

RESOLUTION NO. 5774

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantors

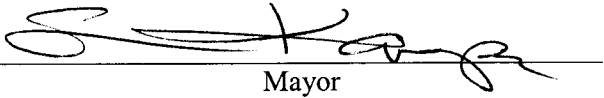
KELLER DEVELOPMENT COMPANY, INC.

Purpose

A temporary access easement over properties that will be platted as the proposed Clairewood Subdivision.

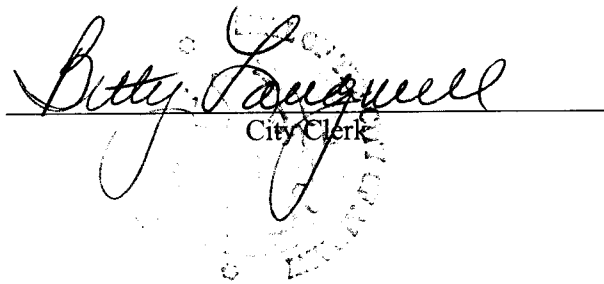
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 13TH DAY OF MAY 2009.



Mayor

ATTEST:



City Clerk

TEMPORARY ACCESS EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 4 day of MAY, 2009, by and between Keller Development Company, Inc., 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 temporary access easement over the following parcels in their entirety:

That parcel conveyed to Keller Development Company, by deed recorded in the Benton County Deed Records M403356-06, shown on Benton County Assessor's Map 10S04W35AB, Tax Lot 00201, and as shown on the attached Exhibit A;

Those parcels conveyed to Keller Development Company, by deed recorded in the Benton County Deed Records M421128-07, shown on Benton County Assessor's Map 10S04W35AB, Tax Lots 00500 and 00600, and as shown on the attached Exhibit A.

2. The temporary access easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes. This temporary access easement shall expire upon the filing of the final plat of the Clairewood Subdivision.
(Plat recorded on October 03, 2011)
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.

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

GRANTOR: Keller Development Company, Inc.

Rodney J Keller
Rodney J Keller
Rodney J Keller
President

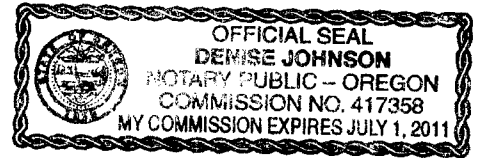
Barbara S Keller
Barbara S. Keller
Barbara S Keller, Secretary
Secretary

STATE OF OREGON
County of Linn

STATE OF OREGON
County of Linn

The instrument was acknowledged before me this 4 day of May, 2009, by Rodney J, Keller, as President of Keller Development Company, Inc.

The instrument was acknowledged before me this 4 day of May, 2009, by Barbara S. Keller, as Secretary of Keller Development Company, Inc.



[Signature]
Notary Public for Oregon
My Commission Expires: July 1, 2011

[Signature]
Notary Public for Oregon
My Commission Expires: July 1, 2011

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

City Manager

ATTEST:

City Clerk

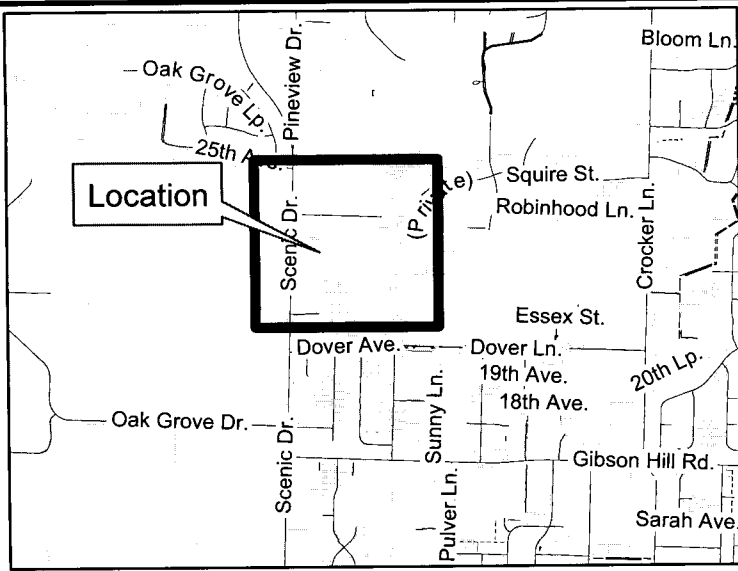


EXHIBIT A

10SO4W35AB00201
 10SO4W35AB00500
 10SO4W35AB00600

A temporary access easement over the described parcels.



Geographic Information Services

