

RESOLUTION NO. 6522

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

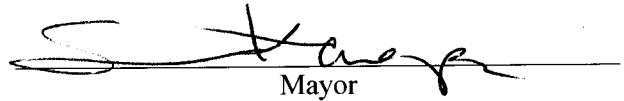
Larry J & Viola M Johnston

Purpose

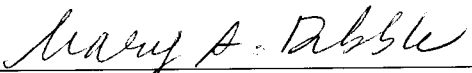
A 5-foot wide sanitary sewer easement as part of  
the SS-15-02 2015 Pipe Bursting Projects.  
11S03W07DD 06600

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

DATED AND EFFECTIVE THIS 13TH DAY OF JULY 2016.

  
Mayor

ATTEST:

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

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 4<sup>th</sup> day of June, 2016, by and between Larry J & Viola M Johnston, 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, 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 easement hereby granted consists of:  
  
A 5-foot wide utility easement for City of Albany utilities as part of SS-16-01 2016 Pipe Bursting Projects. See legal description on attached Exhibit A and easement 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 \$1.00, 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:**

**Larry J & Viola M Johnston**

*Larry J Johnston*  
**Larry J Johnston**

*Viola M Johnston*  
**Viola M Johnston**

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

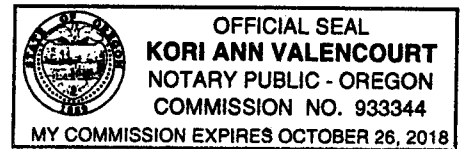
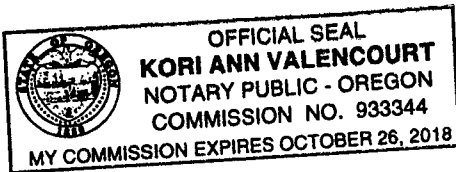
STATE OF Oregon )  
County of Linn ) ss.  
City of Albany )

The foregoing instrument was acknowledged before me this 4th day of June, 2016, by Larry J Johnston as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 4th day of June, 2016, by Viola M Johnston as her voluntary act and deed.

*Kori Ann Valencourt*  
Notary Public for Oregon  
My Commission Expires: October 26, 2018

*Kori Ann Valencourt*  
Notary Public for Oregon  
My Commission Expires: October 26, 2018



**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 \_\_\_\_\_ 2016.

\_\_\_\_\_  
City Manager

ATTEST:

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

Exhibit "A"

Legal Description

5.00' wide City of Albany Sanitary Sewer Easement  
over  
Tax Lot 6600 of Assessor Map 11S-3W-7DD

The most easterly 5.00 feet of Lot 1, Block 1 of "Supplemental Plat of Block 19 & 20 of Hollywood Acres", a subdivision recorded in Linn County, Oregon, TOGETHERWITH the most easterly 5.00 feet of the northerly 28.42 feet of Lot 2, Block 1 of said "Supplemental Plat of Block 19 & 20 of Hollywood Acres".

May 11, 2016  
COA SANITARY SEWER EASEMENT  
OVER TAX LOT 6600 – MAP 11S-3W-7DD  
(16-75) JJC:ls  
File Ref: z:/projects/2016/16-75/surveying/documents/legal 2.doc

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 9, 2002  
JOE J. COTA  
58561

RENEWS: 12/31/17

# EXHIBIT "B"

CITY OF ALBANY  
SANITARY SEWER EASEMENT

LOCATED AT

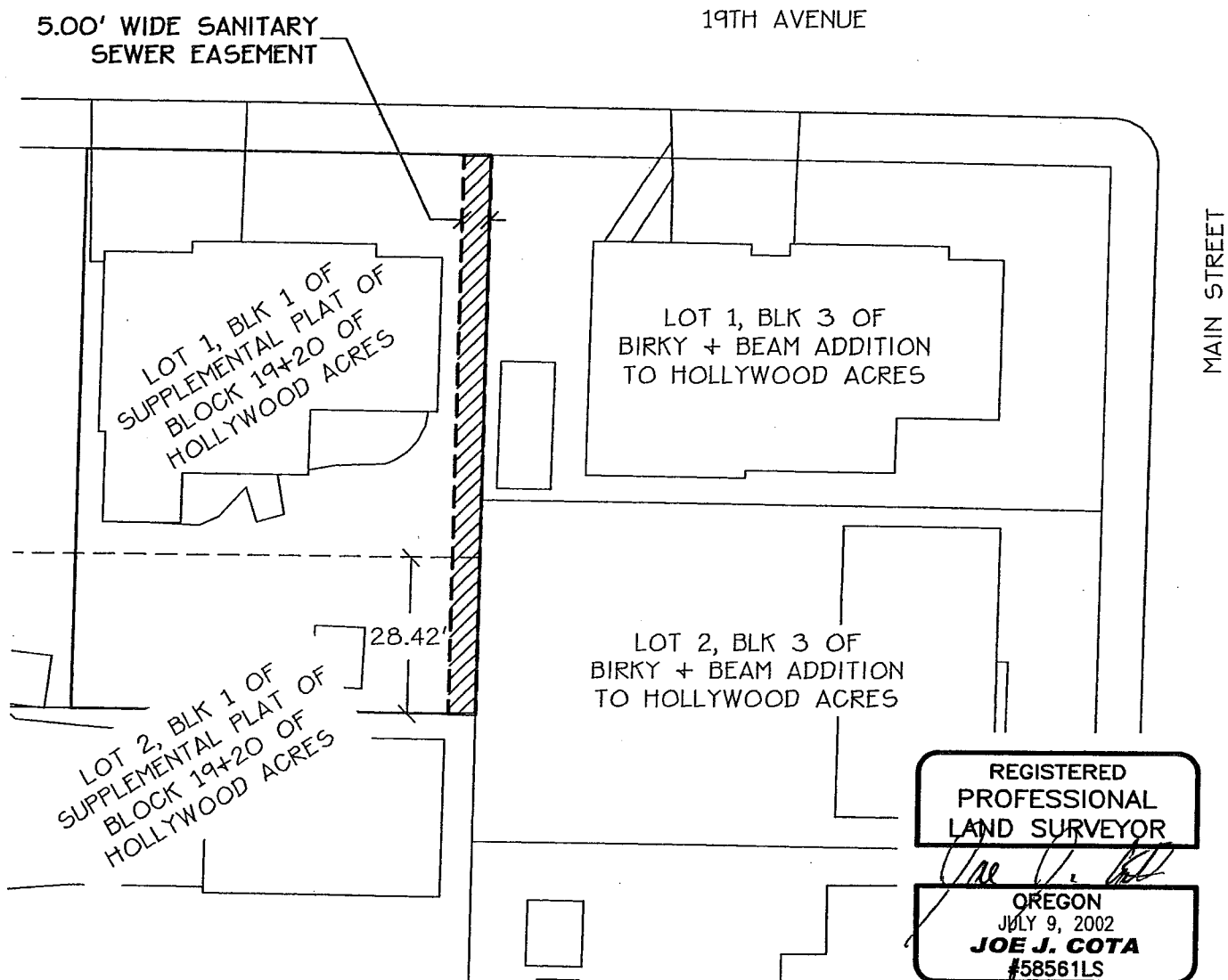
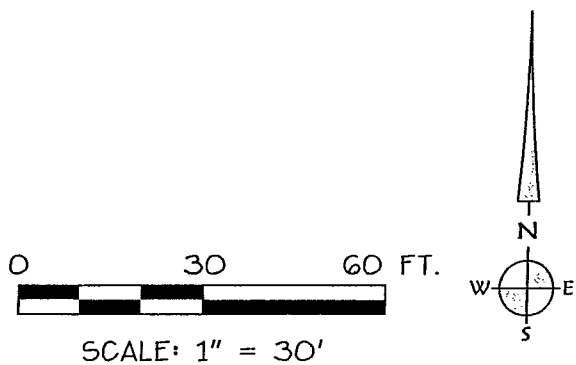
1070 19th AVENUE SE  
ALBANY, OR 97322

TAX LOT 06600 MAP 115-3W-07DD

IN THE

SE 1/4 SEC. 7, T. 11 S., R. 3 W., W.M.  
CITY OF ALBANY, LINN COUNTY, OREGON

MAY 6, 2016



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Joe J. Cota*  
OREGON  
JULY 9, 2002  
**JOE J. COTA**  
#58561LS

Renewal: 12/31/17

THIS EXHIBIT BASED ON C.S. 5230, C.S. 3769  
SUPPLEMENTAL PLAT TO BLOCKS 19 + 20 OF  
HOLLYWOOD ACRES, AND CITY OF ALBANY GIS DATA.

Date: 5/11/2016 Time: 8:29  
Scale: 1=1(P5)  
File: dwg\2016\16-75\16-75-EX.dwg (George)

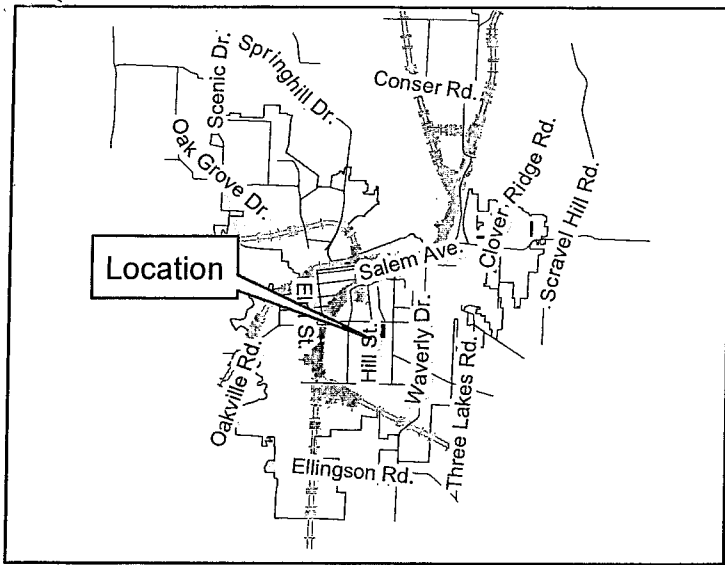


**K & D ENGINEERING, Inc.**  
276 N.W. Hickory Street P.O. Box 725  
Albany, Oregon 97321  
(541) 928-2583

# EXHIBIT C

11S03W07DD-06600

A 5 foot wide Sewer Easement,  
as part of SS-16-01  
2016 Sewer Pipe Bursting Project



Geographic Information Services

