

RESOLUTION NO. 6395

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Oregon Metallurgical, LLC

Purpose

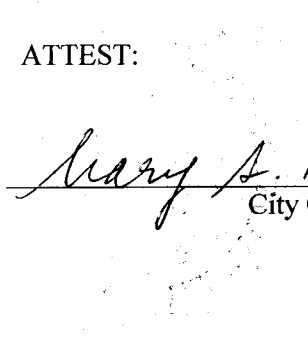
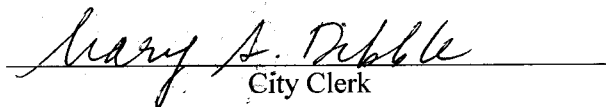
A variable width sewer easement on Tax Lot 11S-03W-19 00402, replacing a 20 foot wide sewer easement recorded in Linn County Deed Records 2008-12623.

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

DATED AND EFFECTIVE THIS 25<sup>th</sup> DAY OF February 2015.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

## SANITARY SEWER FORCE MAIN EASEMENT-CORRECTION EASEMENT

THIS AGREEMENT, made and entered into this 24<sup>TH</sup> day of MARCH, 2014, by and between Oregon Metallurgical LLC, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WHEREAS, on April 25, 2008, Grantor conveyed to City a Sanitary Sewer Force Main Easement across Grantor's property; and

WHEREAS, during the construction of the Sanitary Sewer Force Main, the parties have agreed that the easement location should be relocated to better serve the needs of the parties; and

WHEREAS, the parties desire, through this correction easement, to correct the legal description of the 2008 easement to conform to the revised location.

### 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:

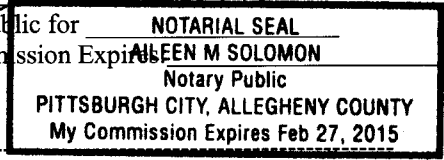
A 20-foot wide utility easement for the purpose of constructing a sewer force main and maintaining a sewer force main. See attached legal description labeled Exhibit A and map labeled Exhibit B.
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized 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 \$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.
7. This agreement supersedes and terminates the sanitary sewer force main easement across Grantors property dated April 25, 2008 with respect to the property described herein..

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

**GRANTOR: Oregon Metallurgical Corporation LLC**

~~Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
STATE OF \_\_\_\_\_  
County of \_\_\_\_\_  
The instrument was acknowledged before me this \_\_\_\_ day  
of \_\_\_\_\_, 2014, by \_\_\_\_\_, as \_\_\_\_\_,  
of \_\_\_\_\_.  
Notary Public for \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_~~

*Patrick J. DeCory*  
Name: \_\_\_\_\_  
President  
Title: \_\_\_\_\_  
STATE OF *Pennsylvania*  
County of *Allegheny*  
The instrument was acknowledged before me this *24th* day  
of *March*, 2014, by *Patrick J. DeCory*, as *President*,  
of *Oregon Metallurgical Corporation*  
*LLC*  
*Aileen M. Solomon*  
Notary Public for \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



**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 6395, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27 day of February 2014. 2015.

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

ATTEST:

*Mary A. Dibble*  
\_\_\_\_\_  
City Clerk



# EXHIBIT A

## Legal Description

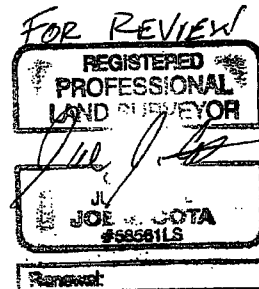
### City of Albany Sewer Force Main Easement

A portion of Tract 1 of that deed recorded in Volume 1135, Page 793 in the Linn County, Oregon Deed Records, said portion being in the Northwest 1/4 of Section 19, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon and is more particularly described as follows:

Beginning at a point at the intersection of the easterly line of the Southern Pacific Railroad right-of-way with the northerly line of the Bonneville Power Administration Easement (a 125.00 foot wide easement); thence South 02°11'16" West, along easterly line, 15.10 feet to a point that is 15.00 feet southerly when measured perpendicular to said north line of the Bonneville Power Administration Easement; thence South 81°22'30" East, parallel with said north line of the Bonneville Power Administration Easement, 995.84 feet to Station 31+74.14 (stationing based on the design plans completed by HBH Consulting Engineers dated April 4, 2013 for the City of Albany Oak Creek Lift Station Sewer Force Main Project); thence North 08°37'30" East 30.00 feet to a point that is 15.00 feet northerly when measured perpendicular to said north line of the Bonneville Power Administration Easement; thence South 81°22'30" East, parallel to said north line of the Bonneville Power Administration Easement, 333.36 feet to the east line of said Tract 1; thence North 02°11'16" West, along the east line of said Tract 1, a distance of 20.18 feet to a point that is 35.00 feet when measured perpendicular to said north line of the Bonneville Power Administration Easement; thence North 81°22'30" West, parallel to said north line of the Bonneville Power Administration Easement, 368.98 feet to Station 31+35.86 of said design plans; thence South 08°37'30" West 30.00 feet to a point that is 5.00 feet northerly when measured perpendicular to said north line of the Bonneville Power Administration Easement; thence North 81°22'30" West, parallel to said north line of the Bonneville Power Administration Easement, 959.81 feet to said easterly line of the Southern Pacific Railroad right-of-way; thence South 02°11'16" West 5.03 feet to the POINT OF BEGINNING.

The Bearings for the above described property are based on the north line of the Bonneville Power Administration Easement being South 81°22'30" East per said design plans completed by HBH Consulting Engineers dated April 4, 2013 for the City of Albany Oak Creek Lift Station Sewer Force Main Project

September 11, 2013  
CITY OF ALBANY  
SEWER FORCE MAIN EASEMENT  
(13-55) JJC:ls  
File Ref: Z:/Projects/2013/13-55/Legal Description.doc



**EXHIBIT MAP**  
**CITY OF ALBANY SEWER FORCE MAIN**  
 LOCATED OVER  
**TAX LOT 402 MAP 115-3W-19**  
**CITY OF ALBANY, LINN COUNTY, OREGON**

SEPTEMBER 11, 2013

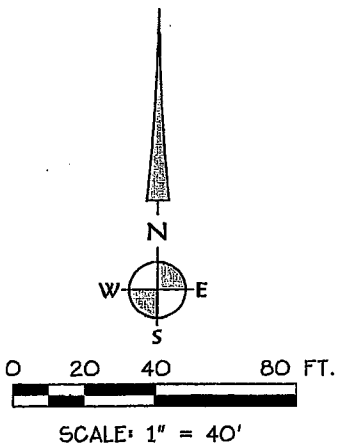
*FOR REVIEW!*

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

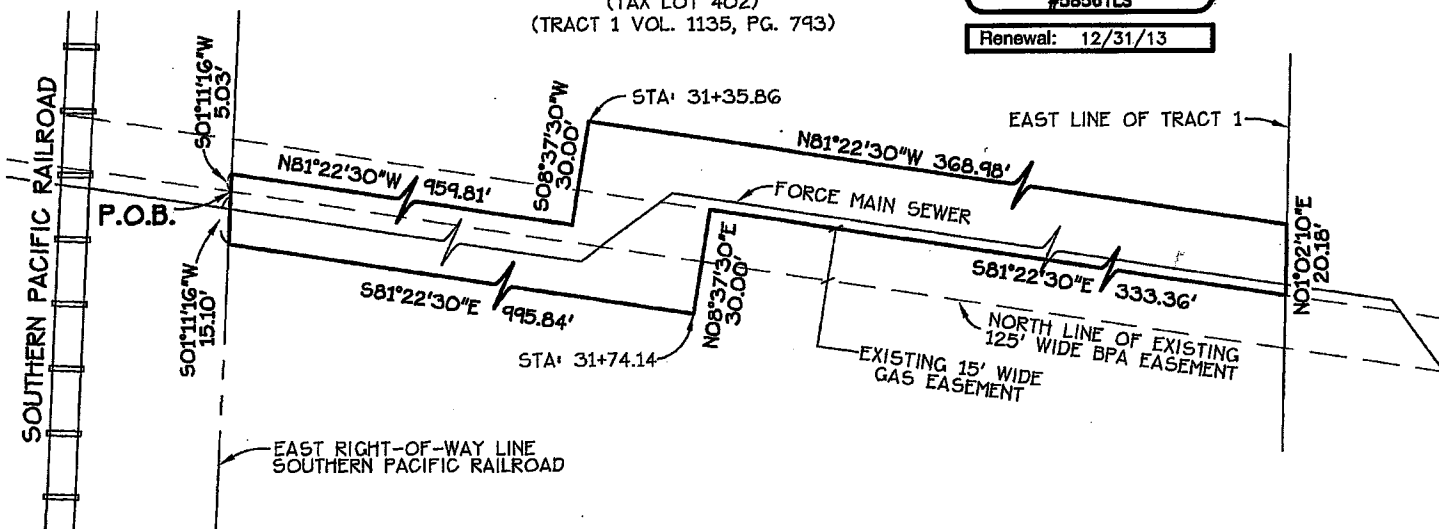
*Joe J. Gota*

OREGON  
 JULY 9, 2002  
**JOE J. GOTA**  
 #58561LS

Renewal: 12/31/13



OREMET  
 (TAX LOT 402)  
 (TRACT 1 VOL. 1135, PG. 793)



Date: 9/11/2013 Time: 15:53  
 Scale: 1=40  
 File: dwg\2013\13-55\1355\_exhbt.dwg (Brian)



**K & D ENGINEERING, Inc.**  
 278 N.W. Hickory Street P.O. Box 725  
 Albany, Oregon 97321  
 (541) 928-2583

EXHIBIT B

LINN COUNTY  
Recording Cover Sheet  
All Transactions, ORS: 205.234

LINN COUNTY, OREGON 2015-02583  
E-SEW  
Cnt=1 Str=44 COUNTER 03/02/2015 01:49:41 PM  
\$25.00 \$11.00 \$20.00 \$19.00 \$10.00 \$85.00



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:

Oregon Metallurgical, LLC

\_\_\_\_\_  
\_\_\_\_\_

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

Easement

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

Oregon Metallurgical, LLC

\_\_\_\_\_  
\_\_\_\_\_

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

5-10-15