

RESOLUTION NO. 5758

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor


Albany Medical Solutions, LLC

Purpose

A 12-foot wide easement for underground fiber optic lines as part of the sale of the library property.

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

DATED AND EFFECTIVE THIS 25TH DAY OF MARCH 2009.

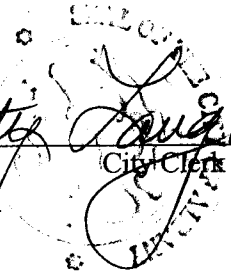


Mayor
Council President

ATTEST:



City Clerk



EASEMENT FOR UNDERGROUND FIBER OPTIC LINES

THIS AGREEMENT, made and entered into this 3 day of 3-31 (March), 2009, by and between the Albany Medical Solutions, 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 underground fiber optic utilities for the purpose of conveying utility services 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 fiber optic 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 12-foot wide easement for underground fiber optic lines as part of the sale of the library property. 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:

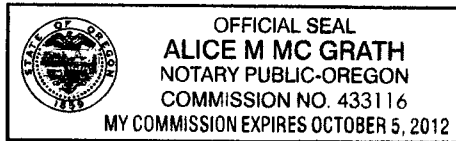
Albany Medical Solutions, LLC



R. John Young, Albany Medical Solutions, LLC

STATE OF Oregon
County of multnomah ss.
City of Salem

The instrument was acknowledged before me this 3rd day
of MARCH 2009, by R. John Young as
representative of Albany Medical Solutions, LLC.



Alice M Mc Grath
Notary Public for Oregon
My Commission Expires: October 5, 2012

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 5758 do
hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 30
day of March, 2009.

Wes Hare

City Manager

ATTEST:
Debbie Ferguson

City Clerk

Exhibit A

Legal Description

Beginning at a point at the southwest corner of that property described in Linn County, Oregon microfilm deed records 2009-02664, said point lying on the north right-of-way line of 14th Avenue; thence north 175.0 feet along the west property line of the aforementioned property to the northwest corner of the aforementioned property; thence east 388.0 feet along the north property lines of the aforementioned property to the west right-of-way line of Waverly Drive; thence south 77.0 feet along the west right-of-way line of Waverly Drive; thence west 12.0 feet, parallel with the north property line of the aforementioned property; thence north 50.0 feet parallel with the west right-of-way line of Waverly Drive; thence northwest 21.2 feet to a point 27 feet west and 12 feet south of the northeast corner of the aforementioned property; thence west 349.0 feet on a line parallel with and 12 feet south of the north property line of the aforementioned property to a point 12 feet east of the west property line of the aforementioned property; thence south 163.0 feet to the north right-of-way line of 14th Avenue, along a line 12 feet east of and parallel to the west property line of the aforementioned property; thence west 12.0 feet, along the north right-of-way line of 14th Avenue to the point of beginning. As shown on the attached map labeled Exhibit B.

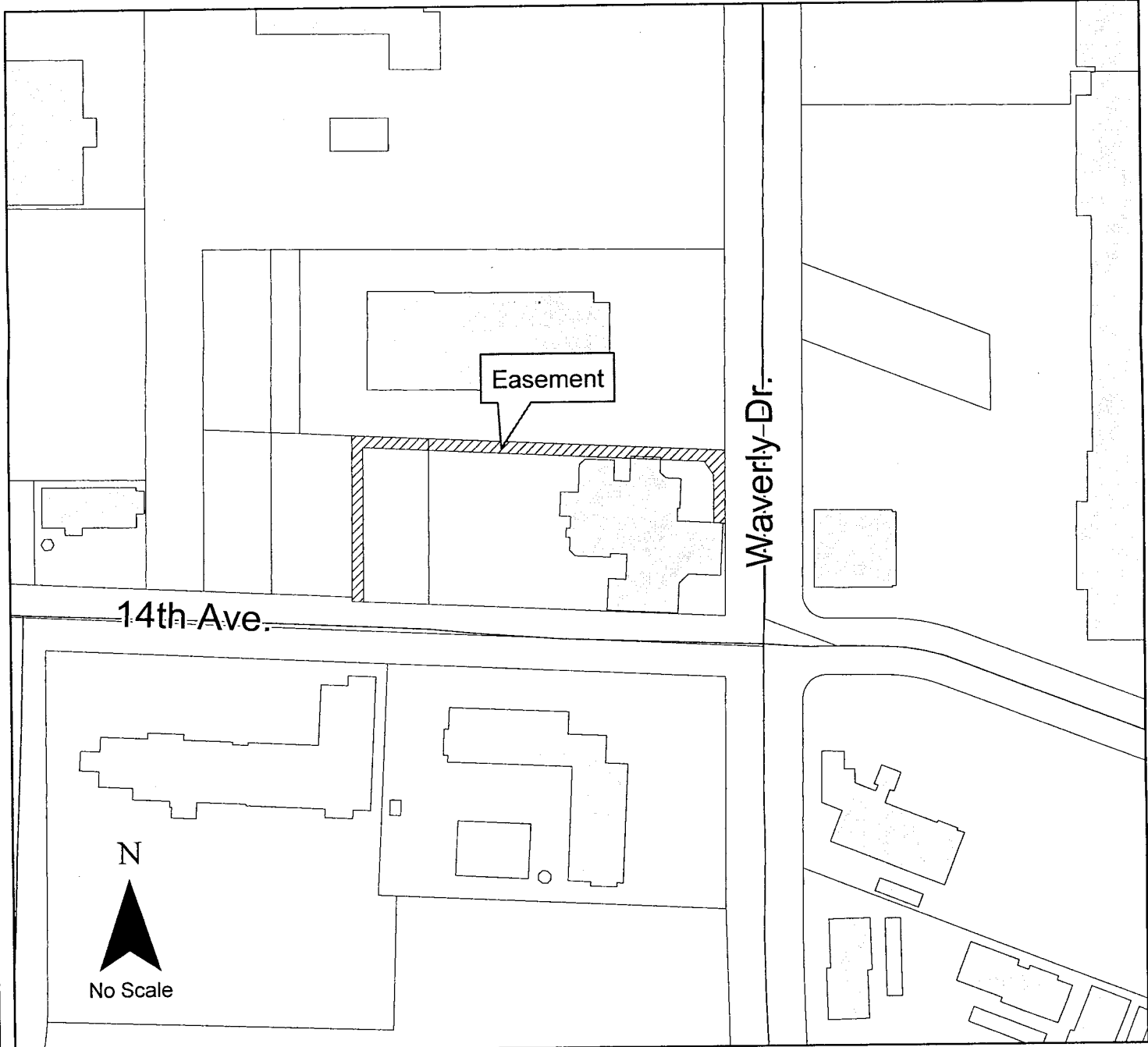
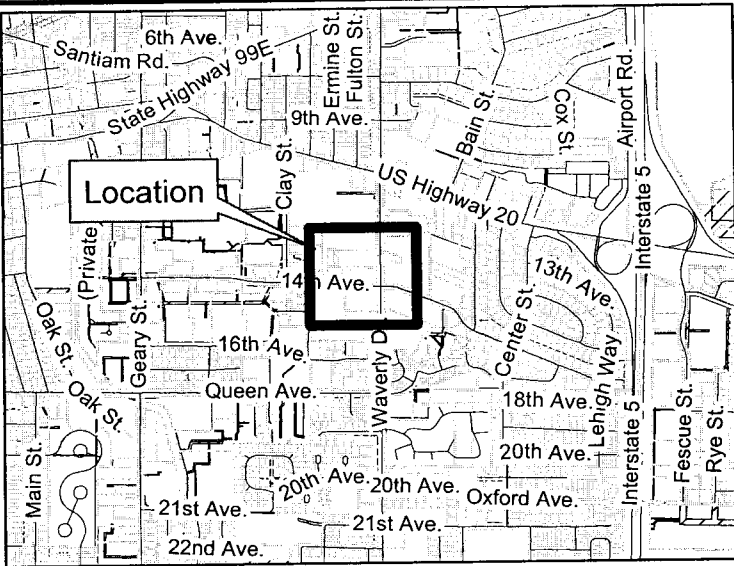
EXHIBIT B

11SO3W08AC00103 and
11SO3W08AC00106

An easement on
14th Avenue Library
site for fiber optic services.



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2009-05809**
E-UNDER
Cnt=1 Stn=1 COUNTER **03/31/2009 02:50:40 PM**
\$25.00 \$11.00 \$10.00 **\$46.00**



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:

NA

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

EASEMENT FOR UNDERGROUND FIBER OPTIC LINES

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

Albany Medical Solutions, 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

Resolution No. 5758

Recorded Document Recorder File No. 5308