

RESOLUTION NO. 6110

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

<u>Grantor</u>	<u>Purpose</u>
Jon St. Germaine and Jeanne L. St. Germaine	A variable width water line easement across Tax Lot 10S03W31CD02000 as part of WL-12-01, Shady Lane, south of Dogwood Lane, water line replacement


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

DATED AND EFFECTIVE THIS 14TH DAY OF MARCH 2012.

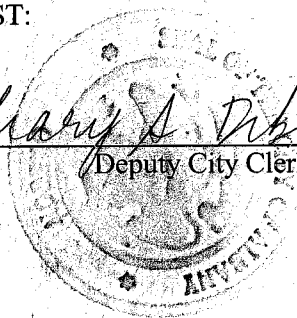


Mayor

ATTEST:



Deputy City Clerk



EASEMENT FOR PUBLIC UTILITIES AND ACCESS

THIS AGREEMENT, made and entered into this 19 day of March, 2011^{12 MD}, by and between Jon St. Germaine and Jeanne L. St. Germaine, 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 water 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 \$4,205.00, 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:

[Signature]
Jon St. Germaine

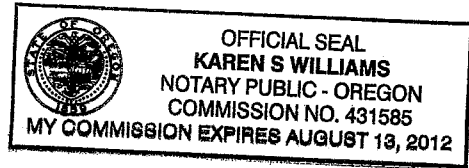
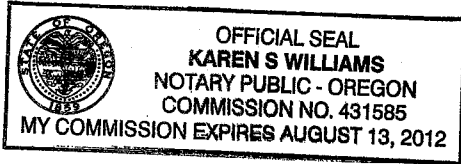
[Signature]
Jeanne L. St. Germaine

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 29th day of December, 2011, by Jon St. Germaine as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 29th day of December, 2011, by Jeanne L. St. Germaine as her voluntary act and deed.



[Signature]
Notary Public for Oregon
My Commission Expires: 8-13-2012

[Signature]
Notary Public for Oregon
My Commission Expires: 8-13-2012

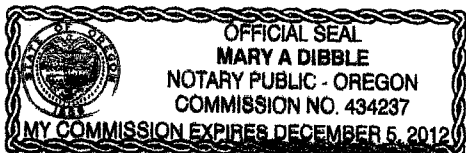
CITY OF ALBANY:

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 0110, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 19 day of March 2011. 12 mo

[Signature]
City Manager

ATTEST:



[Signature]
Deputy City Clerk

Exhibit A

Legal Description for water easement

A variable width water easement lying over the eastern portion of the property conveyed to Jon St. Germaine and Jeanne L. St. Germaine by deed recorded in Benton County, Oregon deed records M446313-09, in the SW 1/4 Section 31, T10South, R3West, Willamette Meridian, City of Albany, Benton County, Oregon, more particularly described as follows;

Beginning at the southeast corner of the aforementioned St. Germaine tract, thence North 0o 10.5' East 72.32 feet along the east property line of said St. Germaine tract to a property corner of said St. Germaine tract; thence South 89o49' East 25 feet along the property line of said St. Germaine tract, to a point lying 5 feet west of the east property line of said St. Germaine tract; thence North 0o 10.5' East 179.24 feet, 5 feet west of and parallel to the east property line of said St. Germaine tract, to the north property line of said St. Germaine tract; thence North 89o 30.5' West 10 feet to the northwest corner of said St. Germaine tract; thence South 0o 10.5' West 149.3 feet along the property line of said St. Germaine tract to a property corner of said St. Germaine tract; thence North 89o 49.5' West 21.8 feet along the north property line of said St. Germaine tract; thence south 0o 10.5' West 102.2 feet to the south property line of said St. Germaine tract; thence South 89o 40' East 7.5 feet along the south property line of said St. Germaine tract to the point of beginning. As shown on the attached maps labeled Exhibit B and Exhibit C, attached hereto and made a part hereof this description.

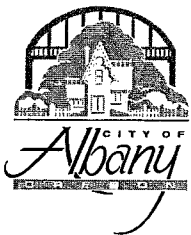


EXHIBIT B
PUBLIC WATER LINE EASEMENT
T10S R3W SEC 31CD TL2000

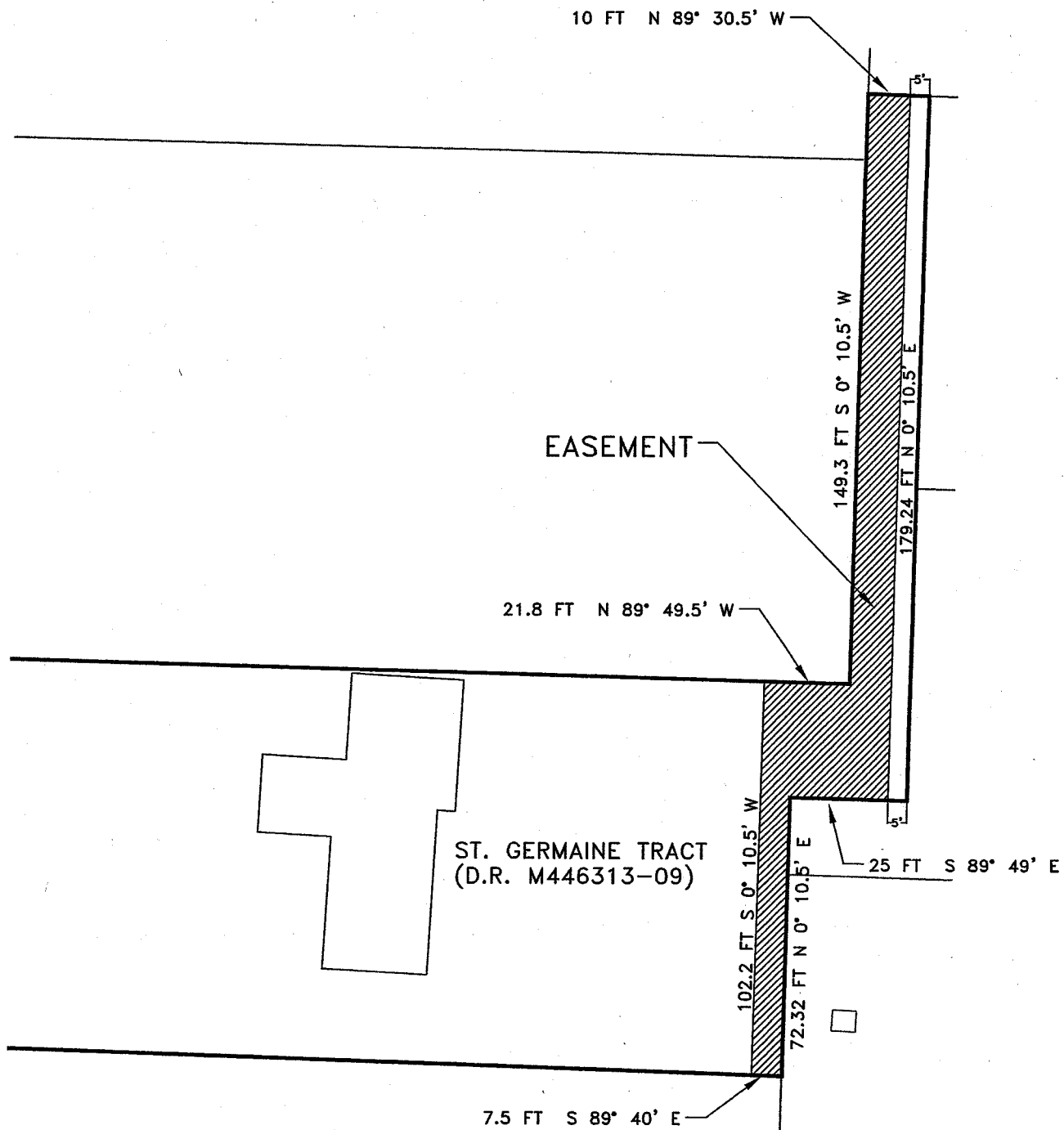
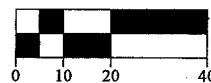
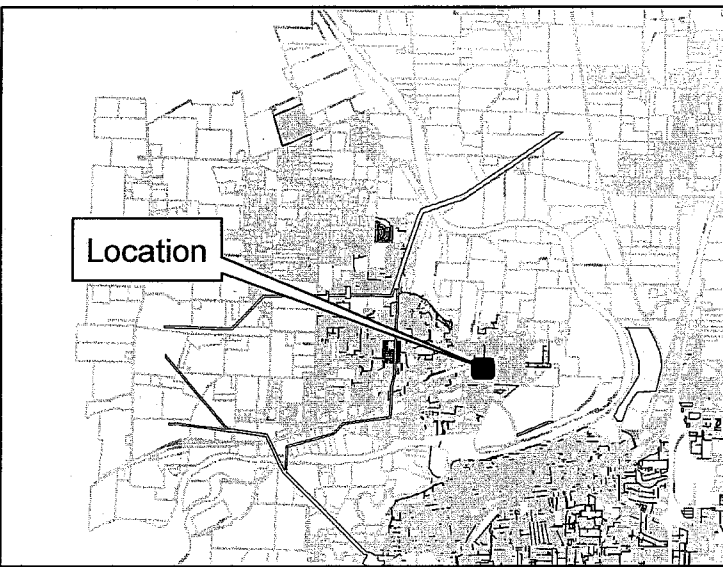


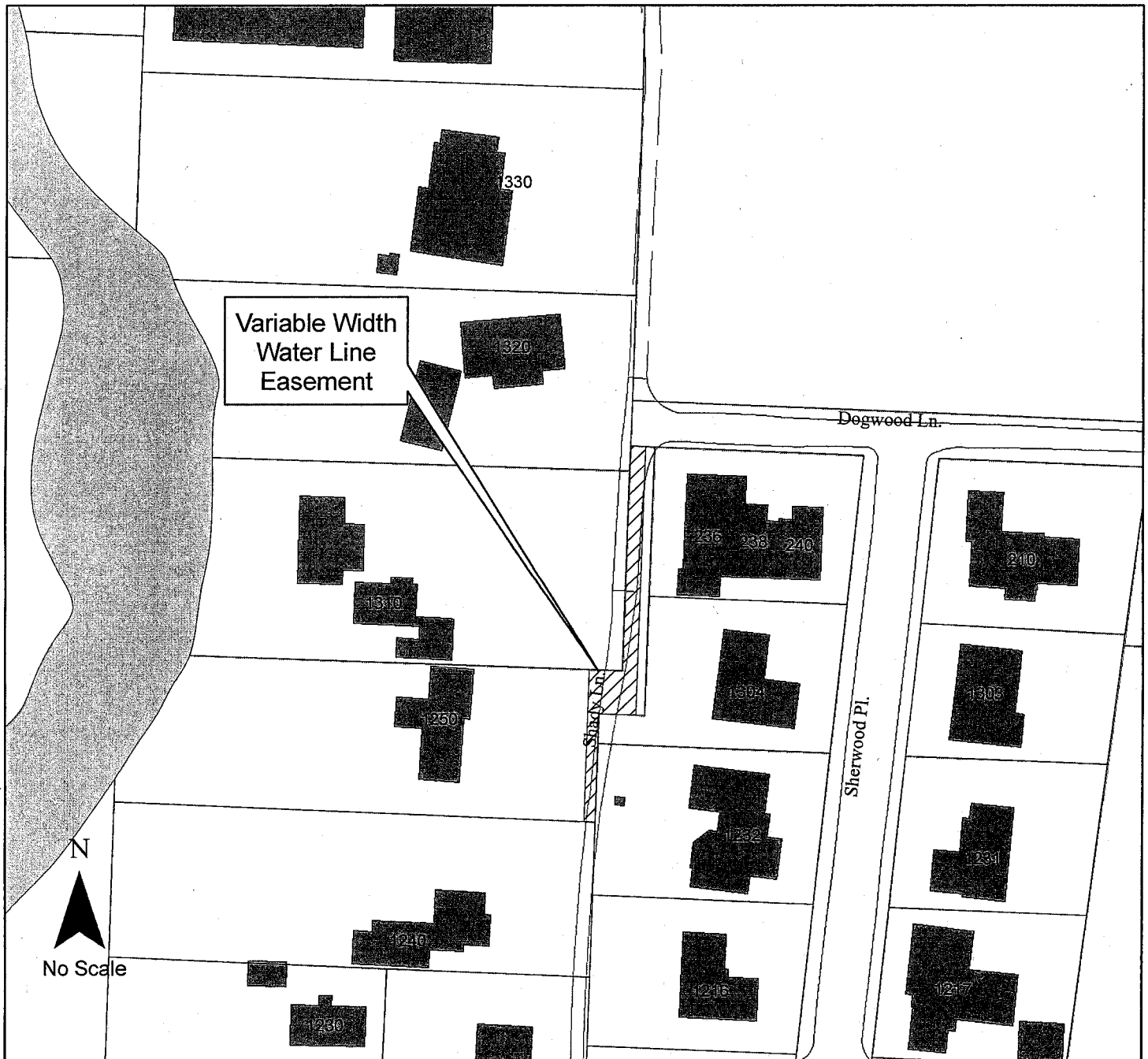
EXHIBIT C

10S03W31CD02000

A variable width water line easement
across Tax Lot 10S03W31CD02000
as part of WL-12-01, Shady Lane,
south of Dogwood Lane, water
line replacement.



Geographic Information Services



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.

BENTON COUNTY, OREGON **2012-489476**
DE-EAS
Cnt=1 Stn=5 MR **03/26/2012 11:42:05 AM**
\$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

AFTER RECORDING RETURN TO:

City of Albany Recorder

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 and Access

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

Jon St. Germaine and Jeanne L. St. Germaine

1250 Shady Lane NW

Albany OR, 97321

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

\$ 4,205

Res No 6110