

RESOLUTION NO. 6033

A RESOLUTION ACCEPTING THE FOLLOWING UTILITY AND ACCESS EASEMENT:

Grantor

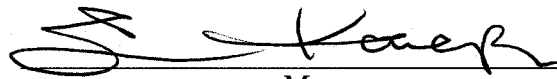
Ronald and Lynda Chadwick

Purpose

A 20 foot wide utility and access easement for the
Broadway Reservoir Transmission Main Project.

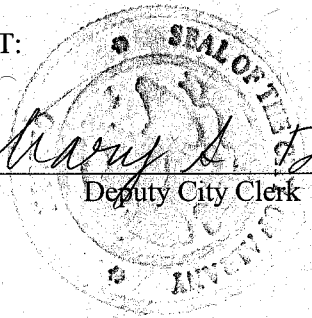

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this utility and access easement.

DATED AND EFFECTIVE THIS 13TH DAY OF JULY 2011.



Mayor

ATTEST:

Deputy City Clerk

EASEMENT FOR PUBLIC UTILITIES AND ACCESS

THIS AGREEMENT, made and entered into this 1 day of June, 2011, by and between Ronald and Lynda Chadwick, 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 water 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 legal description on attached Exhibit A and maps on attached Exhibits B and C.
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 \$1,600.00, 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.

GRANTORS:

Ronald L Chadwick
Ronald Chadwick

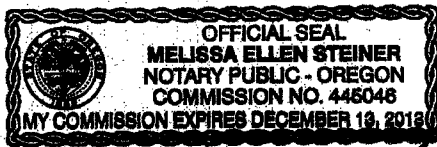
Lynda Chadwick
Lynda Chadwick

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

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

The foregoing instrument was acknowledged before me this 1 day of June, 2011, by Ronald Chadwick as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 1 day of June, 2011, by Lynda Chadwick as her voluntary act and deed.



Melissa Ellen Steiner
Notary Public for Oregon
My Commission Expires: 12-13-2013

Melissa Ellen Steiner
Notary Public for Oregon
My Commission Expires: 12-13-2013

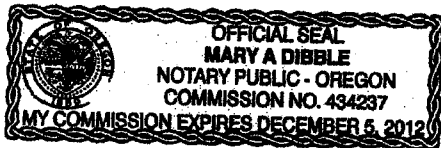
CITY OF ALBANY:

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 6033 15th mp, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 15th day of July 2011.

Wes Hare
City Manager

ATTEST:



Mary A. Dibble
Deputy City Clerk

EXHIBIT "A"

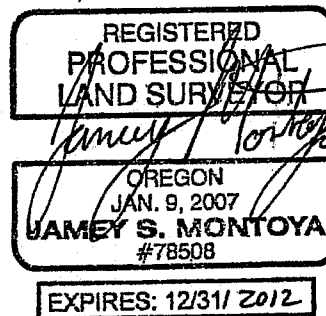
(Chadwick Easement Description)

An easement over a strip of land 20 feet wide, said strip being a portion of that property conveyed to Ronald and Lynda Chadwick by deed recorded as Document Number 2010-10933, Linn County Deed Records, the centerline of said strip being centered over a waterline pipe and being more particularly described as follows:

Beginning at a point on the north boundary line of said Chadwick property that bears North 88°35'28" East 20.70 feet from the northwest corner thereof; thence South 10°23'56" West, on the centerline of said waterline pipe, a distance of 138.90 feet to a point on the west boundary line of said Chadwick property that bears South 01°50'28" East from the northwest corner thereof. The sidelines of this easement shall be shortened or lengthened to terminate at the north and west boundary lines of said Chadwick property as shown on the Exhibit Map, attached hereto and made a part of.

The bearings used in this description were based upon found monuments shown on the attached Exhibit Map.

END OF DESCRIPTION

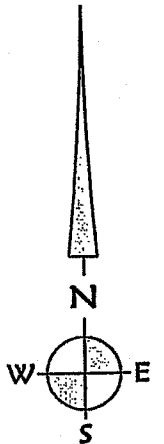
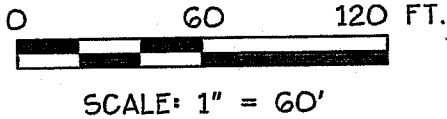


May 18, 2011
EXHIBIT "A"
CHADWICK EASEMENT DESCRIPTION
(10-106) JSM:ls
File: Titan/Projects/2010/10-106/Surveying/Documents/Chadwickease.doc

EXHIBIT "B" EASEMENT

LOCATED IN
NE 1/4 SEC. 12, T. 11 S., R. 4 W., W.M.
CITY OF ALBANY, LINN COUNTY, OREGON
MAY 16, 2011

FOUND 3/4" IRON
PIPE PER C.S. 13483.



FOUND 1/2" IRON ROD
PER C.S. 13483.

N 88°35'28" E 20.70'

CITY OF ALBANY TRACT

POINT OF
BEGINNING

FOUND 1/2" IRON ROD
PER C.S. 13483.

20' WATERLINE EASEMENT

CHADWICK TRACT
(D.N. 2010-10933)

N 01°50'28" E 136.18'

S 10°23'56" W 138.90'

SOUTH BANK CALAPOOIA RIVER

CITY OF ALBANY TRACT

NOTE:

THE WEST AND NORTH
BOUNDARY LINES OF THE
SUBJECT PARCEL WERE
COMPUTED USING THE FOUND
MONUMENTS SHOWN ABOVE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JAN. 9, 2007
JAMEY S. MONTOYA
#78508

EXPIRES: 12/31/2012

Date: 5/18/2011

Time: 8:35

Scale: 1=60

File: dwg\2010\10-106\easex.dwg (Jamey M)



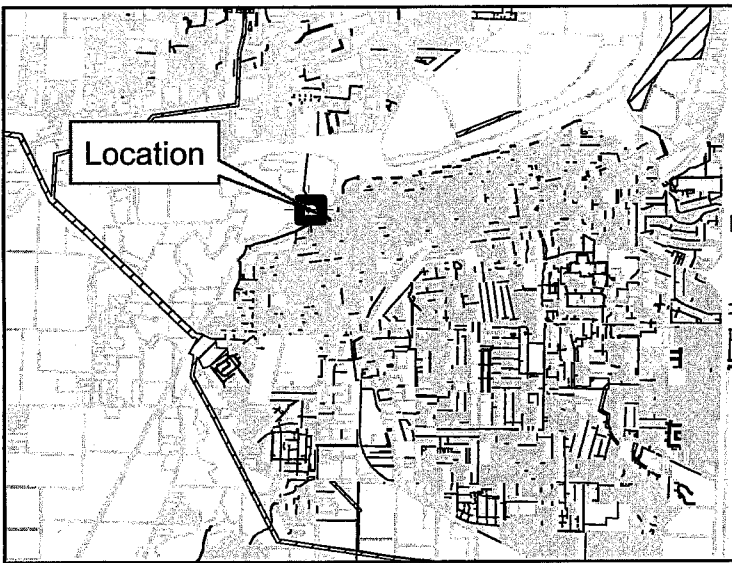
K & D ENGINEERING, Inc.

276 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583

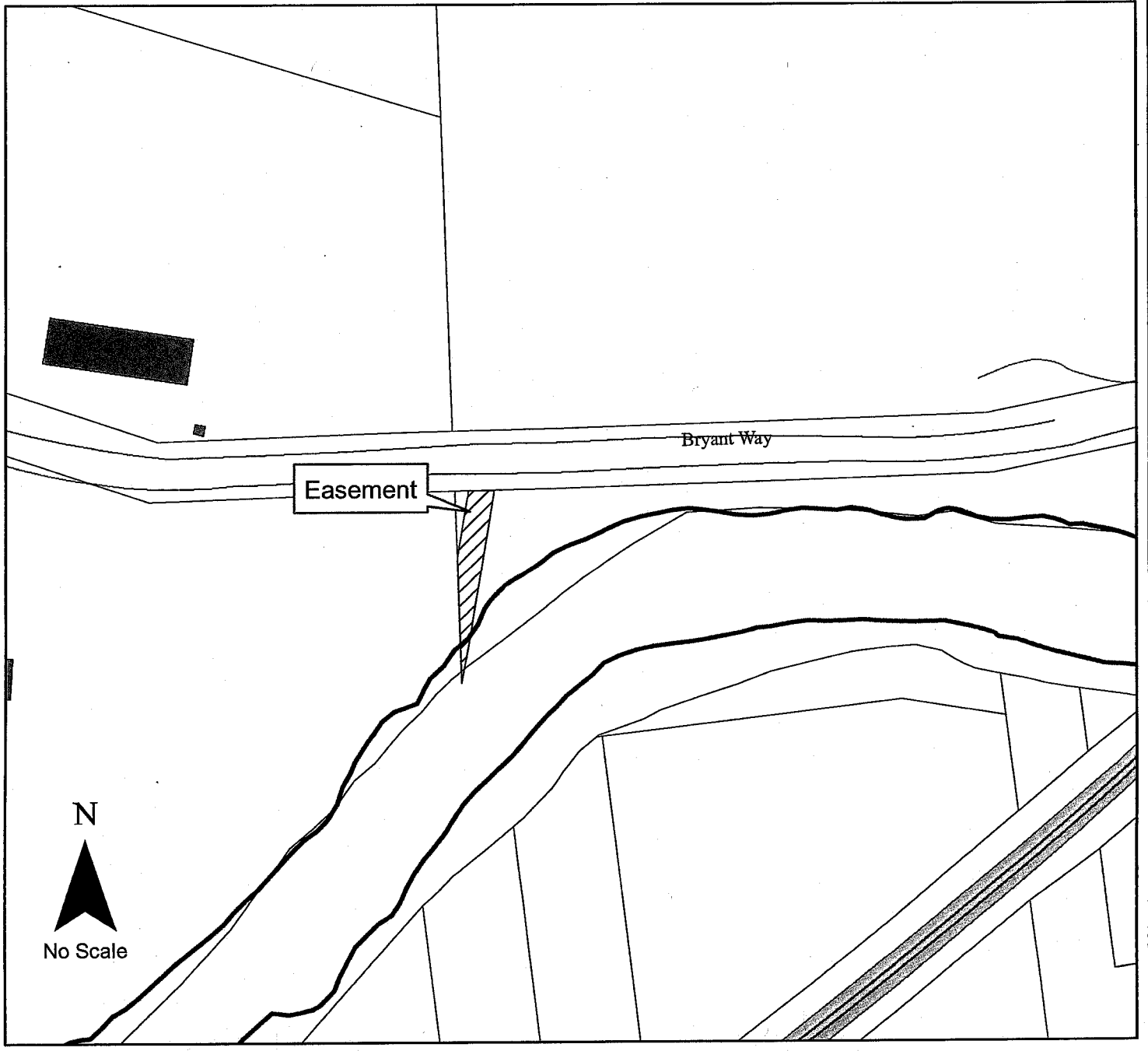
EXHIBIT C

11SO4W12 00601

The described easement is a 20-foot wide water line easement.



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

After Recording Return To:

City of Albany City Clerk

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Grantor – Ronald & Lynda Chadwick

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

Utility and Access Easement

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

Ronald & Lynda Chadwick


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


\$1600.00

LINN COUNTY, OREGON **2011-10101**
E-UT
Cnt=2 Stn=7 COUNTER **07/21/2011 02:50:10 PM**
\$30.00 \$5.00 \$11.00 \$15.00 \$9.00 **\$80.00**



00161168201100101010060063

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

Res. No. 6033