

RESOLUTION NO. 5705

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

P & F GEARY SQUARE LLC

Purpose

A 20 foot-wide public sewer line easement for the Petco project.

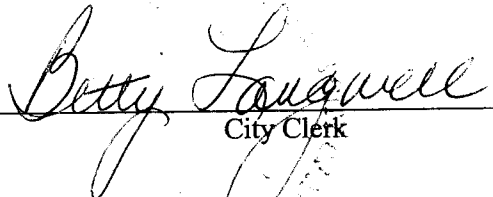
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 12TH DAY OF NOVEMBER 2008.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 22nd day of OCTOBER, 2008, by and between P & F GEARY SQUARE LLC, 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 sewer line easement for the Petco project. See legal description on attached Exhibit A and maps on attached Exhibits B and C.
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.

Exhibit A

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

Legal Description

20.00 foot wide City of Albany Sanitary Sewer Easement

Located on

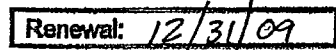
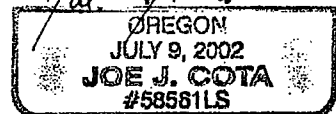
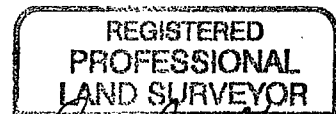
Parcel 1 of Partition Plat 2008-32

Tax Lot 4400 of Assessor map 11S-3W-8BA

A 20.00 foot wide strip of land, for easement purposes, located on Parcel 1 of Partition Plat 2008-32, a partition plat recorded in Linn County, Oregon, said strip of land being more particularly described as follows:

Beginning at a point on the east line of said Parcel 1 that is South 00°52'15" West 112.81 feet from the northeast corner of said Parcel 1; thence North 89°08'50" West 217.40 feet to a point on the west line of said Parcel 1; thence South 00°44'53" West, along the west line of said Parcel 1, a distance of 20.00 feet; thence South 89°08'50" East 217.36 feet to a point on the east line of said Parcel 1; thence North 00°52'15" East 20.00 feet to the Point of Beginning.

End Description.



10/14/2008
Project # 07-166-A
file path: titan/projects/2007/07-166/surveying/documents/20'easement.doc
by: JJC

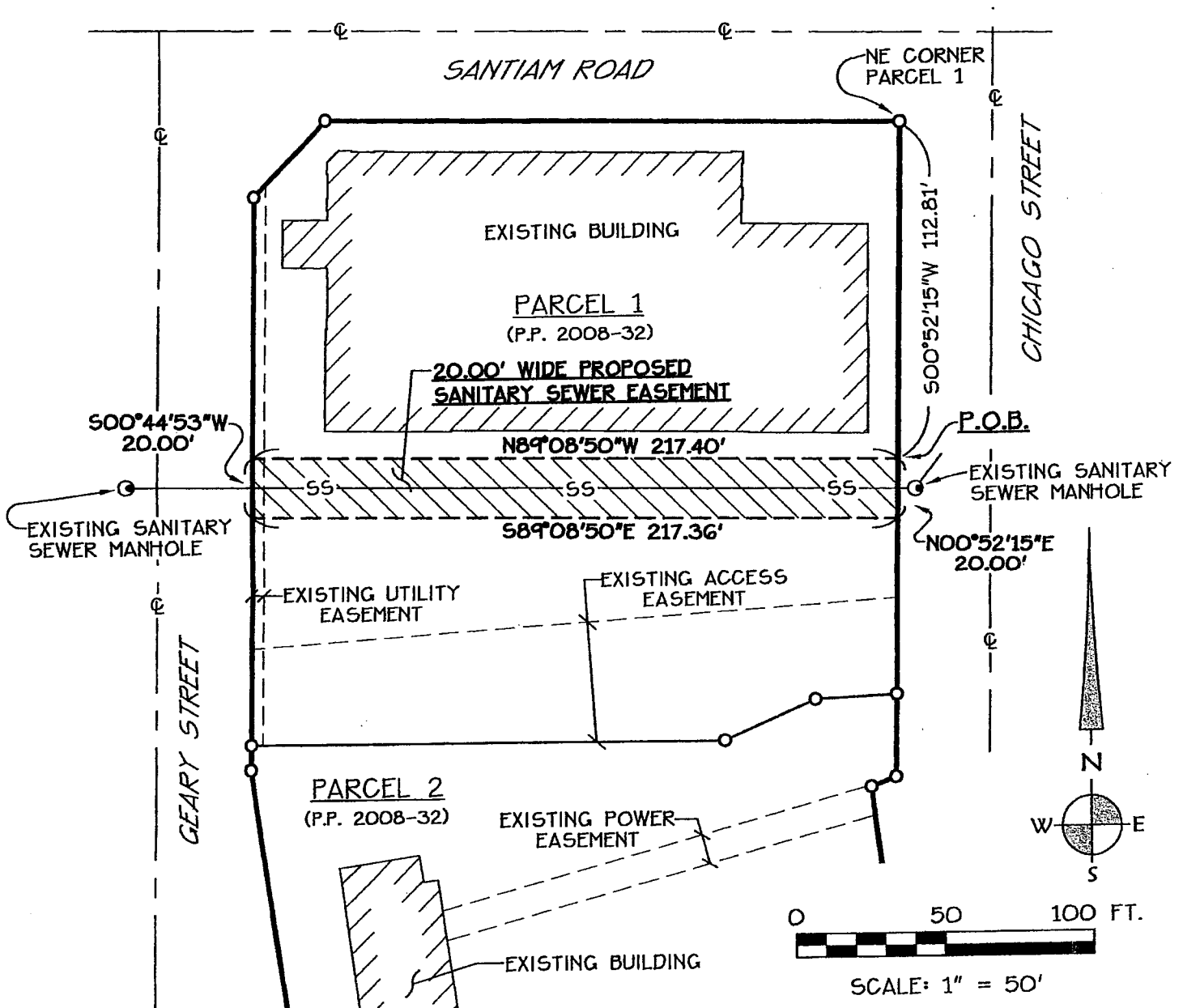
EXHIBIT MAP

FOR

20' WIDE CITY OF ALBANY SANITARY SEWER EASEMENT

Exhibit B

LOCATED IN
PARCEL 1 OF PARTITION PLAT 2008-32
TAX LOT 4400 MAP 105-3W-8BA
 IN THE
CITY OF ALBANY, LINN COUNTY, OREGON
OCTOBER 14, 2008



K & D ENGINEERING, Inc.
 278 N.W. Hickory Street P.O. Box 725
 Albany, Oregon 97321
 (541) 926-2583

Date: 10/14/2008 Time: 13:39
 Scale: 1=50(P5)
 File: dwg\2007\07-166-a\166a-exhibit.dwg (lan)

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

GRANTOR:

P & F Geary Square LLC

[Signature]
Signature
Managing member
Title

~~_____
Signature

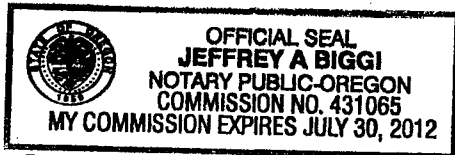
Title~~

STATE OF OR)
County of Multnomah) ss.
City of Portland)

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

The instrument was acknowledged before me this 22 day
of October, 2008, by WILLIAM C FLOBERG
(Title) Managing member, as a representative of
P & F Geary Square LLC.

~~The instrument was acknowledged before me this ___ day
of _____, 2008, by _____,
(Title) _____, as a representative
of P & F Geary Square LLC.~~



[Signature]
Notary Public for OR
My Commission Expires: July 30 2012

~~_____
Notary Public for _____
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 5705 do hereby
accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 24 day
of November, 2008.

Wes Hare
City Manager

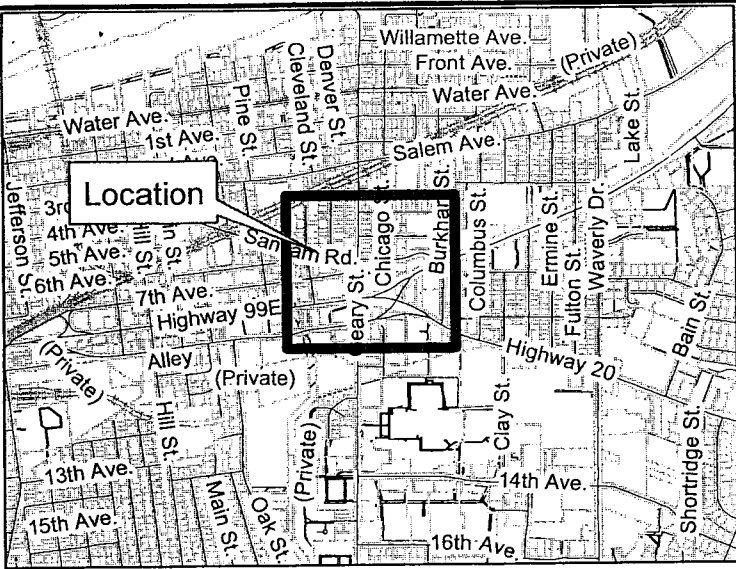
ATTEST:

Betty Longwell
City Clerk

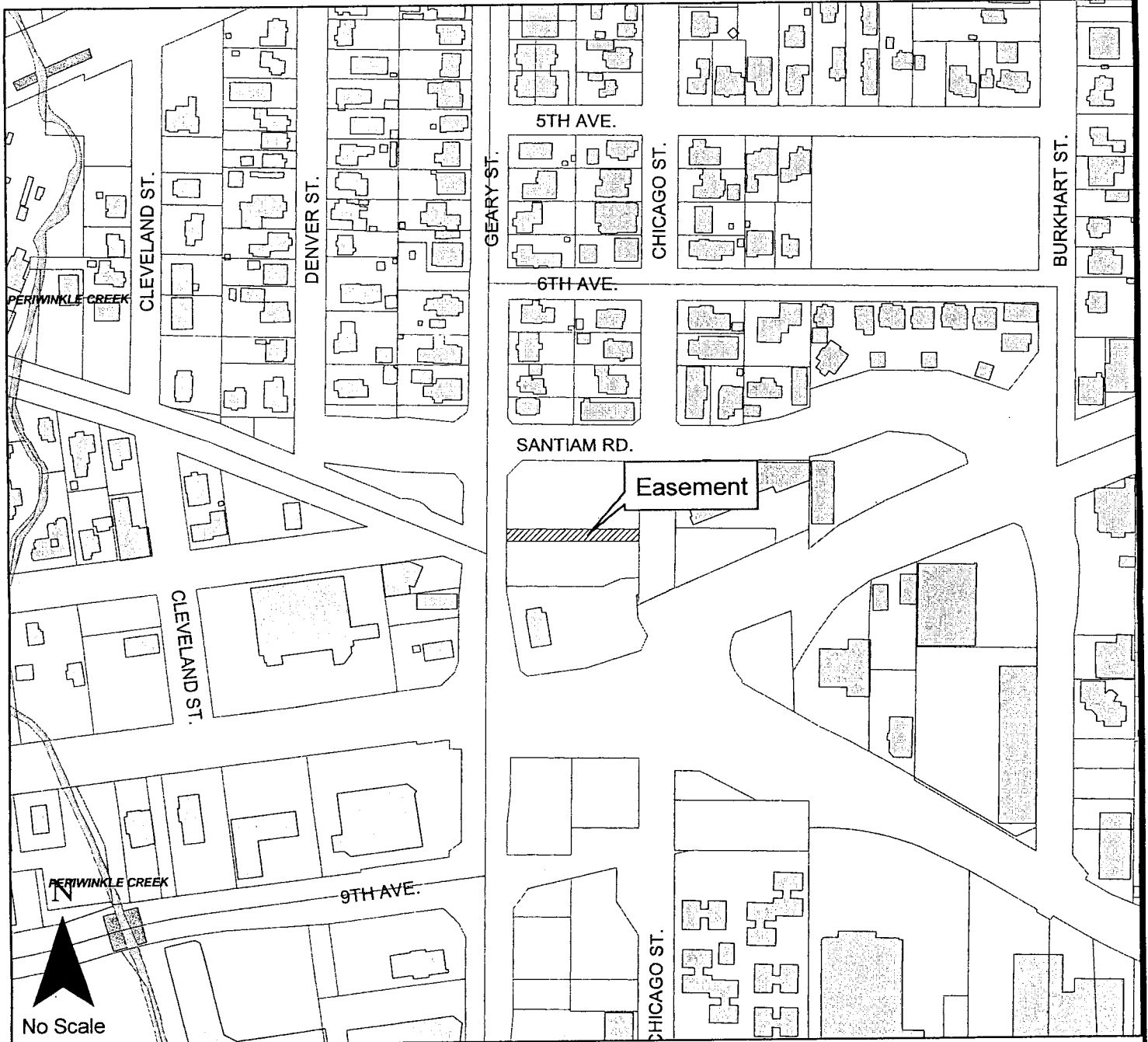
EXHIBIT C

11SO3W08BA04400

A 20-foot wide public sewer line easement for the Petco project.



Geographic Information Services



No Scale

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2008-22744**
E-PAU **12/08/2008 01:54:48 PM**
Cnt=1 Stn=1 COUNTER
\$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:

City of Albany - Exempt

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

P&F Geary Square LLC

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

\$1.00

Resolution No. 5705

Recorded Document Recorder File No. 5255