

RESOLUTION NO. 5290

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Tony Newton and April Newton

Purpose

Public Water Line Easement for 2200 Block of Oak Street Water Line

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 28TH DAY OF JUNE 2006.



Council President

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 4th day of March, 2005, by and between Tony Newton and April Newton, 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.

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

GRANTORS:

Tony Newton
Tony Newton

April Newton
April Newton

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 4th day of March, 2005, by Tony Newton as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 4th day of March, 2005, by April Newton as her voluntary act and deed.

[Signature]
Notary Public for Oregon
My Commission Expires: June 24, 2007

[Signature]
Notary Public for Oregon
My Commission Expires: June 24, 2007

CITY OF ALBANY:

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

I, Wes Hare ~~Steve Bryant~~ as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 5290, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 28th day of June 2006.

Wes Hare
City Manager

ATTEST: Betty Langwell
City Recorder

EXHIBIT A

PERMANENT UTILITY EASEMENT

A permanent public utility easement across that property conveyed to Tony Newton and April Newton, described in Volume 915, Page 310, 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 the Southeast corner of Tract 4, Morningside Tracts, Linn County, Oregon; thence North 01° 15' West 69.18 feet to the POINT OF BEGINNING; thence North 01° 15' West 7.50 feet; thence South 89° 04' 38" West 90.18 feet; thence South 01° 06' 57" East 7.50 feet; thence North 89° 04' 38" East approximately 90.20 feet to the POINT OF BEGINNING.

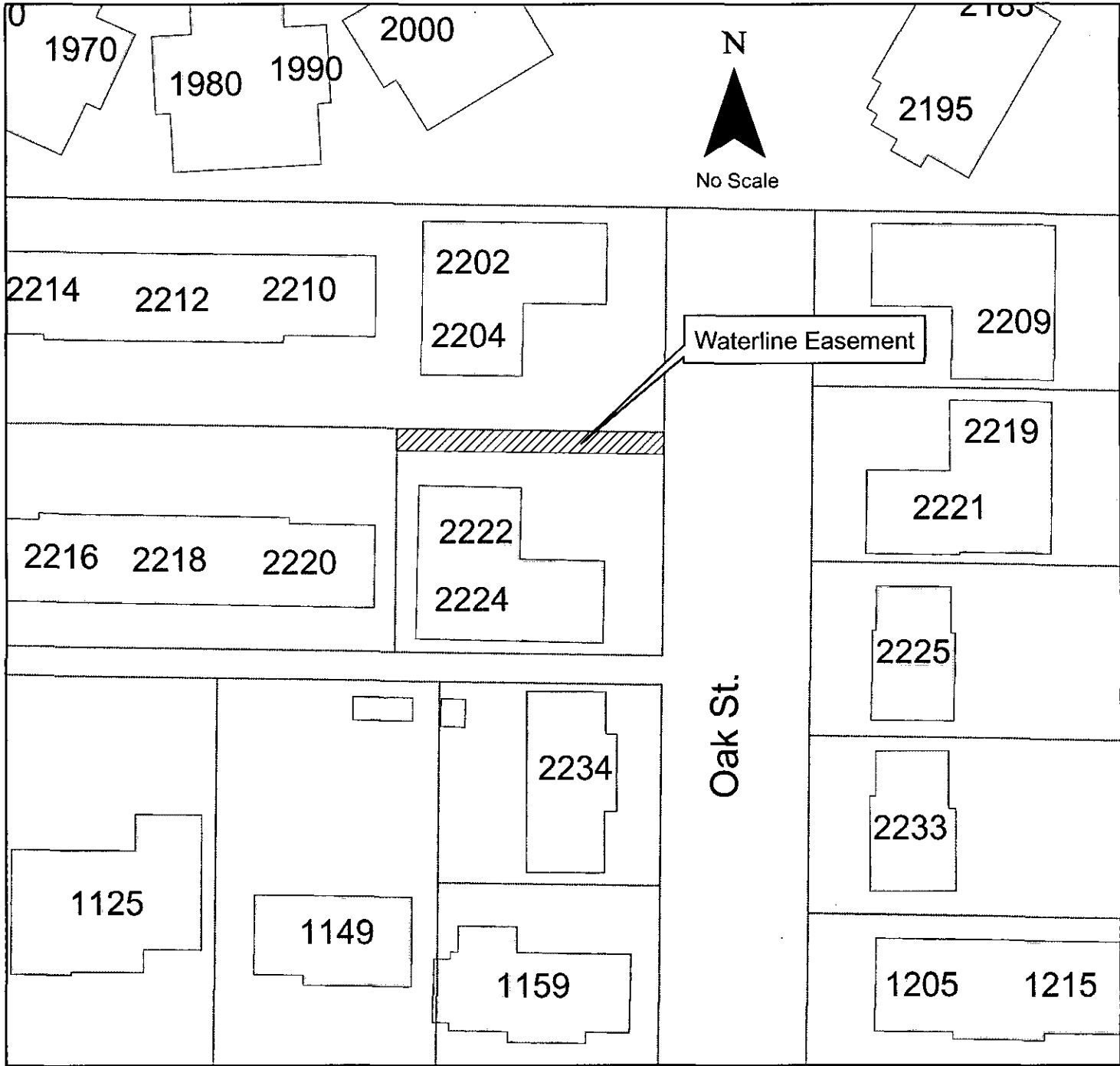
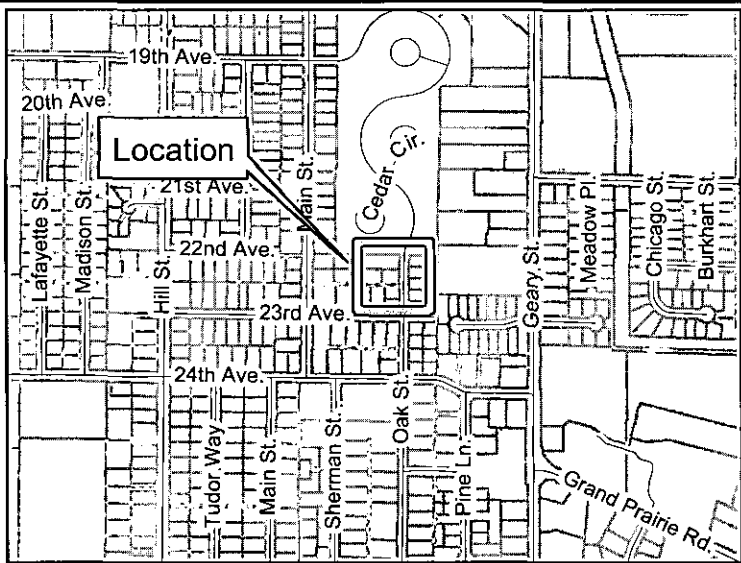
EXHIBIT B

2222 Oak St. SE
2224 Oak St. SE
Tony and April Newton

Public Water Line Easement
WL-05-06



Geographic Information Services



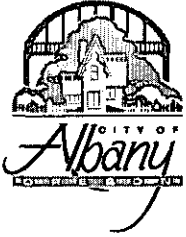
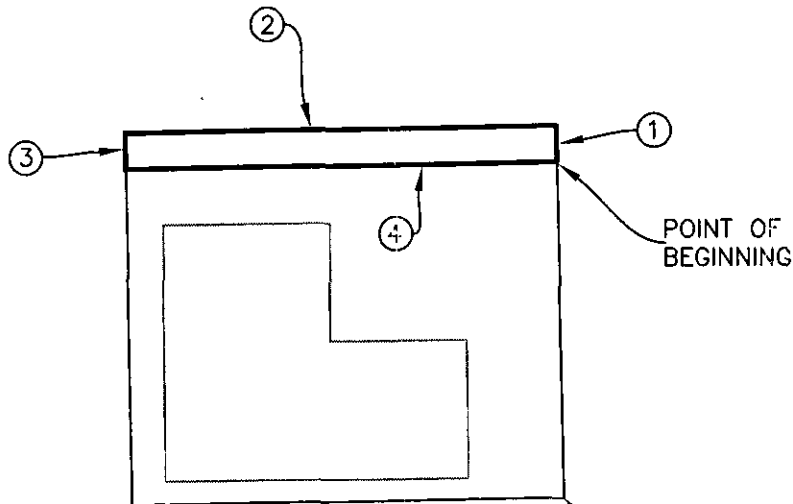
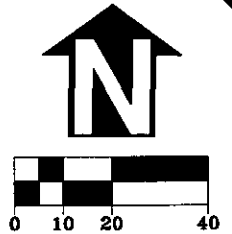


EXHIBIT C

WL-05-06, 2200 BLOCK OF OAK STREET AND NORTH OF 27TH AVENUE
PUBLIC WATER LINE EASEMENT

11S3W17BB01800
2222 OAK ST. SE
2224 OAK ST. SE



- ① N 01° 15' 00" W 7.50'
- ② S 89° 04' 38" W 90.18'
- ③ S 01° 06' 57" E 7.50'
- ④ N 89° 04' 38" E 90.20'

INITIAL REFERENCE POINT.
1/2" IRON ROD BY CS 5666, SOUTHEAST
CORNER OF TRACT 4, MORNINGSIDE TRACTS,
LINN COUNTY, OREGON

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2006-16817**
E-UT **07/11/2006 02:05:06 PM**
Cnt=1 Stn=1 COUNTER
\$30.00 \$11.00 \$10.00 **\$51.00**



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 Recorder

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Government Agency - Exempt

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

Easement for Public Utilities

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

Tony Newton and April Newton

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

Resolution No. 5290

Recorded Document Recorder File No. 4803