

RESOLUTION NO. 6050

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

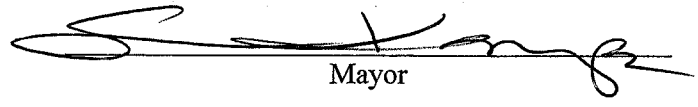
TLK Properties LLC

Purpose

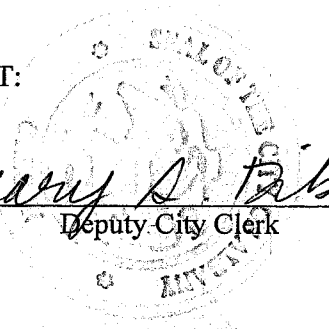

A 10 foot wide Sanitary Sewer easement across Tax Lot 11S03W08BC01701 as part of the Little Caesars Pizza Development.

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

DATED AND EFFECTIVE THIS 12TH DAY OF OCTOBER 2011.


Mayor

ATTEST:



Deputy City Clerk

EASEMENT FOR PUBLIC SANITARY SEWER

THIS AGREEMENT, made and entered into this 28 day of September 2011, by and between TLK Properties, 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:

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.

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

GRANTORS: TLK Properties, LLC

Linda A. Koltvedt
Linda A. Koltvedt

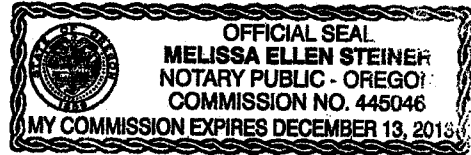
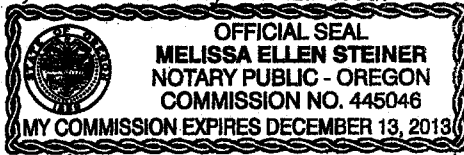
Thomas Koltvedt
Thomas Koltvedt

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

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

The foregoing instrument was acknowledged before me this 28 day of September, 2011, by Linda A. Koltvedt, Member of TLK Properties, LLC, as her voluntary act and deed.

The foregoing instrument was acknowledged before me this 28 day of September, 2011, by Thomas Koltvedt, Member of TLK Properties, LLC, as his voluntary act and deed.



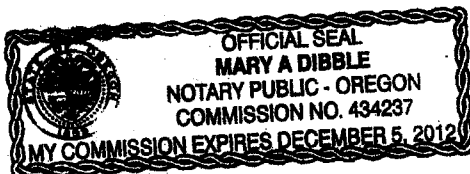
Melissa Ellen Steiner
Notary Public for Oregon
My Commission Expires: 12-13-2013

Melissa Ellen Steiner
Notary Public for Oregon
My Commission Expires: 12-13-2013

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 6050, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14 day of Oct 2011.



Wes Hare
City Manager

ATTEST:

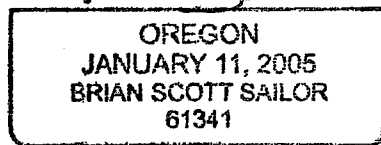
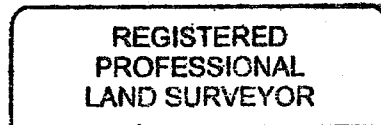
Mary A. Dibble
Deputy City Clerk

Exhibit A

Legal Description 10.00 Foot Wide Sanitary Sewer Easement

Beginning at the northeast corner of that property conveyed to TLK Properties, LLC in Linn County Deed Records 2011-09240 and being located in the Northwest One-Quarter of Section 18 of Township 11 South, Range 3 West of the Willamette Meridian, City of Albany, Linn County, Oregon, said point also being on the west right-of-way line of South Geary Street; thence along the west line of said Geary Street South $1^{\circ}35'00''$ East 10.00 feet; thence South $89^{\circ}17'30''$ West 160.00 feet to the west line of said TLK property; thence along the west line of said TLK property North $1^{\circ}35'00''$ West 10.00 feet to the northwest corner of said TLK property; thence along the north line of said TLK property North $89^{\circ}17'30''$ East 160.00 feet to the point of beginning.

The basis of bearings for the above described easement is from Linn County Survey No. 24494



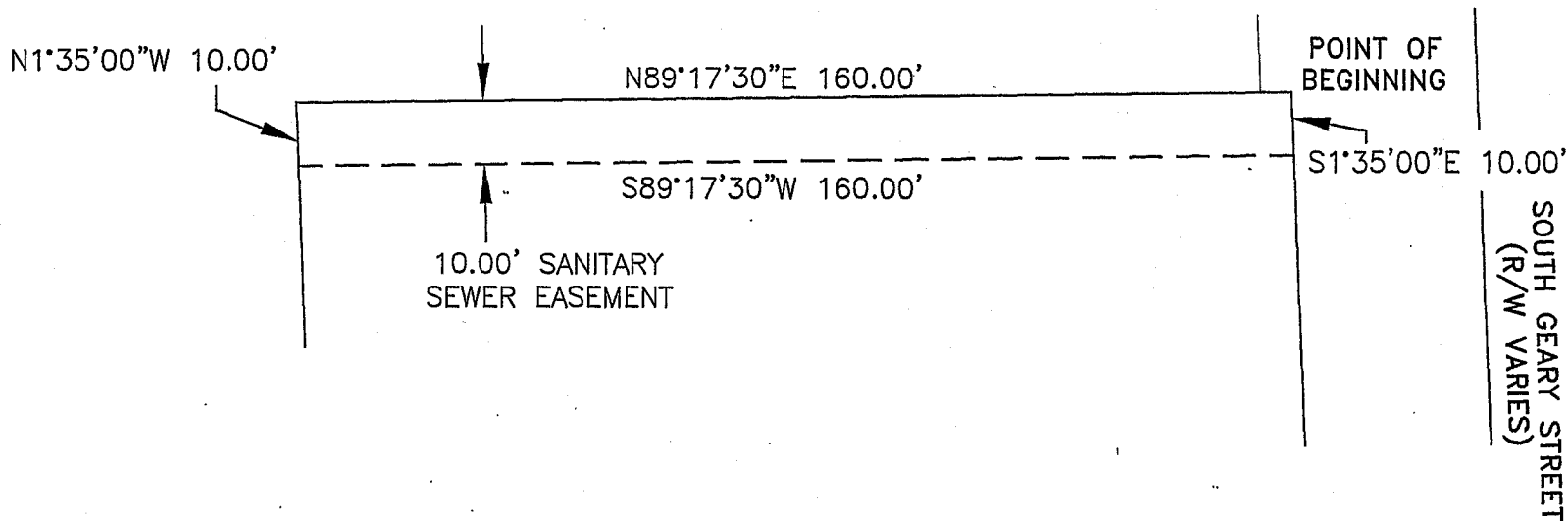
Sanitary Sewer Easement Sketch

LOCATED IN THE ABRAM HACKLEMAN D.L.C. No. 62 AND IN THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 11 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, CITY OF ALBANY, LINN COUNTY, OREGON

FOR: TLK PROPERTIES, LLC.

DATE: SEPTEMBER 16, 2011

Exhibit B

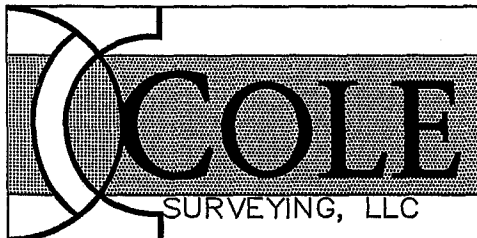


REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 11, 2005
BRIAN SCOTT SAILOR
61341

EXPIRES 6/30/12

BRIAN SCOTT SAILOR, P.L.S.
COLE SURVEYING, LLC
P.O. BOX 1211
CORVALLIS, OREGON 97339
(541) 929-5500



SCALE 1"=30'

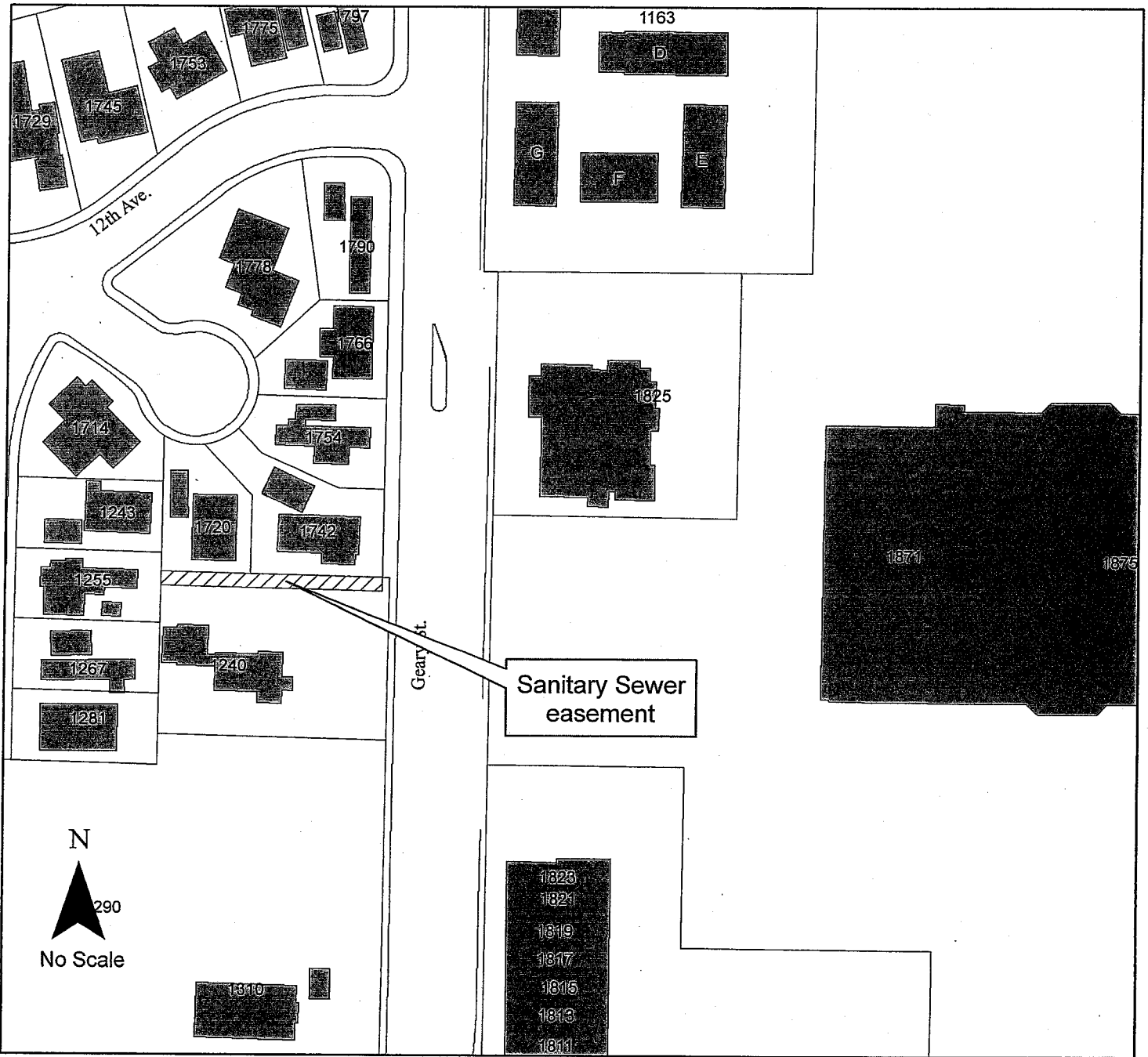
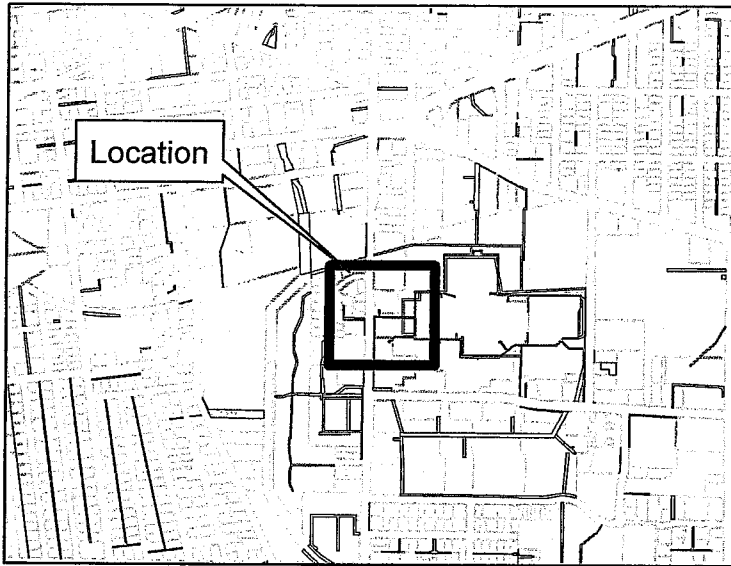
EXHIBIT C

11S03W08BC01701

Sanitary Sewer easement
as part of the Little Caesars
Pizza development



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON 2011-14519
E-EAS
Cnt=1 Stn=1 COUNTER 10/17/2011 11:23:39 AM
\$30.00 \$11.00 \$15.00 \$9.00 \$10.00 \$75.00



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

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

Easement

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

TLK Properties

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

Res. No. 6050