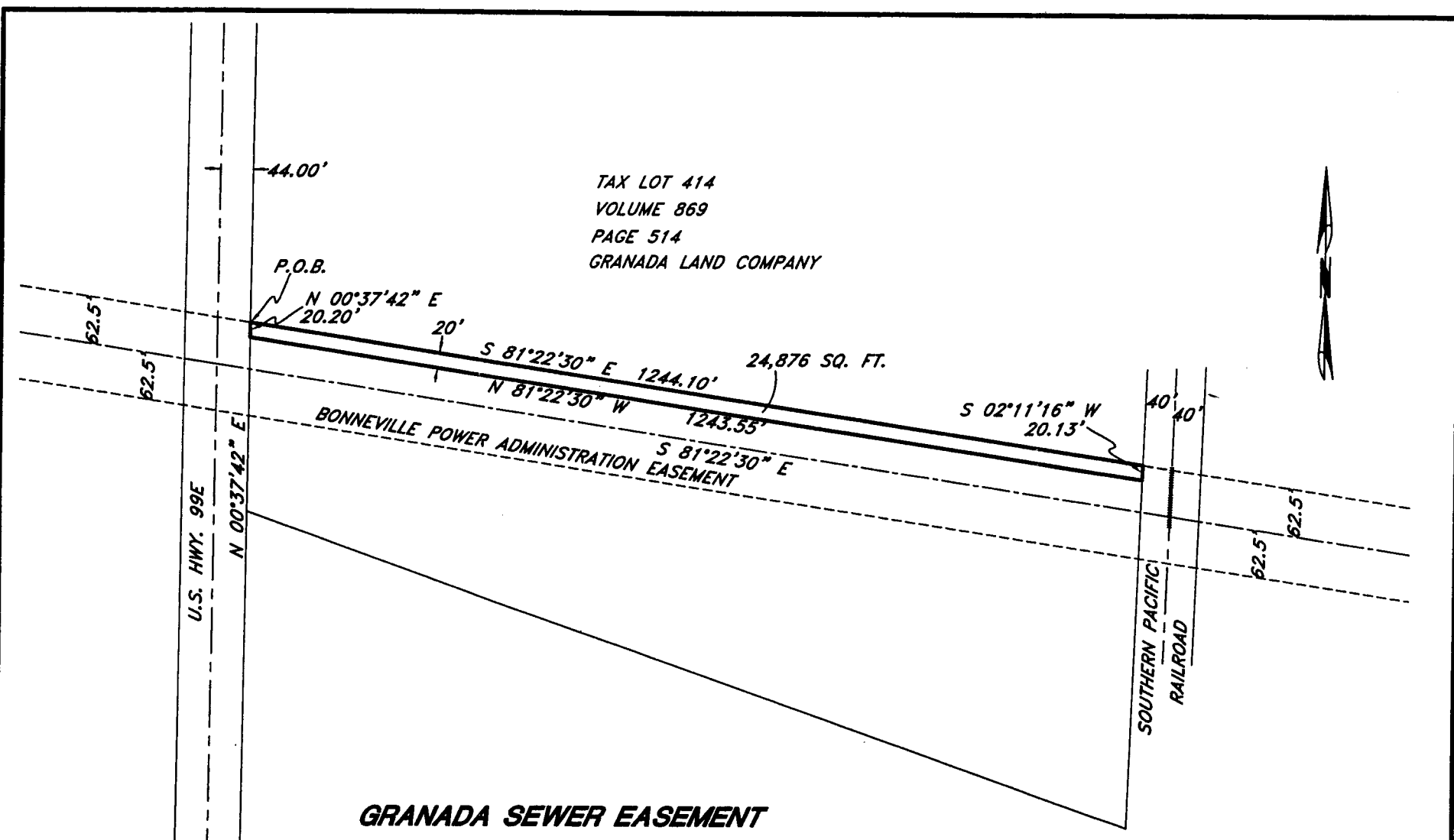


Eric D. Jones



EX-6-30-07

TAX LOT 414
VOLUME 869
PAGE 514
GRANADA LAND COMPANY



GRANADA SEWER EASEMENT

SITUATED IN
N.W. 1/4 SECTION 19, T. 11 S., R. 3 W., W.M.
CITY OF ALBANY, COUNTY OF LINN, STATE OF OREGON

BY:
CHASE, JONES & ASSOCIATES INC.
716 S. E. 11TH AVE. PORTLAND, OREGON 97214
PHONE (503) 228-9844

PROJECT NO.: 12057 SCALE: 1"=200'

DATE: APRIL 26, 2007

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Eric D. Jones

OREGON
JULY 16, 1982
ERRIC D. JONES
1996

EXPIRES: 6-30-07

555+22.16 PC

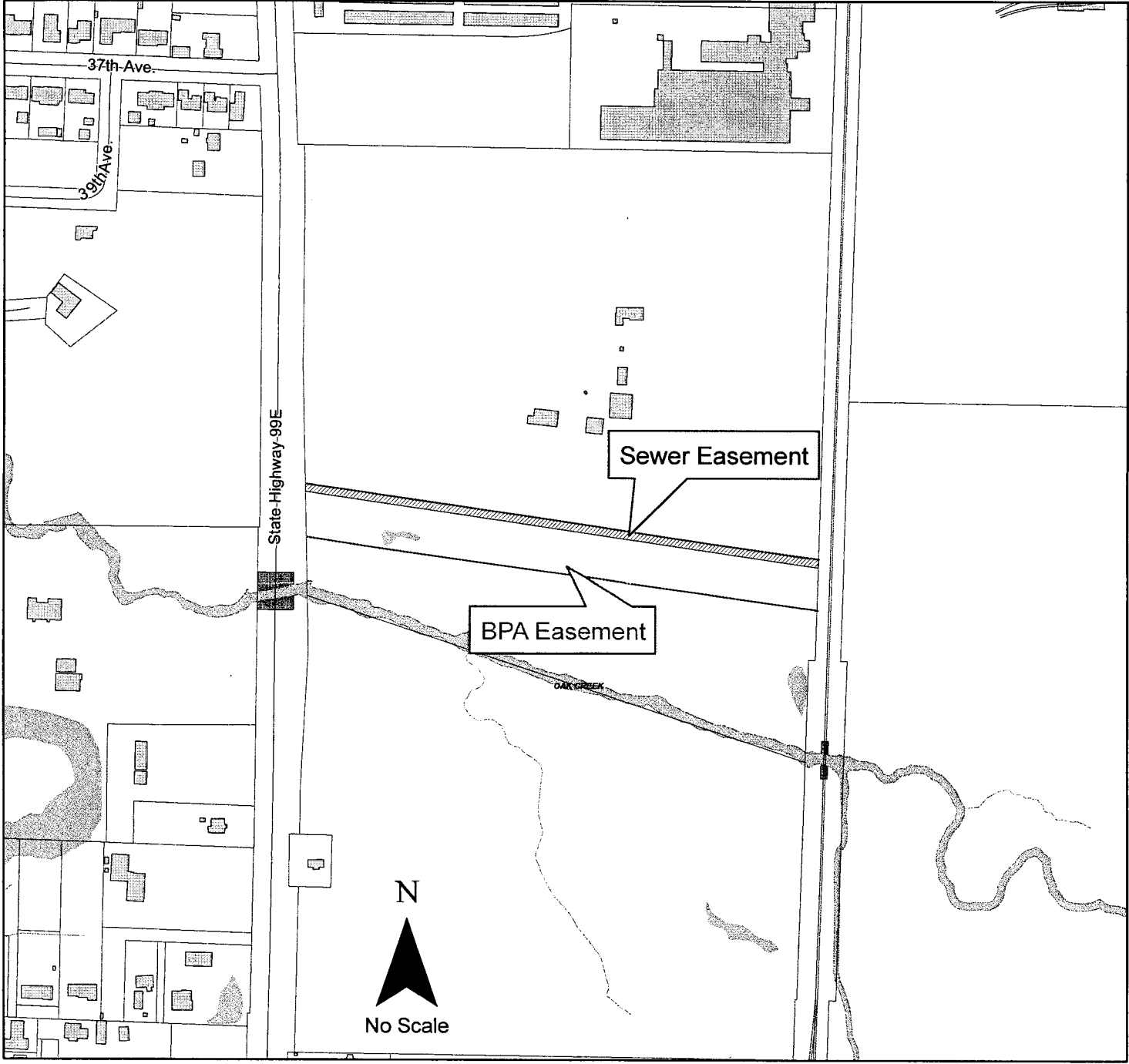
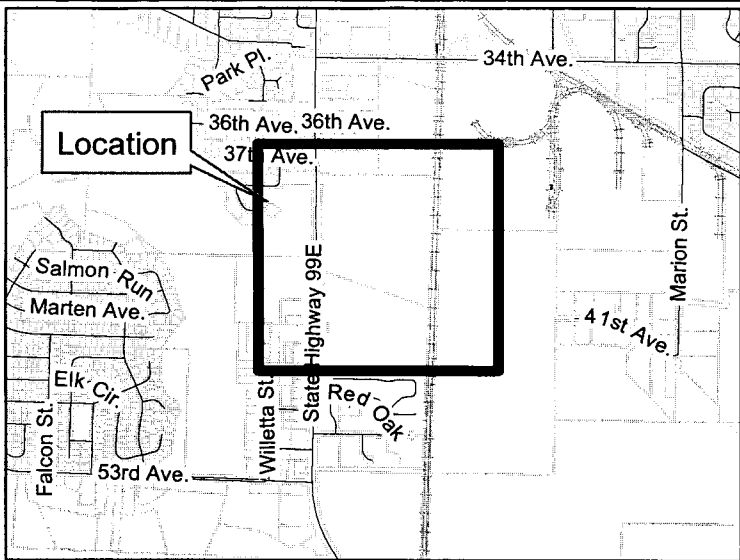
EXHIBIT C

11SO3W19 00414

SS-07-05
Oak Creek Sewer
Force Main



Geographic Information Services



5462

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2007-21067**
E-UNDER
Cnt=1 Stn=1 COUNTER **08/31/2007 02:29:53 PM**
\$30.00 \$11.00 \$10.00 **\$51.00**



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:

N/A Government Agency _____

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

Granada Land Co.

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

\$12,400.00

Resolution No. 5466

Recorded Document Recorder File No. 4963