

RESOLUTION NO. 5714

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Bob G. Mitchell

Purpose

A 10-foot by 20-foot wide easement over a public fire hydrant water line for the Mitchell restaurant project.

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

DATED AND EFFECTIVE THIS 8TH DAY OF DECEMBER 2008.


Council President

ATTEST:


City Clerk

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2008-24618**
E-PU
Cnt=1 Stn=1 COUNTER **12/31/2008 01:27:54 PM**
\$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 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)

EASEMENT FOR PUBLIC UTILITIES

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

Bob Mitchell

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

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 25TH day of NOVEMBER, 2008, by and between, Bob G. Mitchell, 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:
 - A 10-foot by 20-foot wide easement over a public fire hydrant water line for the Mitchell restaurant project. 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 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.

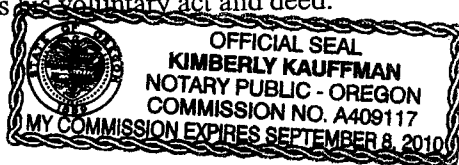
IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

GRANTOR:

Bob G. Mitchell
Bob G. Mitchell

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

The foregoing instrument was acknowledged before me this 25 day of November, 2008, by Bob G. Mitchell as his voluntary act and deed.



Kimberly Kauffman
Notary Public for OR
My Commission Expires: 9/10/10

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 5714, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8 day of December 2008.

Wes Hare
City Manager

ATTEST:

Betty Longwell
City Clerk

Public Utility Easement

Legal Description

Exhibit "A"

An area of land in the Northwest 1/4 of Section 4, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon being more particularly described as follows:

Beginning at a point on the South line of and West 110.50 feet from the Southerly most Southeast corner of Parcel 1 of Linn County Partition Plat Number 2006-99 in the Northwest 1/4 of Section 4, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence leaving said South line North 20.00 feet; thence West 10.00 feet; thence South 20.00 feet to the said South line; thence along said South line East 10.00 feet to the point of beginning.

AVAIATION WAY SE

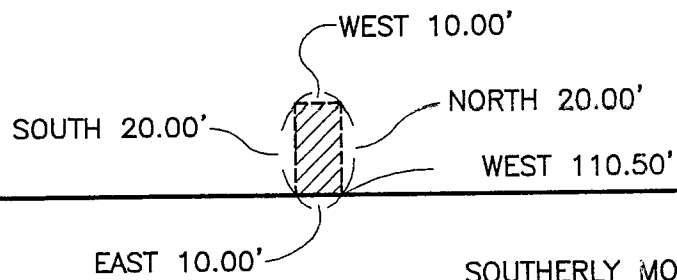
KNOX BUTTE ROAD

OPAL COURT



SCALE: 1" = 40'
0' 40'

PARCEL 1
PP 2006-99



SOUTHERLY MOST
SOUTHEAST CORNER
PARCEL 1
PP 2006-99

**UDELL ENGINEERING
AND
LAND SURVEYING, LLC**
63 EAST ASH ST.
ALBANY, OREGON, 97966
541-461-6126

EXHIBIT "B"
PUBLIC UTILITY EASEMENT
ALBANY, OREGON

Date: 10-30-08
Project: _____
Drawn by: CSC
Checked by: ASD

SHEET 1
1
SCALE: AS NOTED

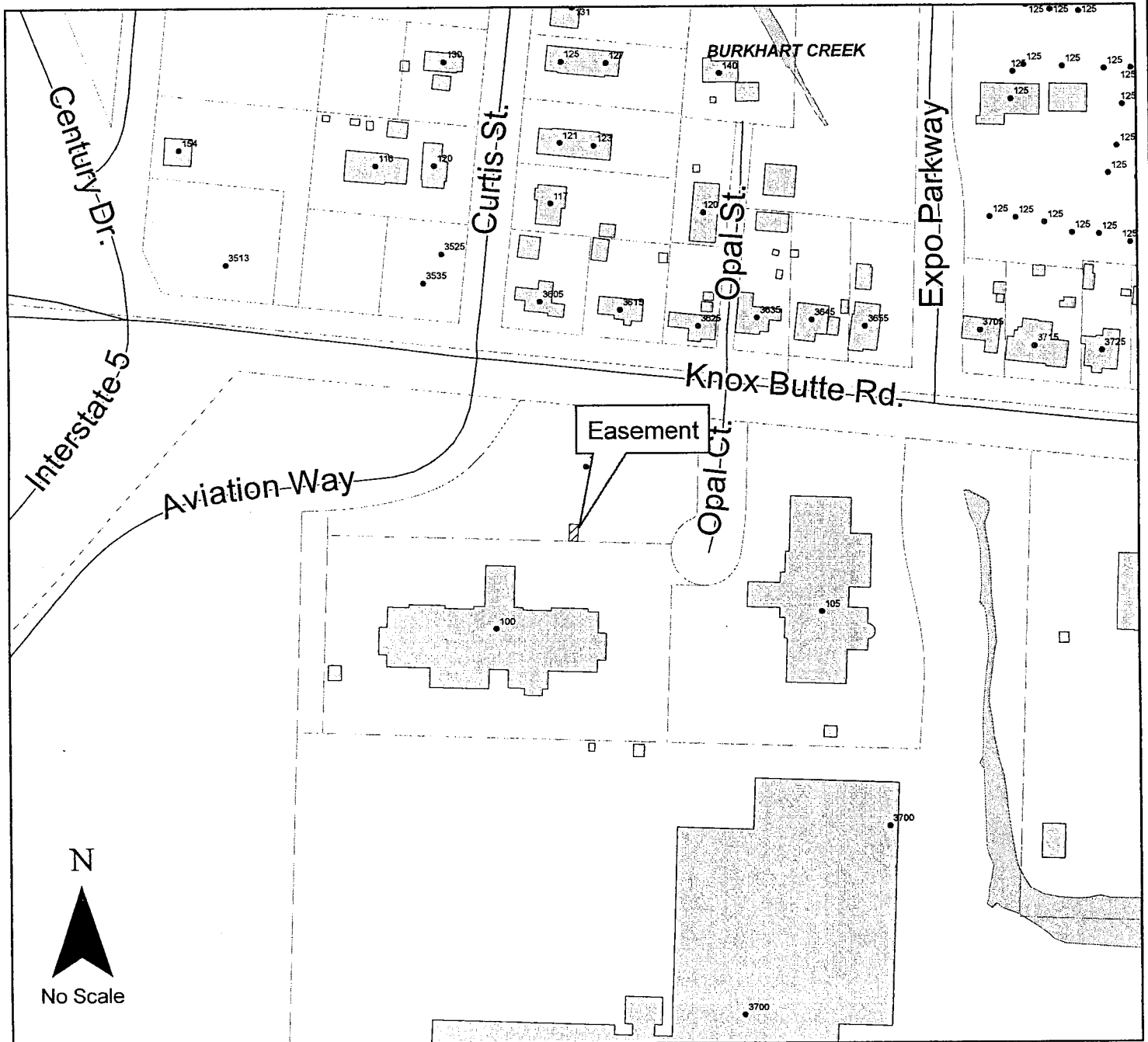
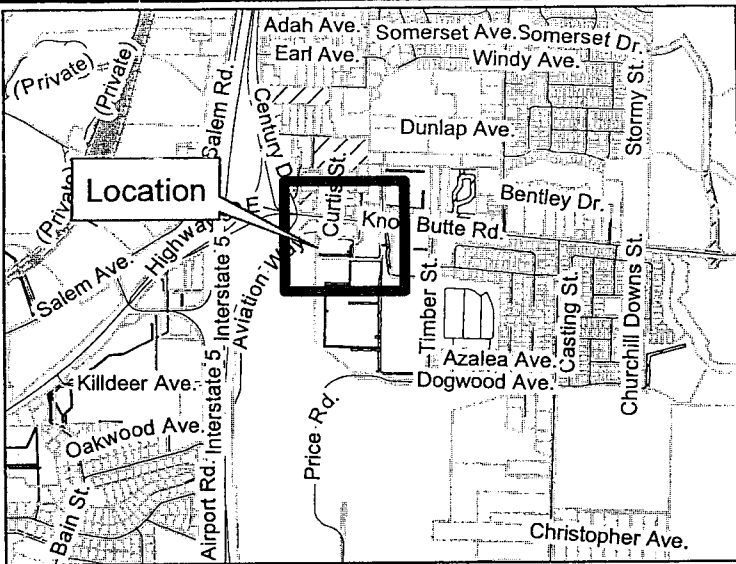
EXHIBIT C

11SO3W04DB00200

A 10-foot by 20-foot wide easement over a public fire hydrant water line for the Mitchell restaurant project.



Geographic Information Services



Resolution No. 5714

Recorded Document Recorder File No. 5260