

RESOLUTION NO. 6287

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Pacific Northwest Investments, LLC

Purpose

Easement for a new Bain Street fire hydrant for the Les Schwab Tires redevelopment project.


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

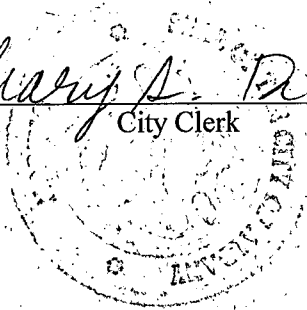
BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 4TH DAY OF DECEMBER 2013.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



### EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 1<sup>st</sup> day of November, 2013, by and between Pacific Northwest Investments, LLC, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

#### WITNESSETH:

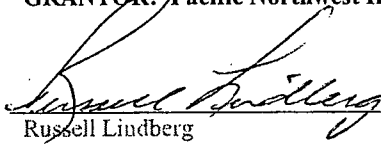
That for and in consideration of the total compensation to be paid by the City, the grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, an easement and right-of-way, including the right to enter upon the real property hereinafter 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.

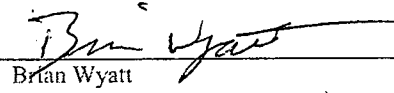
This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of: See attached Exhibit "A"
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: Pacific Northwest Investments, LLC

  
\_\_\_\_\_  
Russell Lindberg

  
\_\_\_\_\_  
Brian Wyatt

Manager

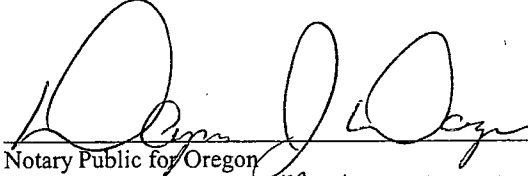
Manager

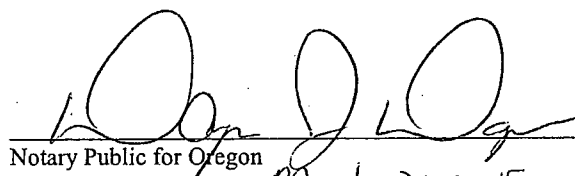
STATE OF OREGON  
County of Linn

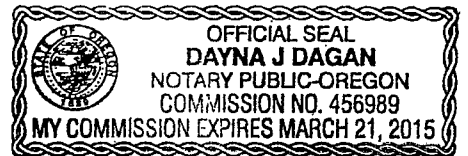
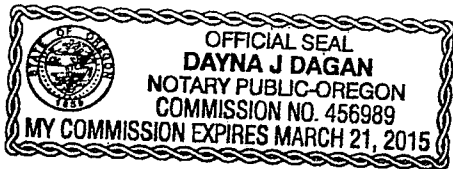
STATE OF OREGON  
County of Linn

The instrument was acknowledged before me this 1 day  
of Nov, 2013, by  
Russell Lindberg, as manager/member  
of Pacific NW Investments LLC

The instrument was acknowledged before me this 1 day  
of Nov, 2013, by  
Brian Wyatt, as manager/member  
of Pacific NW Investments LLC

  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: March 21, 2015

  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: March 21, 2015



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**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 0287, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 11<sup>th</sup> day of Dec 2013.

Wes Hare  
\_\_\_\_\_  
City Manager

ATTEST:

Mary A Dibble  
\_\_\_\_\_  
City Clerk

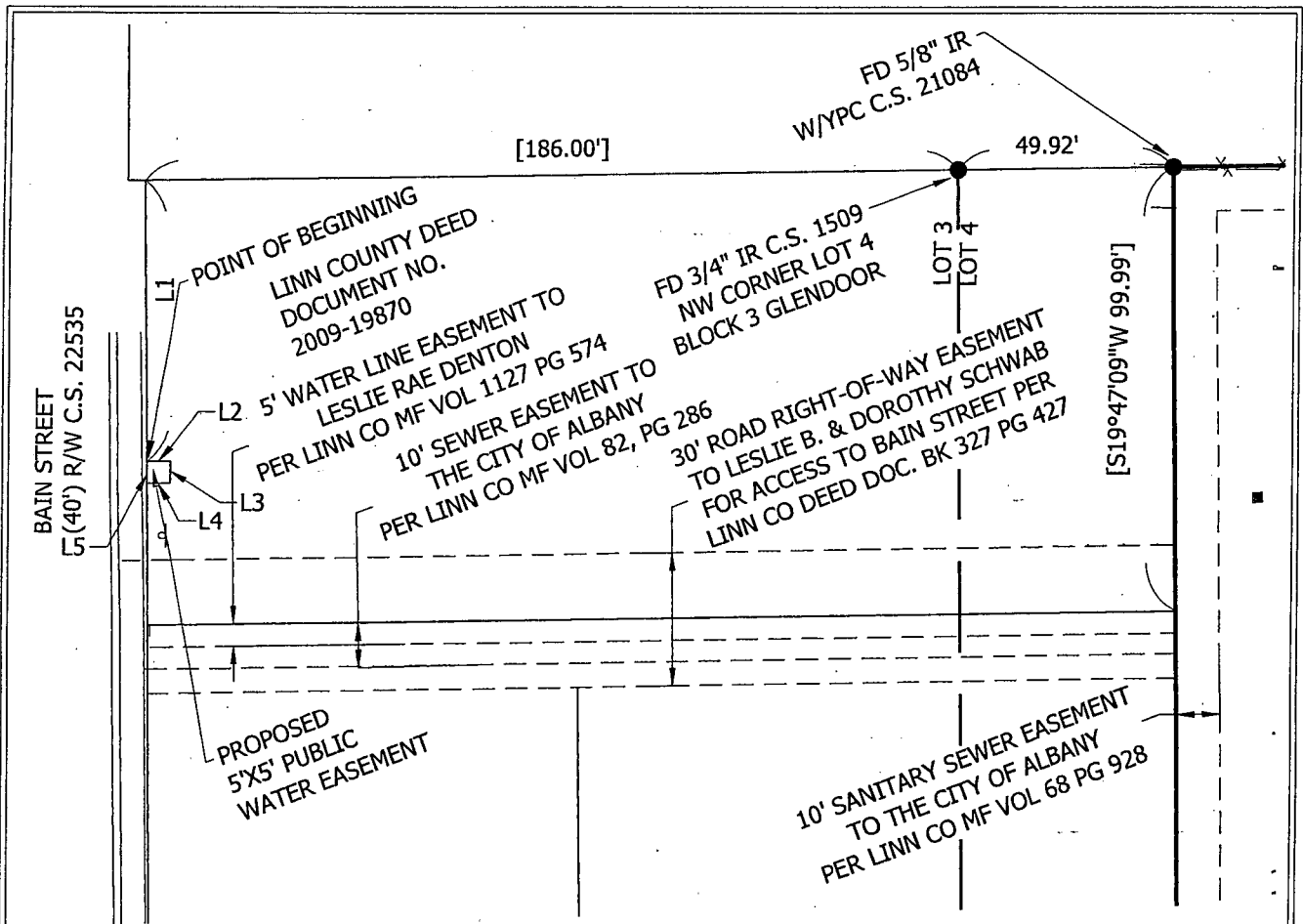


**EXHIBIT A**  
**Legal Description**

**PERMANENT UTILITY EASEMENT**

A permanent public utility easement across that property conveyed to Pacific Northwest Investments, LLC, described in County Deed Document No. 2009-19870, said easement being more particularly described as follows and as shown on the attached map labeled EXHIBIT "B".

An area of land in the Northwest 1/4 of Section 9, Township 11 South, Range 3 West Willamette Meridian, City of Albany, Linn County Oregon. Being more particularly described as follows; Beginning at a 3/4" iron rod marking the Northeast corner of lot 3, Block 3, Glendorr Addition in the Northwest 1/4 of Section 9, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence Westerly along the North line of said lot 3, 186.00 feet more or less to the East right-of-way of Bain Street; thence South 19°59'57" West 62.93 feet along said East right-of-way to the true point of beginning; thence leaving said East right-of-way South 70°00'03" East 5.00 feet; thence South 19°59'57" West 5.00 feet; thence North 70°00'03" West 5.00 feet more or less to said East right-of-way; thence along said East right-of-way North 19°59'57" East 5.00 feet to the true point of beginning.

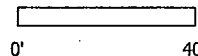


PUBLIC UTILITY EASEMENT TABLE

#	BEARING/DELTA	LENGTH
L1	[S19° 59' 57"W]	[62.93']
L2	[S70° 00' 03"E]	[5.00']
L3	[S19° 59' 57"W]	[5.00']
L4	[S70° 00' 03"E]	[5.00']
L5	[N19° 59' 57"E]	[5.00']



SCALE:



Date: 10-17-2013  
 Project: LSTC 13-093  
 Drawn by: A. Paul  
 Checked by: BSV

EXHIBIT "B" PUBLIC UTILITY EASEMENT  
 LES SCHWAB TIRE  
 CENTER  
 ALBANY, OREGON

UDELL ENGINEERING  
 AND  
 LAND SURVEYING, LLC  
 63 EAST ASH ST.  
 LEBANON, OREGON, 97355  
 541-451-5125



SHEET 1  
 of 1  
 SCALE: AS NOTED

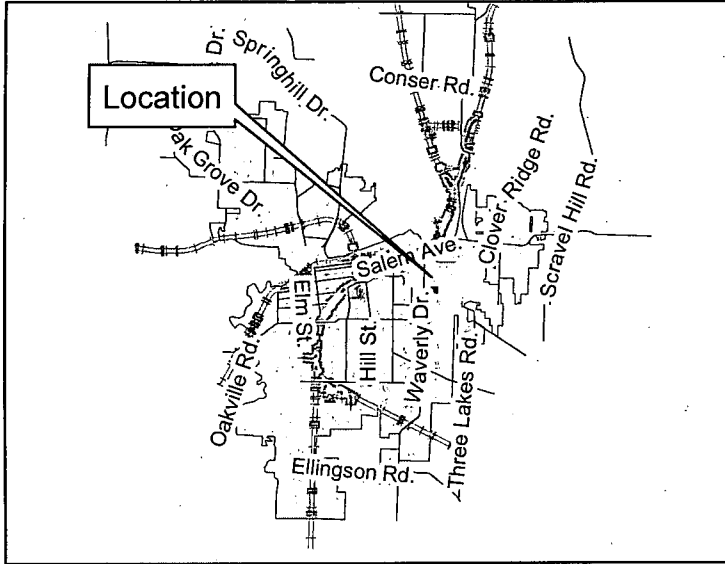
# EXHIBIT C

11S03W09BB01200

Easement for a new Bain Street  
fire hydrant for the Les Schwab  
Tires redevelopment project




Geographic Information Services




**LINN COUNTY**  
Recording Cover Sheet  
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2013-19763**  
E-UT  
Cnt=1 Stn=7 COUNTER **12/11/2013 03:31:10 PM**  
\$35.00 \$11.00 \$15.00 \$19.00 \$10.00 **\$90.00**



00216973201300197630070073

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:

Pacific Northwest Investments, LLC

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

City of Albany

3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

Pacific Northwest Investments, LLC

4. True and Actual Consideration (if there is one), ORS 93.030

\$1.00