

RESOLUTION NO. 5536

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Sure Flow Inc.

A 20-foot -wide 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 10TH DAY OF DECEMBER 2007.


Council President

ATTEST:


City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 4 day of November, 2007, by and between Sure Flow, Inc., 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 utility easement for the purpose of constructing a sewer force main. See 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 \$2,000, receipt of which is acknowledged by the Grantor, and in consideration for the removal of the dirt pile located at the northern portion of said parcel, including grading the property level to match existing ground, and 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:

Sure Flow, Inc.

Debra Emerson
By
President
Title

~~By
Title~~

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 4 day
of November, 2007, by By Debra Emerson,
Title President,
as a representative of Sure Flow, Inc.

~~The instrument was acknowledged before me this ___ day
of _____, 2007, by By _____,
Title _____,
as a representative of Sure Flow, Inc.~~



Tonya Fawver
Notary Public for Oregon
My Commission Expires: 8-15-08

~~Notary Public for Oregon
My Commission Expires: _____~~

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 15536 do hereby
accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10th day
of December, 2007.

Wes Hare
City Manager

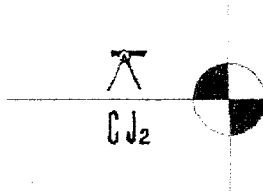
ATTEST:

Debbie Longwell
City Clerk

EXHIBIT A

RECEIVED

JUN 13 2007



CHASE, JONES & ASSOCIATES INC. PUBLIC WORKS/ENGINEERING
FORMERLY BOOTH & WRIGHT
Land Surveyors & Engineers Since 1883

716 SE 11TH AVENUE PORTLAND OR 97214
TEL (503) 228-9844

May 24, 2007
Revised June 1, 2007
#12057

SURE-FLOW TAX LOT 900 SEWER EASEMENT

A strip of land lying in that deed described in Volume 385, Page 304, situated in the N.E. 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:

Commencing at the centerline intersection of the 125.0 foot wide Bonneville Power Administration Easement recorded in Book 232, Page 342, May 1953, with the west line of Lot 4, "Marion Industrial Park"; thence North 0°48'03" East, along the west line of said Lot 4, a distance of 47.76 feet to a point that is 15.00 feet southwesterly when measured perpendicular to the north line of the Bonneville Power Administration Easement, said point being the POINT OF BEGINNING; thence South 83°10'01" East, parallel with the north line of the Bonneville Power Administration Easement, a distance of 155.86 feet to the east line of said Lot 4; thence North 0°48'03" East, along said east line, a distance of 20.11 feet to a point that is 5.00 feet north when measured perpendicular to the north line of said Bonneville Power Administration Easement; thence North 83°10'01" West, parallel with the north line of the Bonneville Power Administration Easement, a distance of 110.10 feet to the north line of said Lot 4; thence North 89°13'27" West, along the north line of said Lot 4, a distance of 45.51 feet to the northwest corner of said Lot 4; thence South 0°48'03" West, along said west line, a distance of 15.28 feet to the POINT OF BEGINNING.

This Tract contains 3,007 square feet more or less.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Oran D. Abbott
OREGON
JULY 30, 1976
ORAN D. ABBOTT
#1066

RENEWAL: 12/31/07

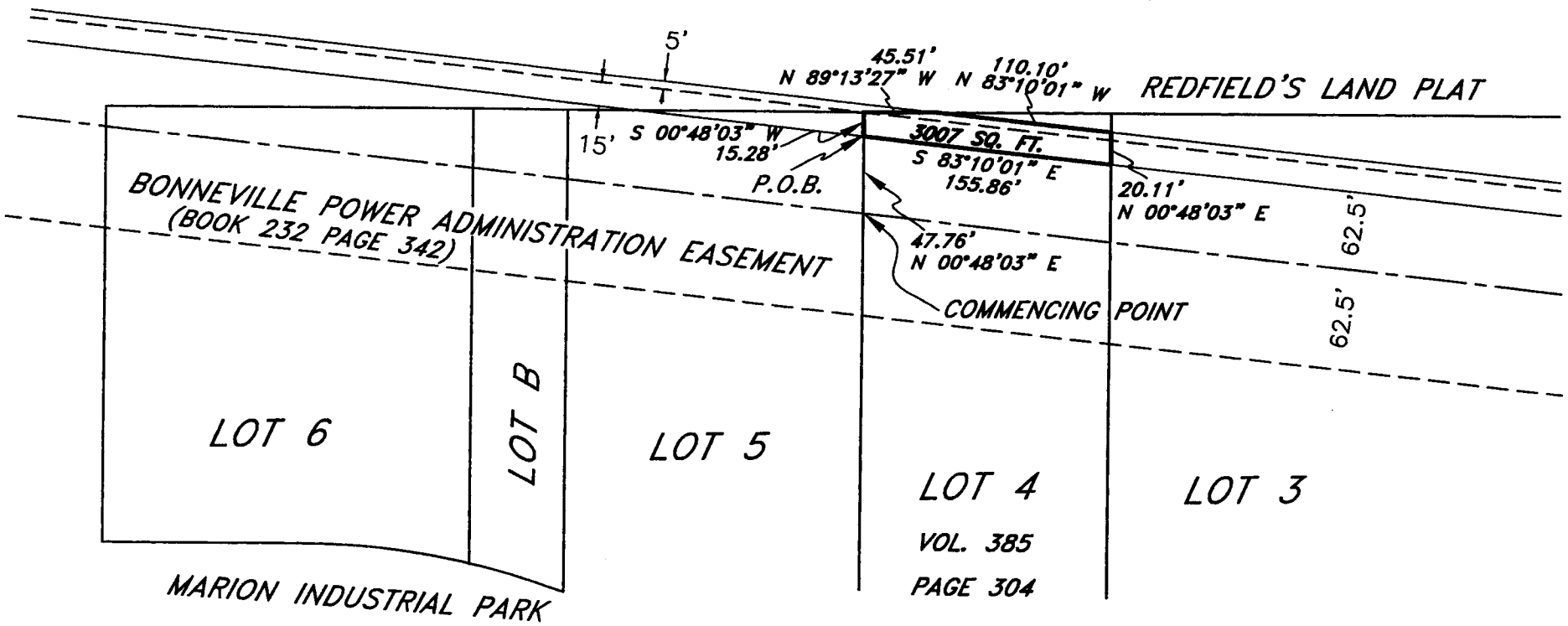


EXHIBIT B

6-1-07

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Oran D. Abbott

OREGON
JULY 30, 1976
ORAN D. ABBOTT
1066

RENEWAL: 12:31:07

SURE-FLOW TL 900 SEWER EASEMENT

SITUATED IN THE
N.E. 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"=100'

DATE: MAY 25, 2007



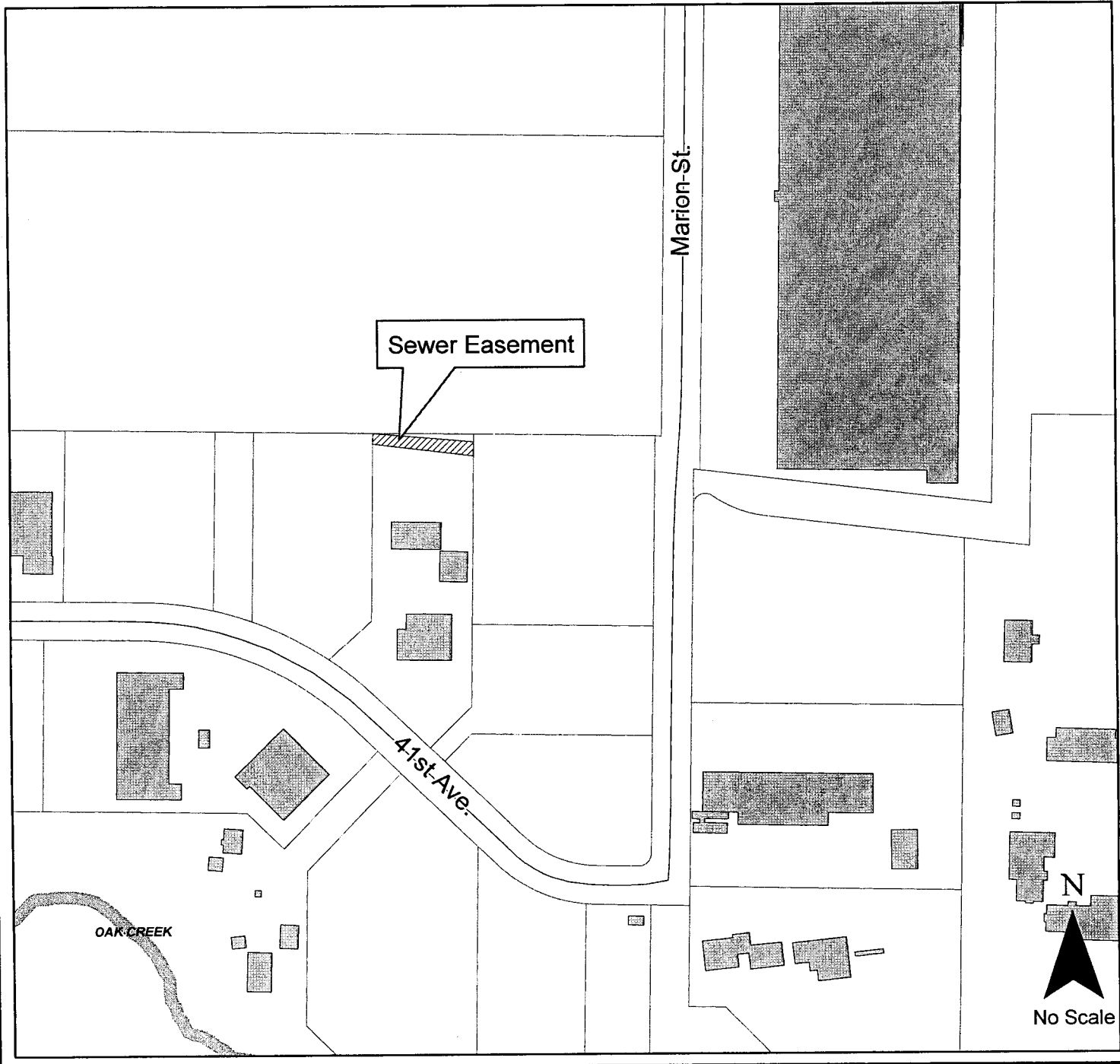
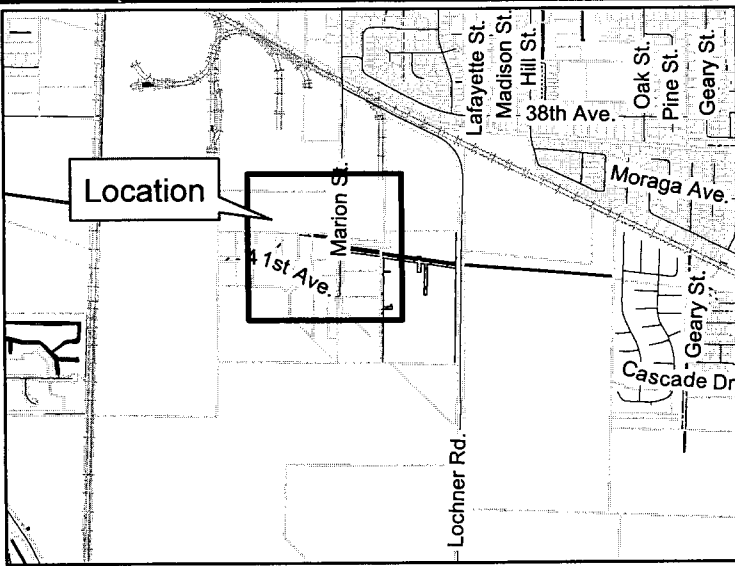
EXHIBIT C

11S03W19A 00900

SS-07-05
Oak Creek Sewer
Force Main



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2008-03970**
E-UT
Cnt=1 Stn=1 COUNTER **02/28/2008 03:00:37 PM**
\$30.00 \$11.00 \$10.00 **\$51.00**



00075569200800039700060062

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:

Rosario Echeverria _____

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

Sure Flow Inc. _____

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

\$2,000.00 _____

Resolution No. 5536

Recorded Document Recorder File No. 5043