

RESOLUTION NO. 51183

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

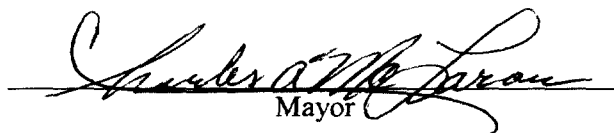
Darrin A. Sim and Robbin L. Sim

Public Water Line Easement

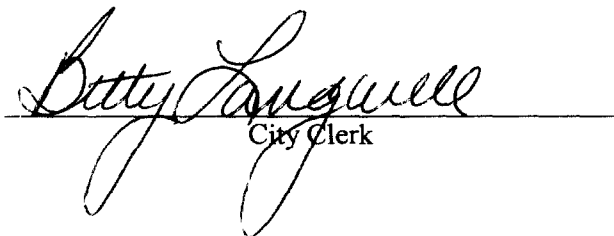
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 27TH DAY OF APRIL 2005.

  
Mayor

ATTEST:

  
City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 17<sup>th</sup> day of March, 2005, by and between Darrin A. Sim and Robbin L. Sim, 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 attached Legal Description labeled Exhibit A, attached Vicinity Map labeled Exhibit B, and attached Easement 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.

Return to: City of Albany - Recorder  
P.O. Box 450, Albany, OR 97321

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

GRANTORS:

Darrin A. Sim  
Darrin A. Sim

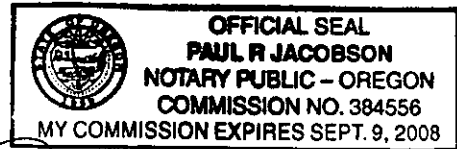
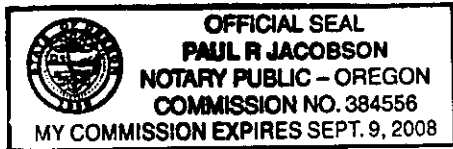
Robbin L. Sim  
Robbin L. Sim

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 17<sup>th</sup> day of March, 2005, by **Darrin A. Sim** as their voluntary act and deed.

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2005, by **Robbin L. Sim** by as their voluntary act and deed.



Paul R. Jacobson  
Notary Public for Oregon  
My Commission Expires: 9/9/2008

Paul R. Jacobson  
Notary Public for Oregon  
My Commission Expires: 9/9/2008

CITY OF ALBANY:

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

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 5118, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27 day of April 2005.

Steve Bryant  
City Manager

ATTEST:  
Betty Langwell  
City Recorder

**EXHIBIT A****PERMANENT UTILITY EASEMENT**

A permanent public utility easement across that property conveyed to Darrin A. Sim and Robbin L. Sim, described in Volume MF001294, Page 0977, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached Vicinity Map labeled "EXHIBIT B" and Easement Map labeled "EXHIBIT C".

Beginning at a ½ inch iron rod South 01°14' East 25.00 feet and South 89°06' West 67.62 feet from the Northeast corner of Tract 3, SOUTHERN ADDITION TO MORNINGSIDE TRACTS, Linn County, Oregon; and running thence South 89°06' West 100.00 feet to a ½ inch iron rod on the West line of said Addition; thence South 01°14' East along said West line 51.70 feet to the POINT OF BEGINNING; thence South 01°14' East 15.00 feet; thence North 89°06' East parallel to the North line of said tract 3, a distance of 36.90 feet; thence North 01°14' West 15.00 feet; thence South 89°06' West 36.90 feet to the POINT OF BEGINNING.

# EXHIBIT B

1351 / 1353 27th Ave SE  
11S03W17BC02400

A public waterline easement on the  
south west corner of the Sim property

WL-05-06 north of 27th Ave. water line



Geographic Information Services

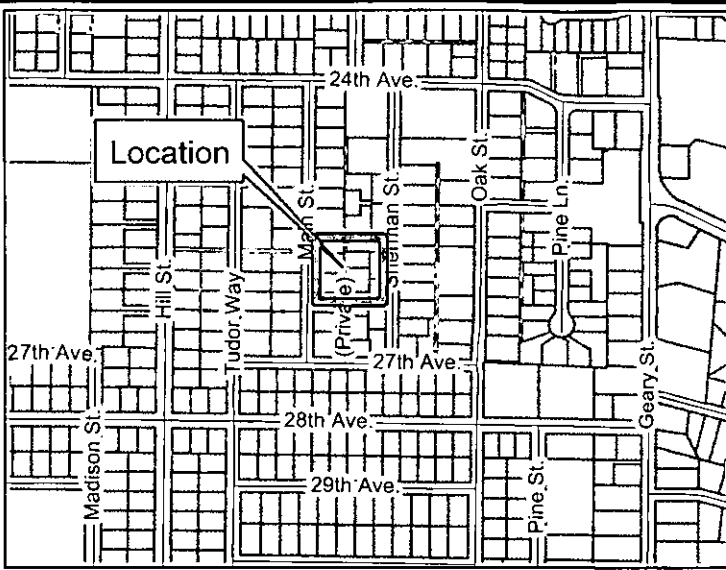
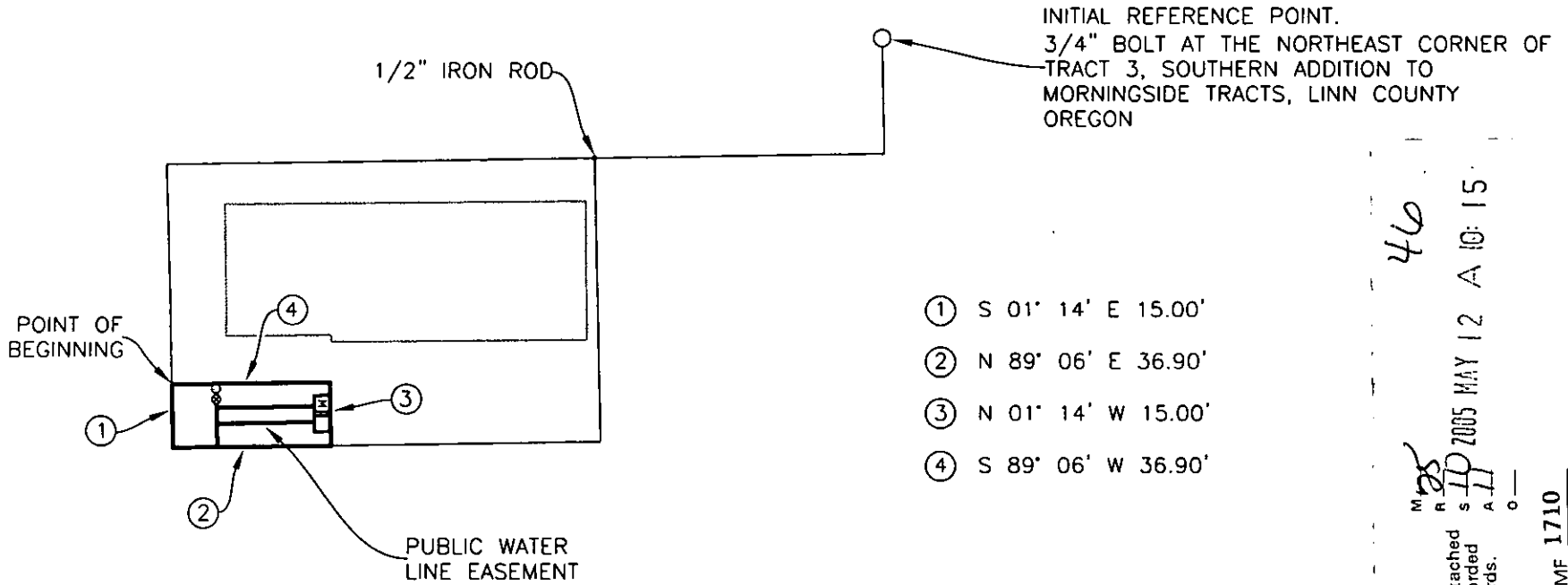
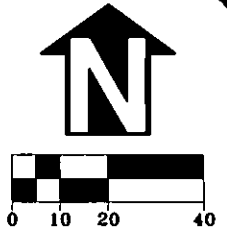




EXHIBIT C  
 WL-05-06, 2200 BLOCK OF OAK STREET AND NORTH OF 27TH AVENUE  
 PUBLIC WATER LINE EASEMENT  
 11S3W17BC02400  
 1351 27TH AVENUE SE  
 1353 27TH AVENUE SE



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MAY 12 A 10:15  
 2005

STATE OF OREGON  
 County of Linn

I hereby certify that the attached  
 was received and duly recorded  
 by me in Linn County records.

STEVE DRUCKENMILLER  
 Linn County Clerk

MF 1710  
 Deputy PAGE 68

Resolution No. 5118

Recorded Document Recorder File 4544