

RESOLUTION NO. 5826

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

RIVERSIDE CEMETERY ASSOCIATION

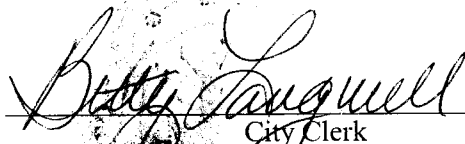
A 20 foot wide sanitary sewer easement for the Calapooia Interceptor sewer construction project.

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

DATED AND EFFECTIVE THIS 12TH DAY OF AUGUST 2009.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 28<sup>th</sup> day of July, 2009, by and between Riverside Cemetery Association, 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 sanitary sewer 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 attached Legal Description labeled Exhibit A, attached Easement Map labeled Exhibit B and attached Vicinity Map labeled Exhibit 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.
7. Subject to federal, state and local regulations.

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

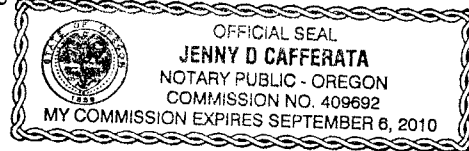
GRANTOR:

John Buchner  
John Buchner, President

STATE OF OREGON  
County of Linn

The foregoing instrument was acknowledged before me this 28 day of July 2009  
by John Buchner as his voluntary act and deed.

Jenny D Cafferata  
Notary Public - State of Oregon



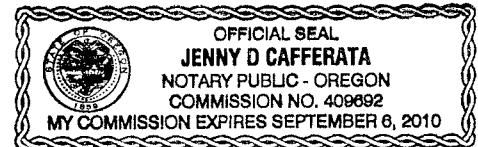
GRANTOR:

Richard Perdue  
Richard Perdue, Secretary/Treasurer

STATE OF OREGON  
County of Linn

The foregoing instrument was acknowledged before me this 28 day of July 2009  
by Richard Perdue as his voluntary act and deed.

Jenny D Cafferata  
Notary Public - State of Oregon



CITY OF ALBANY:

STATE OF OREGON  
County of Linn

I, Wes Hare as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 5826 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14 day of August 2009.

Wes Hare  
City Manager

ATTEST:

Deter Langwell  
City Clerk

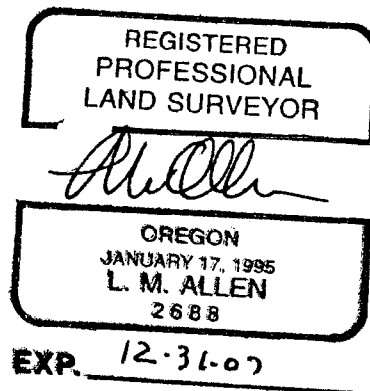
**EXHIBIT "A"**

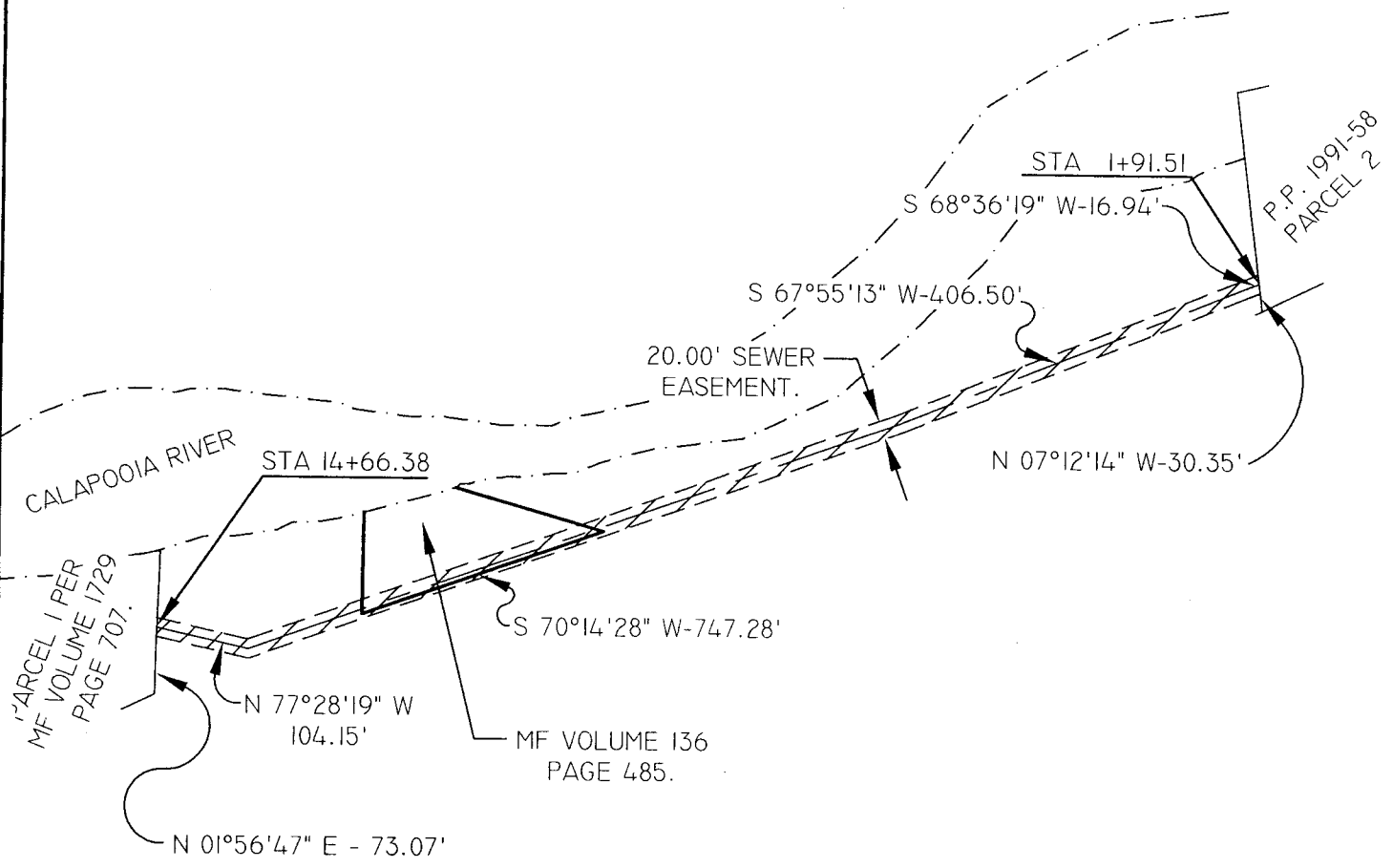
AN EASEMENT FOR SEWER PURPOSES, OVER ACROSS AND UPON THAT CERTAIN TRACT OF LAND DESCRIBED IN VOLUME 136, AT PAGE 485, DEED RECORDS OF LINN COUNTY, OREGON, LYING WITHIN A 20.00 FOOT WIDE STRIP OF LAND THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF PARCEL 2 OF PARTITION PLAT 1991-58 FILED AS CS#20191 IN THE OFFICE OF COUNTY SURVEYOR FOR LINN COUNTY, OREGON, SAID POINT BEING N 07°12'14" W AND DISTANT 30.35 FEET FROM THE SOUTHWEST CORNER OF SAID PARCEL 2 AND BEING THE EASTERN TERMINUS OF THE CENTERLINE BEING DESCRIBED HEREIN HAVING ENGINEERS STATION: 1+91.51, THENCE S 68°36'19" W A DISTANCE OF 16.94 FEET, THENCE S 67°55'13" W A DISTANCE OF 406.50 FEET, THENCE S 70°14'28" W A DISTANCE OF 747.28 FEET, THENCE N 77°28'19" W A DISTANCE OF 104.15 FEET TO A POINT ON THE EAST LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED AS "PARCEL I" IN MF VOLUME 1729, AT PAGE 707, DEED RECORDS OF LINN COUNTY, OREGON, SAID POINT BEING N 01°56'47" E AND DISTANT 73.07 FEET FROM THE SOUTH EAST CORNER THEREOF AND THE WESTERN TERMINUS OF THE CENTERLINE BEING DESCRIBED HEREIN AND HAVING ENGINEERS STATION 14+66.38.

THE SIDELINES OF SAID EASEMENT TO BE LENGTHENED OR SHORTENED TO TERMINATE AT THEIR RESPECTIVE BOUNDARY INTERSECTIONS OF SAID DEEDED TRACTS.

END OF DESCRIPTION





SCALE: 1"= 200'



**PacWest Engineering**  
 1530 Ninth Avenue SE  
 Albany, OR 97321  
 Phone (541) 926-7634  
 Fax (541) 926-7539

DWG: EXHIBITS.DWG
DATE: 6/22/07
PROJECT: 06-035

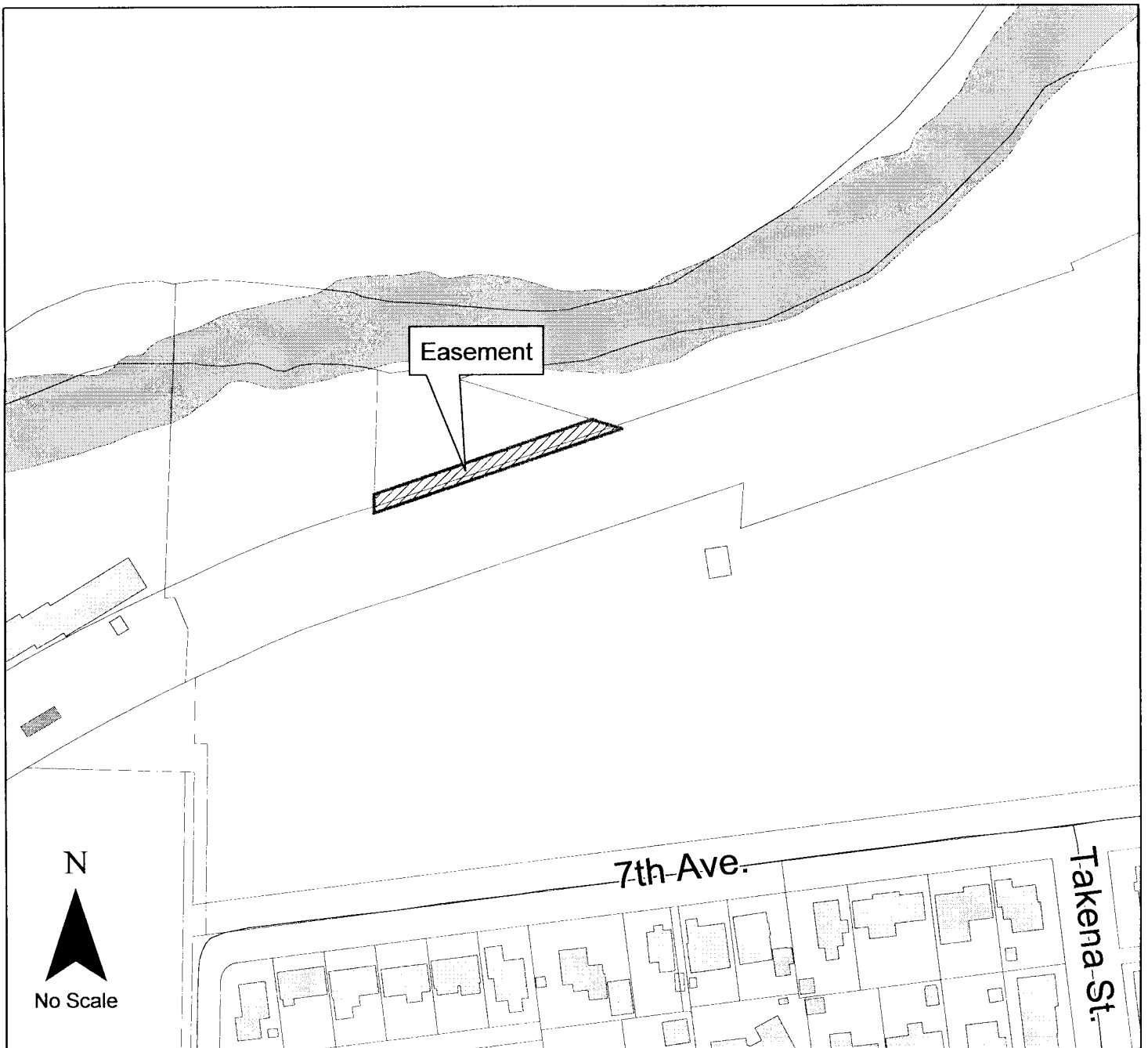
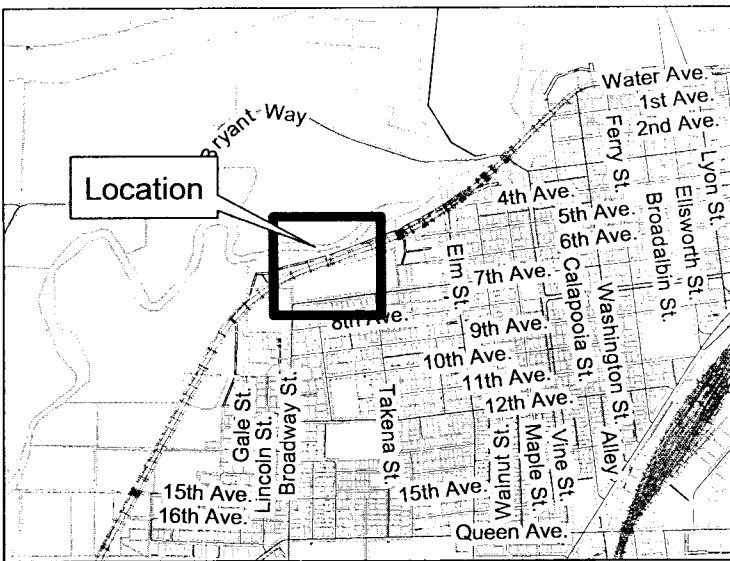
# EXHIBIT C

11SO4W12BA00400

Sanitary Sewer Easement  
for SS-07-01 - Calapooia  
Interceptor Replacement



Geographic Information Services



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

LINN COUNTY, OREGON **2009-14789**  
E-PU  
Cnt=1 Stn=1 COUNTER **08/18/2009 02:15:06 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:

NA

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

Riverside Cemetery Association.

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. 5826

Recorded Document Recorder File No. 5364