

RESOLUTION NO. 5211

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor:


Terry R. Stoelting and Patricia M. Stoelting

Purpose

A 15-foot wide easement for a future sanitary sewer main adjacent to the Queen Avenue right-of-way.


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

DATED AND EFFECTIVE THIS 9th DAY OF NOVEMBER 2005.



Mayor
Council President

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 3rd day of October, 2005, by and between Terry R. Stoelting and Patricia M. Stoelting, herein 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 grantors have this day bargained and sold and by these presents do 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 map on attached Exhibit "B".
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 Grantors do 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 490, Albany, OR 97321

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

GRANTOR:

[Signature]
Terry R. Stoelting

CITY OF ALBANY:

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

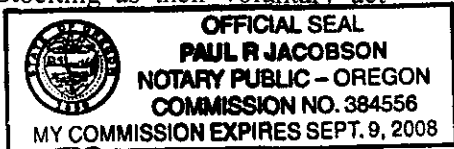
[Signature]
Patricia M. Stoelting

I, Wes Hare as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 5211, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of November, 2005.

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

The foregoing instrument was acknowledged before me this 5th day of October, 2005, and by Terry R. Stoelting and by Patricia M. Stoelting as their voluntary act and deed.

[Signature]
City Manager



ATTEST:

[Signature]
Notary Public for Oregon
My Commission Expires: 9/9/2008

[Signature]
City Recorder

EXHIBIT 'A'

15.00 FOOT SANITARY SEWER EASEMENT

Beginning at a point on the southeasterly right-of-way line of Queen Avenue (State Highway 210), said point being North $1^{\circ}30'$ West 48.84 feet and South $51^{\circ}15'$ West 250.46 feet and South $38^{\circ}45'$ East 30.00 feet from the Southwest corner of the Walter Montieth Donation Land Claim No. 55 and being in Section 12, Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon; thence South $38^{\circ}45'$ East 15.00 feet; thence South $51^{\circ}15'$ East 50.00 feet parallel with said southeasterly line of Queen Avenue; thence North $38^{\circ}45'$ West 15.00 feet to said southeasterly line; thence North $51^{\circ}15'$ East 50.00 feet along said southeasterly line to the point of beginning.

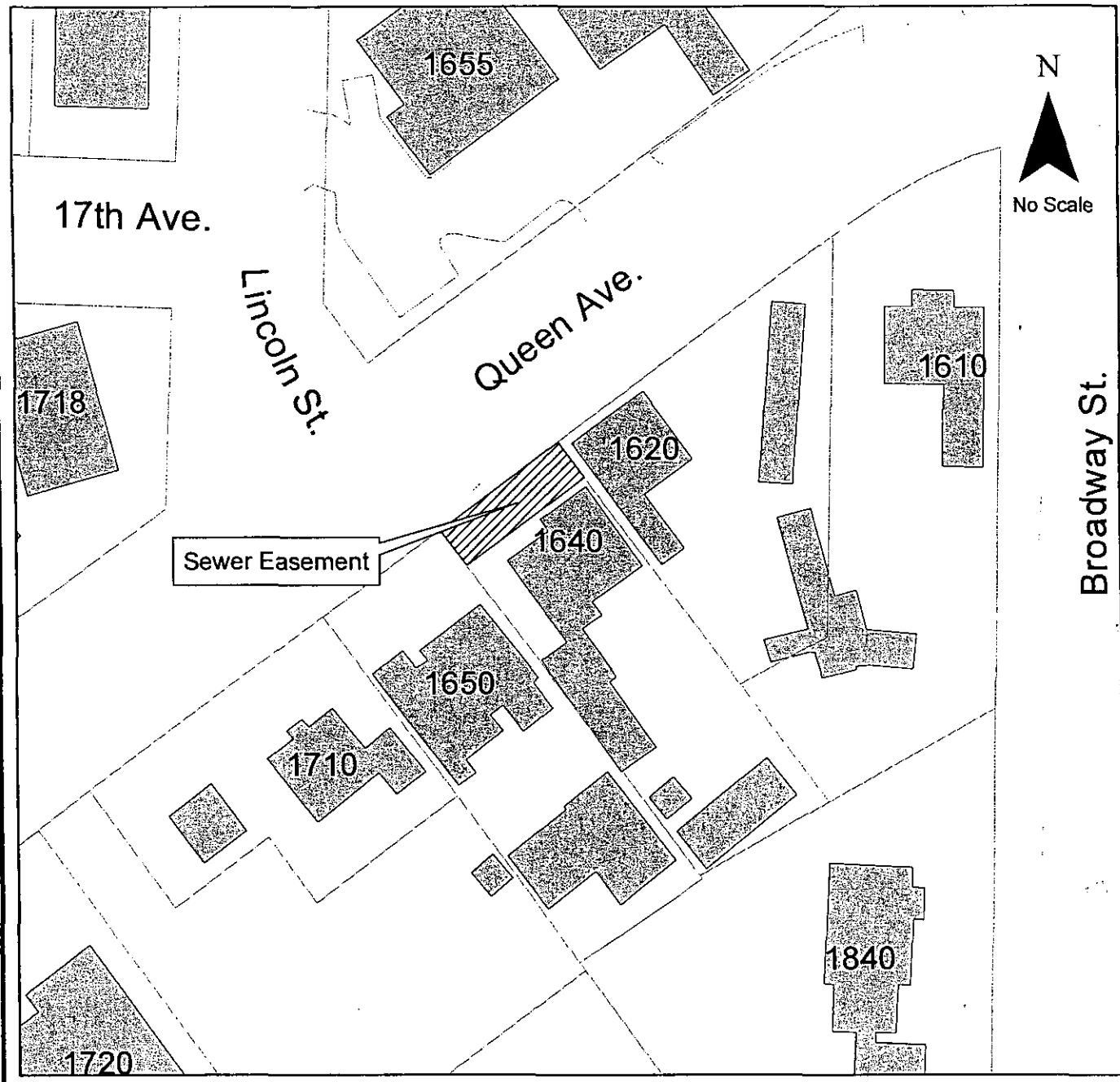
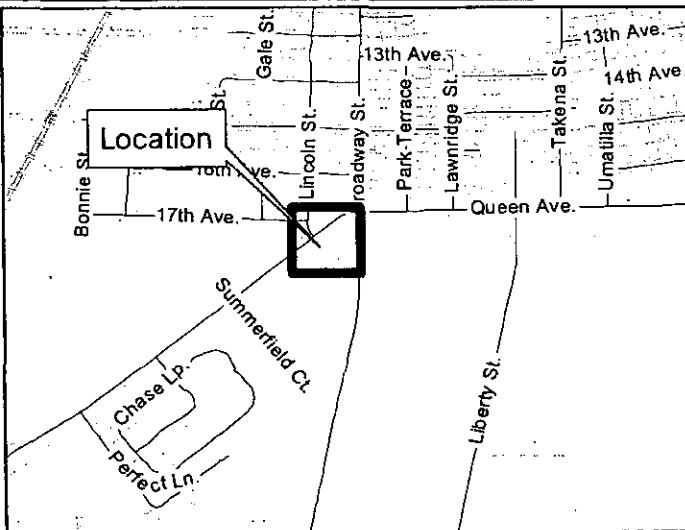
EXHIBIT B

1640 Queen Ave. SW
Terry L. and Patricia M. Stoelting

A 15 foot wide sanitary sewer
easement across the northern
width of the property

Sewer Extension to 1620 Queen

Geographic Information Services



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

By Steve Druckenmiller, Deputy

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