

RESOLUTION NO. 5617

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Oregon Metallurgical Corporation

Purpose

A 20-foot wide utility easement for the purpose of constructing a sewer force main.

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

DATED AND EFFECTIVE THIS 11TH DAY OF JUNE 2008.



Mayor

ATTEST:



City Clerk



SANITARY SEWER FORCE MAIN EASEMENT

THIS AGREEMENT, made and entered into this 25th day of April, 2008, by and between Oregon Metallurgical Corporation, 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 the sanitary sewer force main for the purpose of conveying sanitary sewer 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 sanitary sewer force main and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said sanitary sewer force main.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

A 20-foot wide utility easement for the purpose of constructing a sewer force main. See attached legal description labeled Exhibit A and map labeled 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 \$3,300, 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.

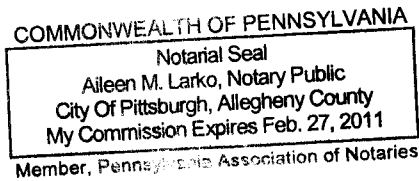
GRANTOR:

Oregon Metallurgical Corporation

Jon D. Walton
By
Executive Vice President
Title

Pennsylvania
STATE OF OREGON)
County of Allegheny ss.
City of Pittsburgh)

The instrument was acknowledged before me this 25th day of April, 2008 by By Jon D. Walton, Title Executive Vice President, as a representative of Oregon Metallurgical Corporation.

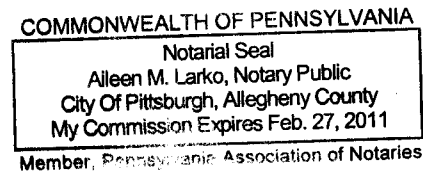


Aileen M. Larko
Notary Public for Oregon Pennsylvania
My Commission Expires: 2/27/2011

Mary Beth Moore
By
Assistant Secretary
Title

Pennsylvania
STATE OF OREGON)
County of Allegheny ss.
City of Pittsburgh)

The instrument was acknowledged before me this 25th day of April, 2008 by By Mary Beth Moore, Title Assistant Secretary, as a representative of Oregon Metallurgical Corporation.



Aileen M. Larko
Notary Public for Oregon Pennsylvania
My Commission Expires: 2/27/2011

CITY OF ALBANY:

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

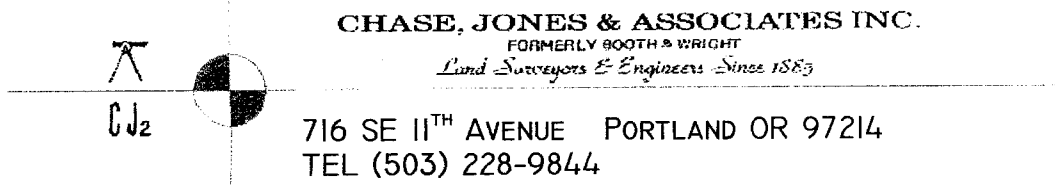
I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3017 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12th day of June, 2008

Wes Hare
City Manager

ATTEST:

Betty Langwell
City Clerk

EXHIBIT A



May 21, 2007
#12057

OREMET SEWER EASEMENT

A 20 foot wide strip of land located within that property described in Tract I, Volume 1135, Page 793 situated in the N.W. 1/4 of Section 19, Township 11 South, Range 3 West of the Willamette Meridian in the City of Albany, County of Linn, State of Oregon, being more particularly described as follows:

Beginning at the intersection of the north right of way line of the Bonneville Power Administration Easement with the east right of way line of Southern Pacific Railroad; thence South 02°11'16" West, along said east right of way line, a distance of 15.10 feet to a point that is 15.00 feet when measured perpendicular to said north right of way line of the Bonneville Power Administration; thence South 81°22'30" East, parallel and 15.00 feet from said north line of the Bonneville Power Administration easement, a distance of 1,324.61 feet more or less to the east line of said tract described in Tract I, Volume 1135, page 793; thence North 02°11'16" East, along said east line, a distance of 20.13 feet to a point that is 5.00 feet north of said Bonneville Power Administration easement; thence North 81°22'30" West, parallel and 5.00 feet north from said north Bonneville Power Administration easement, a distance of 1,324.61 feet more or less to the east Southern Pacific Railroad right of way line; thence South 02°11'16" West, along said right of way line, a distance of 5.03 feet to the POINT OF BEGINNING.

This tract contains 26,492 square feet more or less.

NORTH LINE, VOLUME 1135, PAGE 793

TAX LOT 402
VOLUME 1135
PAGE 793
OREGON METALLURGICAL CORP.

SOUTHERN PACIFIC
RAILROAD

P.O.B.

S 02°11'16" W
5.03'

S 02°11'16" W
15.10'

20'

5'

N 81°22'30" W 1324.61'+/-

26,492 SQ. FT.

S 81°22'30" E 1324.61'+/-

62.5'

BONNEVILLE POWER ADMINISTRATION EASEMENT

N 02°11'16" E
20.13'

40'
40'

62.5'

OREMET SEWER EASEMENT

SITUATED IN
N.W. 1/4 SECTION 19, T. 11 S., R. 3 W., W.M.
CITY OF ALBANY, COUNTY OF LINN, STATE OF OREGON

BY:

CHASE, JONES & ASSOCIATES INC.
716 S. E. 11TH AVE. PORTLAND, OREGON 97214
PHONE (503) 228-9844

PROJECT NO.: 12057 SCALE: 1"=200'

DATE: MAY 18, 2007

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 30, 1976
ORAN D. ABBOTT
1066

RENEWAL: 12.31.07

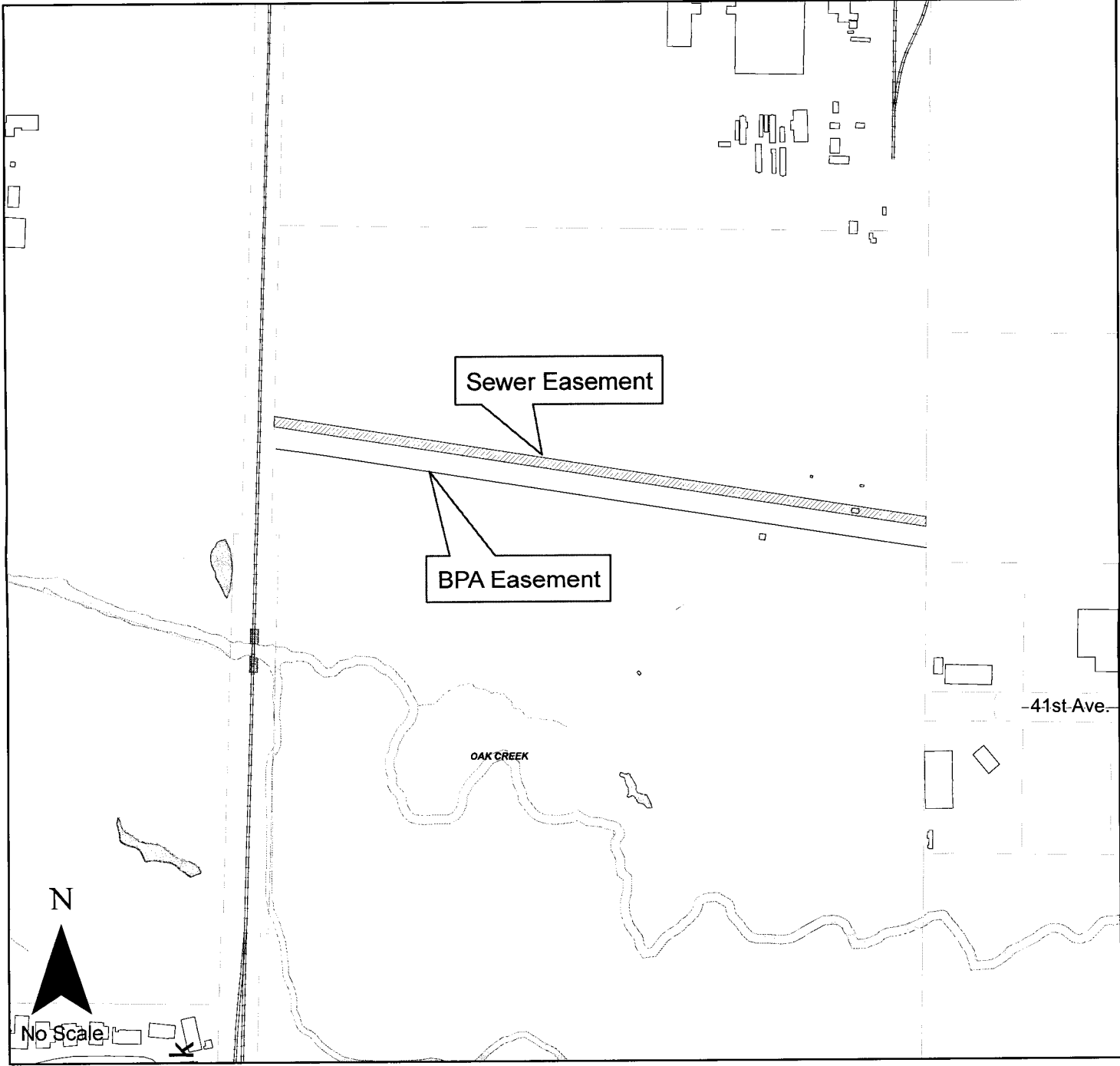
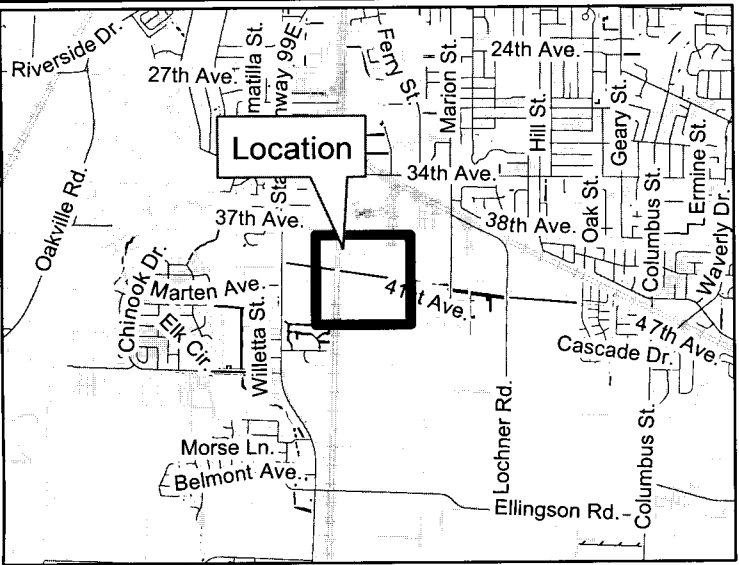
EXHIBIT C

11SO3W19 00402

SS-07-05
Oak Creek Sewer
Force Main



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2008-12623**
E-SEW
Cnt=1 Stn=1 COUNTER **06/23/2008 01:41:17 PM**
\$30.00 \$11.00 \$10.00 **\$51.00**



00085295200800126230060066

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 - Exempt

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

SEWER FORCE MAIN EASEMENT

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

OREGON METALLURGICAL CORPORATION

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

\$3,300.00

Resolution No. 5617

Recorded Document Recorder File No. 5117