

RESOLUTION NO. 5423

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor


Candice K. Koster

Purpose

A 15-foot wide storm drainage easement to convey storm drainage from 39th Avenue to Oak Creek.

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

DATED AND EFFECTIVE THIS 25TH DAY OF APRIL 2007.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 5 day of April, 2007, by and between Candice K. Koster, 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 15-foot wide storm drainage easement to convey storm drainage from 39th Avenue to Oak Creek. As described in attached Exhibit A and as shown on the attached 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.

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

GRANTOR:

Candice K. Koster
Candice K. Koster

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

The foregoing instrument was acknowledged before me this 5th day of April, 2007, by **Candice K. Koster** as her voluntary act and deed.



Kevin L. Hamilton
Notary Public for Oregon
My Commission Expires: 10/07/2007

CITY OF ALBANY:

STATE OF OREGON)
County of Linn) ss.
City of Albany
Diane Langquell Pro Tem

I, ~~Wes Hare~~ as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 5423, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26 day of April 2007.

Diane Langquell for
City Manager Pro Tem Wes Hare

ATTEST:

Betty Langquell
City Clerk

EXHIBIT A

PERMANENT UTILITY EASEMENT

A 15 foot wide permanent public utility easement across that property conveyed to Candice K. Koster, described in Volume 1178, Page 317, Linn County Microfilm Deed Records, the centerline of said easement being more particularly described as follows and as shown on the attached map labeled "EXHIBIT B".

Beginning at the most Eastern property corner of the aforementioned Koster property, said point also lying on the Southwest right-of-way line of 39th Avenue SE, Albany, Linn County, Oregon in Section 24, Tier 11 South, Range 4 West, Willamette Meridian; thence Northwest along the right-of-way line of 39th Avenue 37.75 feet along the arc of an 80 foot radius circle to the right, the chord of which bears North 38°51' West 37.4 feet; thence continuing along the right-of-way line of 39th Avenue North 25° 20' West 60 feet to the **True Point of Beginning**, thence South 22° 30' West 80 feet; thence South 54° West 77 feet to the Southwest property line of the aforementioned Koster property. As shown on the attached map labeled Exhibit B.

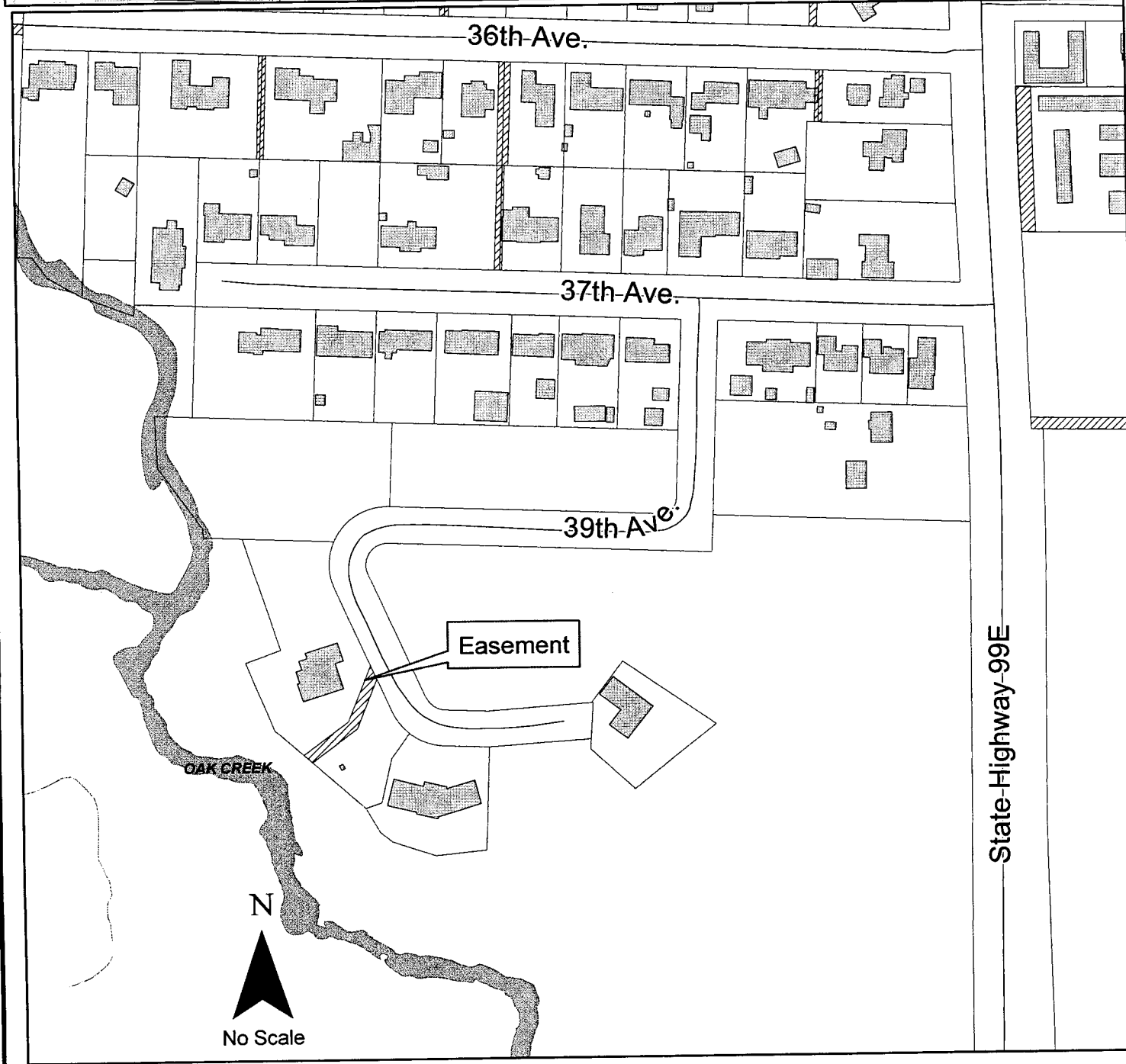
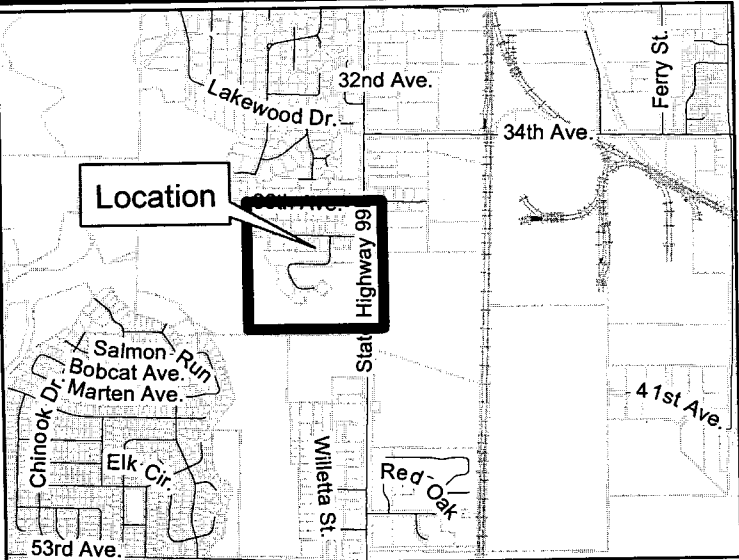
EXHIBIT B

11SO4W24 00206

A 15-foot wide storm drainage easement to convey storm drainage from 39th Ave. to Oak Creek.



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2007-13425**
E-UT
Cnt=1 Stn=1 COUNTER **06/01/2007 02:31:05 PM**
\$25.00 \$11.00 \$10.00 **\$46.00**



00051554200700134250050057

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 Assessment Clerk _____

PO Box 490 _____

Albany, OR 97321 _____

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

Candice K. Koster _____

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. 5423

Recorded Document Recorder File No. 4904