

RESOLUTION NO. 6639

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Delbert Mack Walls and Elizabeth M. Walls

Purpose

A 15 foot by 60 foot easement for public sanitary sewer as part of SS-17-10, 2017 Sewer Main Point Repairs.

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


BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 11TH DAY OF OCTOBER 2017.



Mayor

ATTEST:



City Clerk

EASEMENT FOR PUBLIC SEWER

THIS AGREEMENT, made and entered into this 11 day of Sept, 2017, by and between Delbert Mack Walls & Elizabeth M. Walls, 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 sewer utilities for the purpose of conveying public sewer 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 sewer and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public sewer.

This agreement is subject to the following terms and conditions:

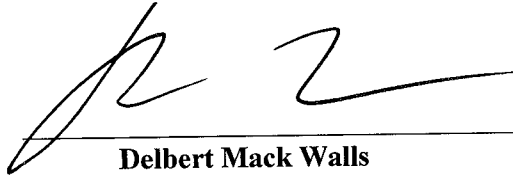
1. The easement hereby granted consists of:

A 15-foot wide sanitary sewer easement as part of the SS-17-10, 2017 Sewer Main Point Repairs. 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:

Delbert Mack & Elizabeth M. Walls



Delbert Mack Walls



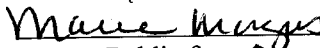
Elizabeth M. Walls

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 September, 2017, by Delbert Mack Walls as his voluntary act and deed.

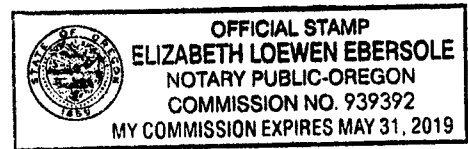
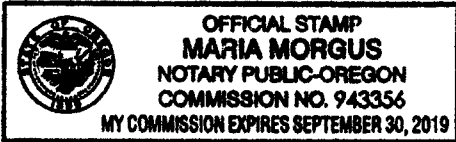
The foregoing instrument was acknowledged before me this 8th day of September, 2017, by Elizabeth M. Walls as her voluntary act and deed.



Notary Public for Oregon
My Commission Expires: September 30, 2019



Notary Public for Oregon
My Commission Expires: May 31, 2019



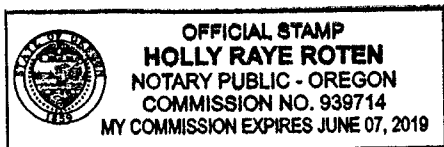
CITY OF ALBANY:

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

PETER TROEDSSON
I, ~~Wes Hare~~ as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 6639, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12th day of October 2017.



City Manager



ATTEST:



City Clerk **Administrative Assistant I**

Exhibit A

Legal Description for a sanitary sewer easement over the Delbert and Elizabeth Walls property at 540 7th Avenue SW

A 15.00-foot wide sewer easement lying over a portion of Linn County Assessors tax lot 11S04W12-AD-00800, in the NE 1/4 of Section 12, T11 South, R4 West, Willamette Meridian, City of Albany, Linn County, Oregon, more particularly described as follows;

The southern 15 feet, of the northern 120 feet, of the western 60 feet, of Block 55 of the City of Albany. The easement is as shown on the attached maps labeled Exhibits B and C, attached hereto and incorporated herein by this reference.

Exhibit B - Easement Map



0 25 50 100 Feet

1 inch = 60 feet

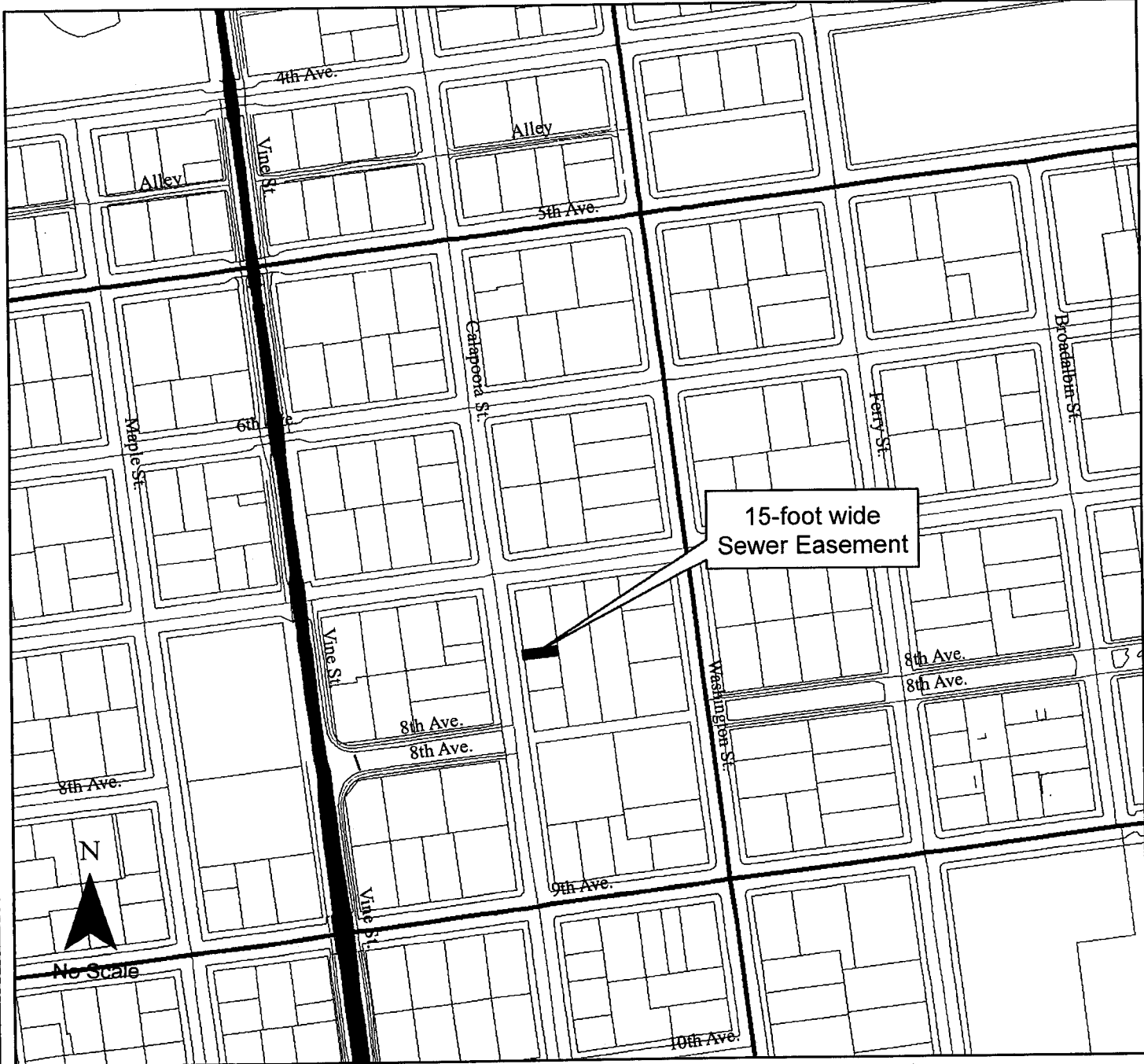
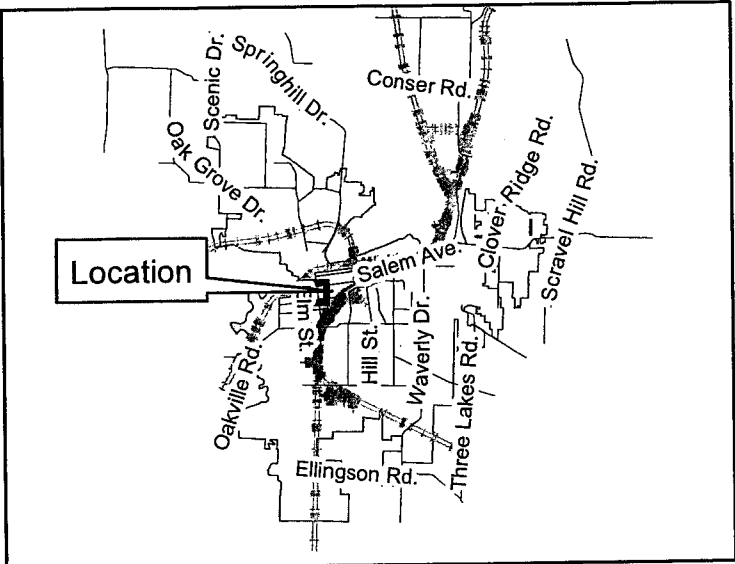
EXHIBIT C

11S04W12AD-00800

A 15 foot x 60 foot sewer easement,
as part of SS-17-10,
2017 Sewer Main Point Repairs



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2017-18793**
E-SEW
Cnt=1 Stn=44 COUNTER **10/16/2017 02:43:12 PM**
\$30.00 \$11.00 \$20.00 \$19.00 \$10.00 **\$90.00**



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:

City of Albany

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

Easement for Public Sewer

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

Delbert Mack Walls and Elizabeth M. Walls

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