

RECORDING COVER SHEET (Please Print or Type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

AFTER RECORDING RETURN TO:

City of Albany Recorder

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Martin Family Trust

1. Name/Title of Transaction - by ORS 205.234 (a)

EASEMENT FOR FRANCHISED PUBLIC UTILITIES

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

Martin Family Trust

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

BENTON COUNTY, OREGON **2011-480145**
DE-EAS **06/28/2011 02:55:44 PM**
Cnt=1 Stn=9 PO
\$30.00 \$11.00 \$17.00 \$10.00 \$20.00 **\$88.00**



I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

James V. Morales - County Clerk



EASEMENT FOR FRANCHISED PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 14th day of June, 2011, by and between Martin Family Trust, 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 and Utility Companies with Franchise Agreements with the City, 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 franchised utilities 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 and Exhibit C.
2. The permanent easement described herein grants to the City and its franchised utility companies, and to their 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 Utility Company performing the maintenance 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: Martin Family Trust

Bob B. Martin

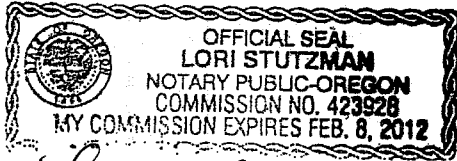
Bob B. Martin, Trustee

Geraldine M. Martin

Geraldine M. Martin, Trustee

STATE OF Oregon)
County of Benton) ss.
City of Albany)

The foregoing instrument was acknowledged before me this 14th day of June, 2011, by Bob B. Martin, Trustee of the Martin Family Trust, as his voluntary act and deed.



Lori Stutzman

Notary Public for Oregon

My Commission Expires: February 8, 2012

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

The foregoing instrument was acknowledged before me this 14th day of June, 2011, by Geraldine M. Martin, Trustee of the Martin Family Trust, as her voluntary act and deed.



Lori Stutzman

Notary Public for Oregon

My Commission Expires: February 8, 2012

CITY OF ALBANY:

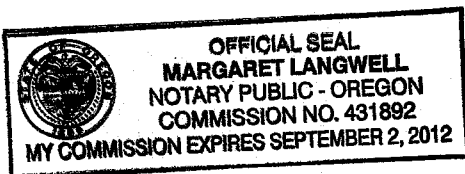
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 6018, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 24 day of June 2011.

Wes Hare
City Manager

ATTEST:

Margaret Langwell
City Clerk



K & D ENGINEERING, Inc.

EXHIBIT "A" Engineers • Planners • Surveyors

Franchise Utility Easement Description
(over a portion of Martin Trust Tract)

A strip of land for easement purposes that is located over a portion of that Martin Family Trust Tract described by deed recorded in Document No. 2005-382460 of the Benton County, Oregon Deed Records on March 15, 2005. Said strip being the easterly 10 feet of even width of said tract and being more particularly described as follows:

Beginning at a 5/8 inch rod at the northeast corner of said tract; thence along the east line of said tract the following three (3) courses: 1) along the arc of a 386.75 foot radius curve to the right (chord bears South 23°46'58" East 43.07 feet) a distance of 43.10 feet to a 5/8 inch rod; 2) thence South 26°58'30" East 20.01 feet to a 5/8 inch rod; 3) thence along the arc of a 273.00 foot radius curve to the right (chord bears South 10°04'48" East 158.68 feet) a distance of 161.00 feet to a 5/8 inch rod at the southeast corner of said tract; thence WEST, along the south line of said tract, 10.07 feet; thence northerly, parallel with and 10.00 feet from the easterly line of said tract the following three (3) courses; 1) along the arc of a 263.00 foot radius curve the left (chord bears North 09°56'59" West 154.01 feet) a distance of 156.30 feet; 2) thence North 26°58'30" West 20.57 feet; 3) thence along the arc of a 376.75 foot radius curve to the left (chord bears North 24°07'44" West 47.61 feet) a distance of 47.64 feet to the north line of said tract; thence EAST 11.26 feet to the Point of Beginning

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Burrell
OREGON
JULY 14, 1978
JACK R. BURRELL
1630

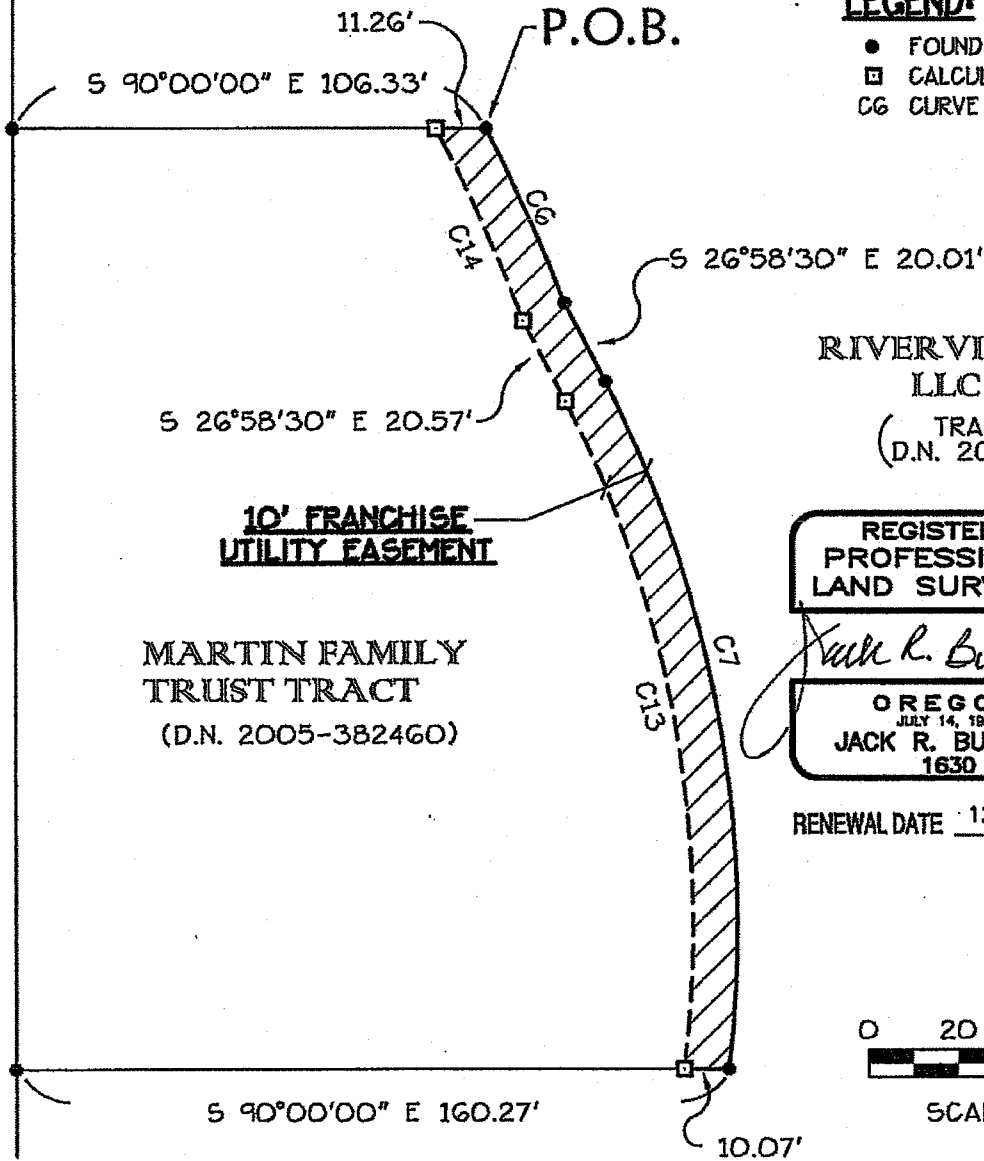
RENEWAL DATE 12/31/11

January 12, 2011
EASEMENT DESCRIPTION – A PORTION
OF THE MARTIN FAMILY TRUST TRACT
(04-120-K) JJC:nm
File Ref: titan\projects\2004\04-120-K\surveying\documents\church as grantor\Martin Trust easement desc.doc

FRANCHISE UTILITY EASEMENT OVER THE MARTIN FAMILY TRUST TRACT

EXHIBIT "B"

LOCATED IN
NE 1/4 + SE 1/4 OF SEC. 1, T. 11 S., R. 4 W., W.M.
A.M. RAINWATER DLC NO. G1
CITY OF ALBANY, BENTON COUNTY, OREGON
JANUARY 11, 2011



LEGEND:

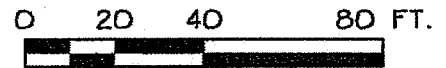
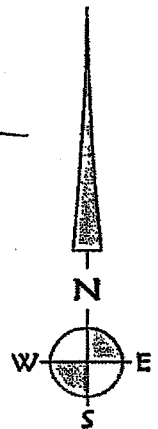
- FOUND MONUMENT
- CALCULATED POINT
- CG CURVE DATA, SEE TABLE

RIVERVIEW ESTATES
LLC TRACT
(TRACT I OF
D.N. 2010-471180)

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack R. Burrell
OREGON
JULY 14, 1978
JACK R. BURRELL
1630

RENEWAL DATE 12/31/11



SCALE: 1" = 40'

CURVE TABLE:

CURVE	RADIUS	LENGTH	CHORD	DELTA
C6	386.75'	43.10'	N23°46'58"W 43.07'	06°23'04"
C7	273.00'	161.00'	N10°04'48"W 158.68'	33°47'24"
C13	263.00'	156.30'	S09°56'59"E 154.01'	34°03'02"
C14	376.75'	47.64'	S24°07'44"E 47.61'	07°14'43"

Date: 1/11/2011 Time: 15:52
Scale: 1=40
File: dwg\2004\04-120\MARTINEASE.dwg (lan)

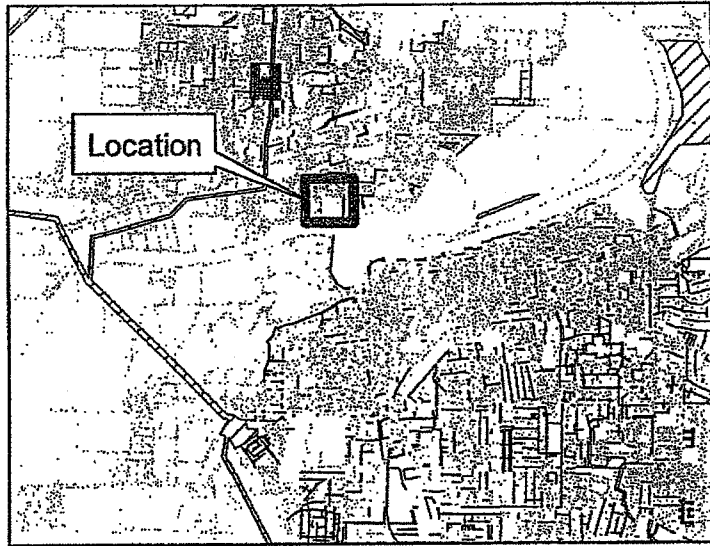


K & D ENGINEERING, Inc.
276 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583

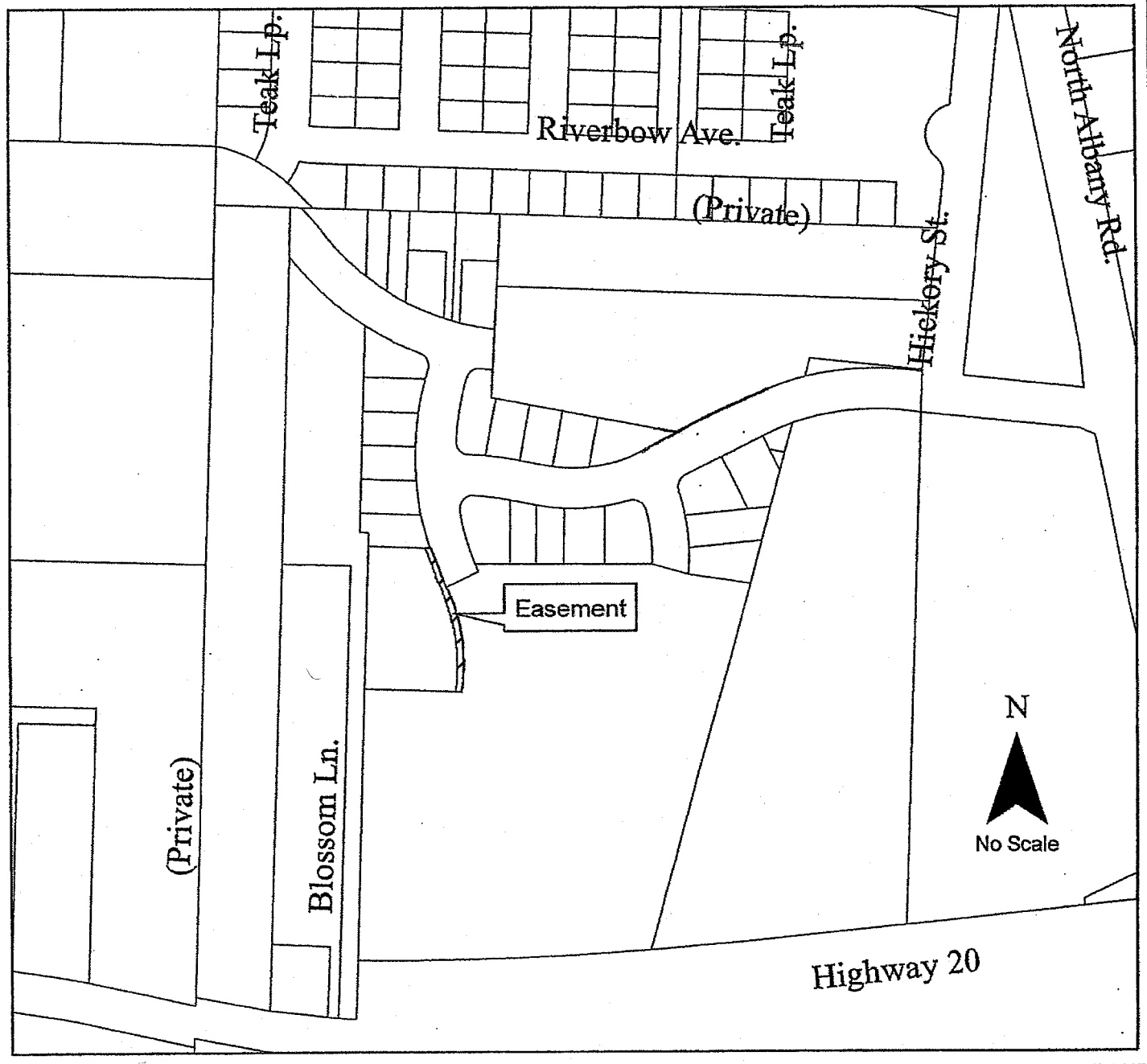
EXHIBIT C

11S04W01DB00200

A 10-foot wide franchise utility easement on the west side of a future right-of-way as required by a condition of approval for Blossom Crossing subdivision.



Geographic Information Services



RESOLUTION NO. 6018

A RESOLUTION ACCEPTING THE FOLLOWING FRANCHISED UTILITY EASEMENT:

Grantor

Martin Family Trust

Purpose

A 10-foot wide franchised utility easement on the west side of a future right-of-way as required by a condition of approval for Blossom Crossing subdivision.

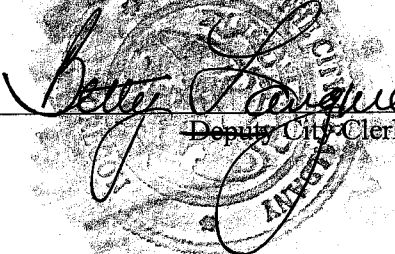
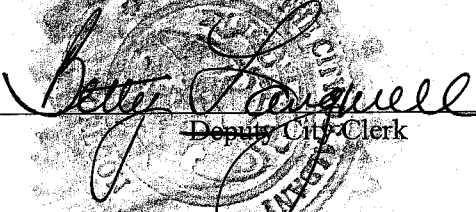
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this franchised utility easement.

DATED AND EFFECTIVE THIS 22ND DAY OF JUNE 2011.



Mayor

ATTEST

Deputy City Clerk