

RESOLUTION NO. 5741

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

American Motorcycle Classics

Purpose

A 7-foot wide public utility easement for the Harley Davidson expansion project.

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

DATED AND EFFECTIVE THIS 11TH DAY OF FEBRUARY 2009.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 25<sup>th</sup> day of JAN, 2009, by and between American Motorcycle Classics, 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:  
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.

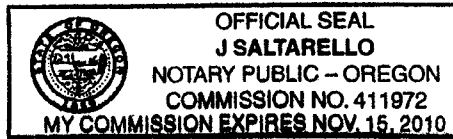
GRANTOR: American Motorcycle Classics

*[Handwritten signature]*

John A. Lewis, Registered Agent and General Partner

STATE OF OREGON )  
County of LINN ) ss.  
City of ALBANY )

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of JANUARY, 2008, by John A. Lewis, Registered Agent and General Partner of American Motorcycle Classics on behalf of American Motorcycle Classics, as his voluntary act and deed.



*[Handwritten signature]*

Notary Public for \_\_\_\_\_  
My Commission Expires: 11/15/2010

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 5741, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13 day of FEBRUARY 2008.

*[Handwritten signature]*

City Manager

ATTEST:

*[Handwritten signature]*

City Clerk

**EXHIBIT A - 7' Public Utility Easement to  
City of Albany, Linn County, Oregon**

Owner:

AMERICAN MOTORCYCLE CLASSICS  
1600 CENTURY DRIVE NE  
ALBANY, OREGON

Registered Agent & General Partner:

JOHN A. LEWIS

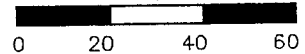
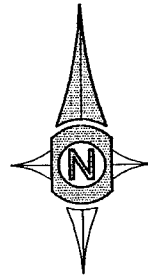
Date:

November 24, 2008

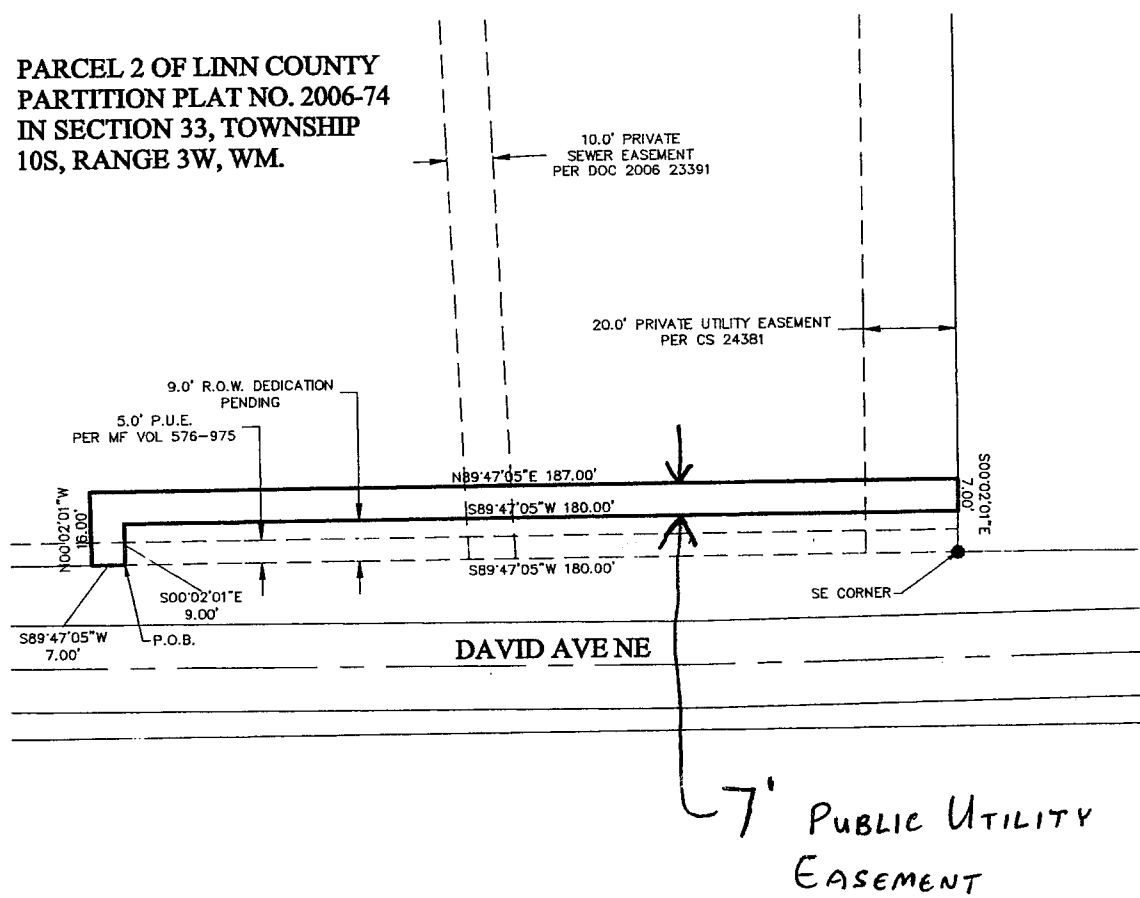
Description:

Beginning at a point on the South line of Parcel 2 of Linn County Partition Plat No. 2006-74 in Section 33, Township 10 South, Range 2 West, Willamette Meridian, Linn County, Oregon, point of which bears South 89°47'05" West 187.00 feet from the Southeast corner and along the South line of said Parcel 2; thence along said South line South 89°47'05" West 7.00 feet to a point; thence parallel to the East line of said Parcel 2 North 00°02'01" West 16.00 feet to a point; thence parallel to said South line North 89°47'05" East 187.00 feet to a point on said East line; thence along said East line South 00°02'01" East 7.00 feet to a point; thence parallel to said South line South 87°47'05" West 180.00 feet to a point; thence parallel to said East line South 00°02'01" East 9.00 feet to the point of beginning.

See Exhibit B (attached) for sketch.



PARCEL 2 OF LINN COUNTY  
 PARTITION PLAT NO. 2006-74  
 IN SECTION 33, TOWNSHIP  
 10S, RANGE 3W, WM.



**EXHIBIT B**

**AMERICAN MOTORCYCLE  
 CLASSICS  
 1600 CENTURY DRIVE NE  
 ALBANY, OREGON**



**ENGINEERING AND LAND SURVEYING**  
 1788 S. MAIN STREET, LEBANON, OREGON 97355  
 PH: (541) 258-8833 FAX: (541) 258-8834

JOB: 08-06-056

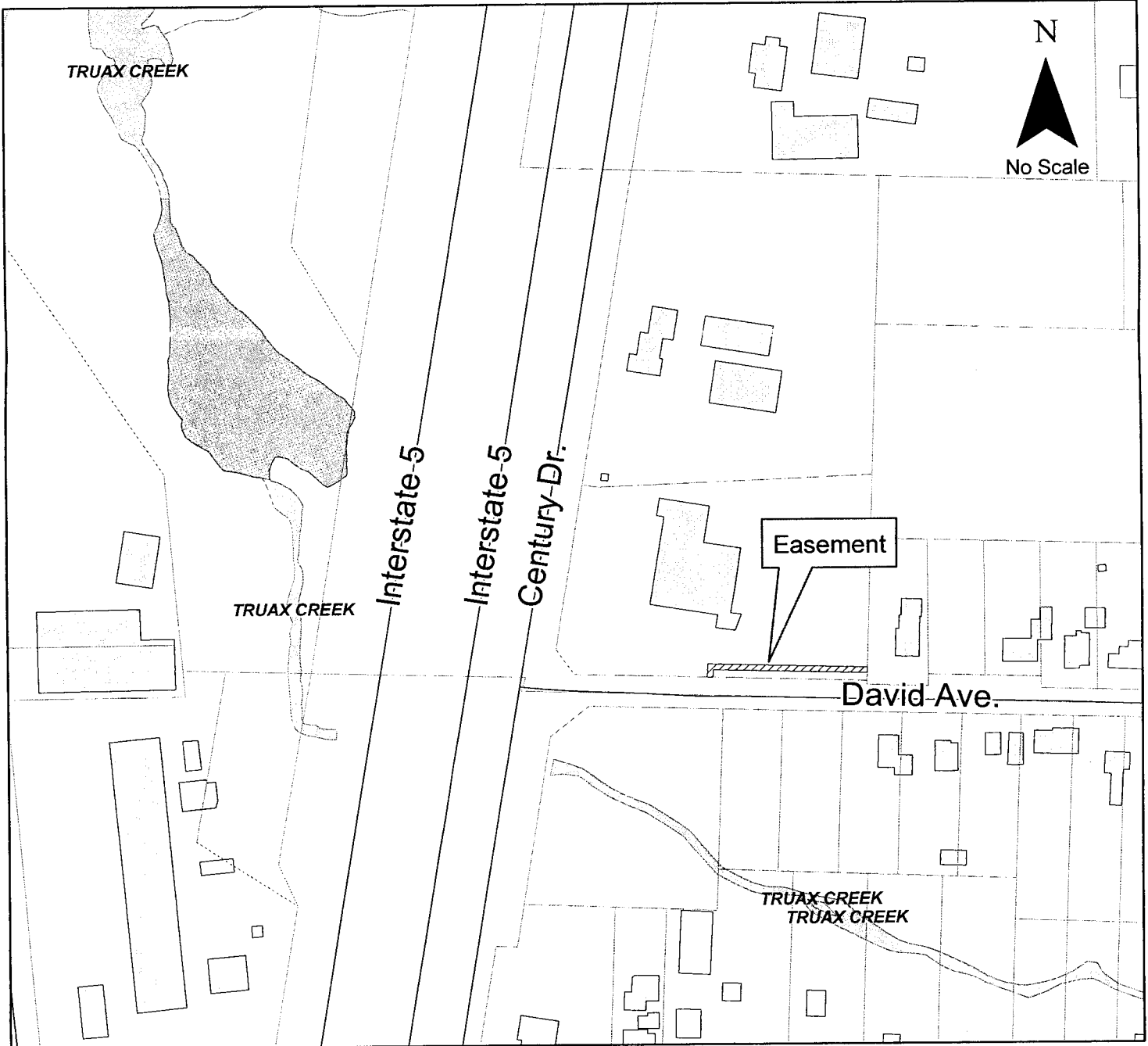
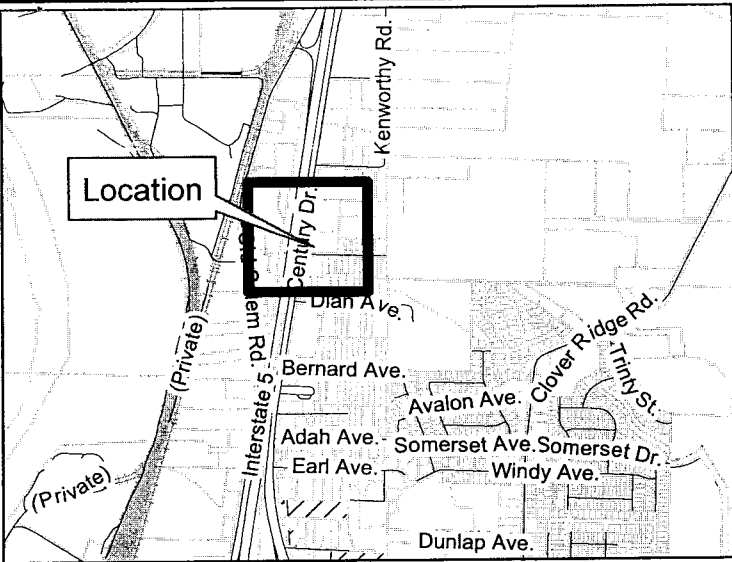
# EXHIBIT C

10SO3W33D 00900

A 7-foot wide public utility easement for the Harley Davidson expansion project.



Geographic Information Services



**LINN COUNTY**  
Recording Cover Sheet  
All Transactions, ORS: 205.234

LINN COUNTY, OREGON      **2009-03392**  
E-UT  
Cnt=1 Stn=1 COUNTER      **02/25/2009 02:57:33 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:

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

American Motorcycle Classics

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. 5741

Recorded Document Recorder File No. 5293