



RESOLUTION NO. 7293

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantors

David A. Neighbor
Sherri Neighbor

Purpose

Public Sanitary Sewer Easement as part of SI-23-16,
Douglas Street Sewer Extension

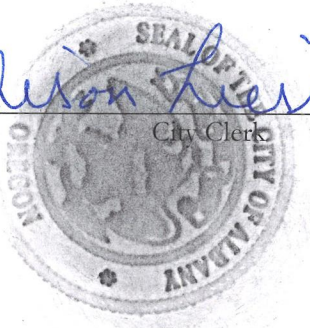
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 10TH DAY OF JANUARY 2024.

Mayor

ATTEST:

City Clerk



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 10th day of January, 2024 by and between David A. Neighbor and Sherri Neighbor, 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:

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 \$1.00, 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:

David A. Neighbor

David A. Neighbor



STATE OF OREGON
County of Linn

The foregoing instrument was acknowledged before me this 11th day of December 2023
by David A. Neighbor as his/her voluntary act and deed.

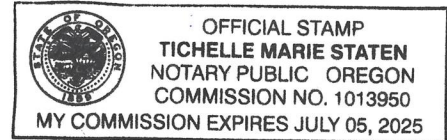
Tichelle Stater

Notary Public – State of Oregon

GRANTOR:

Sherri Neighbor

Sherri Neighbor



STATE OF OREGON
County of Linn

The foregoing instrument was acknowledged before me this 11th day of December 2023
by Sherri Neighbor as his/her voluntary act and deed.

Tichelle Stater

Notary Public – State of Oregon

CITY OF ALBANY:

STATE OF OREGON
County of Linn

I, Peter Troedsson, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 7295 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 11th day of January 2024.

Peter Troedsson

City Manager

ATTEST:

Allison Luise

City Clerk

EXHIBIT "A"

Legal Description

Variable width City of Albany Sanitary Sewer Easement

Located over

Tax Lot 300 of Assessor Map 11S03W04DD

A variable width strip of land for easement purposes located over a portion of Parcel II of the Parcels conveyed to David A. Neighbor and Sherri Neighbor, as tenants by the entirety by Statutory Warranty Deed recorded as Document Number 2016-05137 in the Linn County Deed Records on April 1, 2016 (hereinafter referred to as the "Neighbor Tract") said strip of land being more particularly described as follows:

Beginning at a point on the north line of said Parcel II that is North 89°50'13" East 5.78 feet from a 5/8 inch rod at the northwest corner of said Parcel II; thence along the boundary lines of said Parcel II the following three (3) courses: 1) North 89°50'13" East 14.21 feet; 2) thence South 00°09'31" East 90.00 feet; 3) thence South 89°59'29" East 6.02 feet; thence South 00°18'34" East 41.65 feet; thence South 89°41'26" West 20.00 feet; thence North 00°18'31" West 131.72 feet to the Point of Beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 2002
JOE J. COTA
58561

RENEWS: 12-31-2023

DOGWOOD AVE. SE
R-O-W 60.00'

EXHIBIT "B"

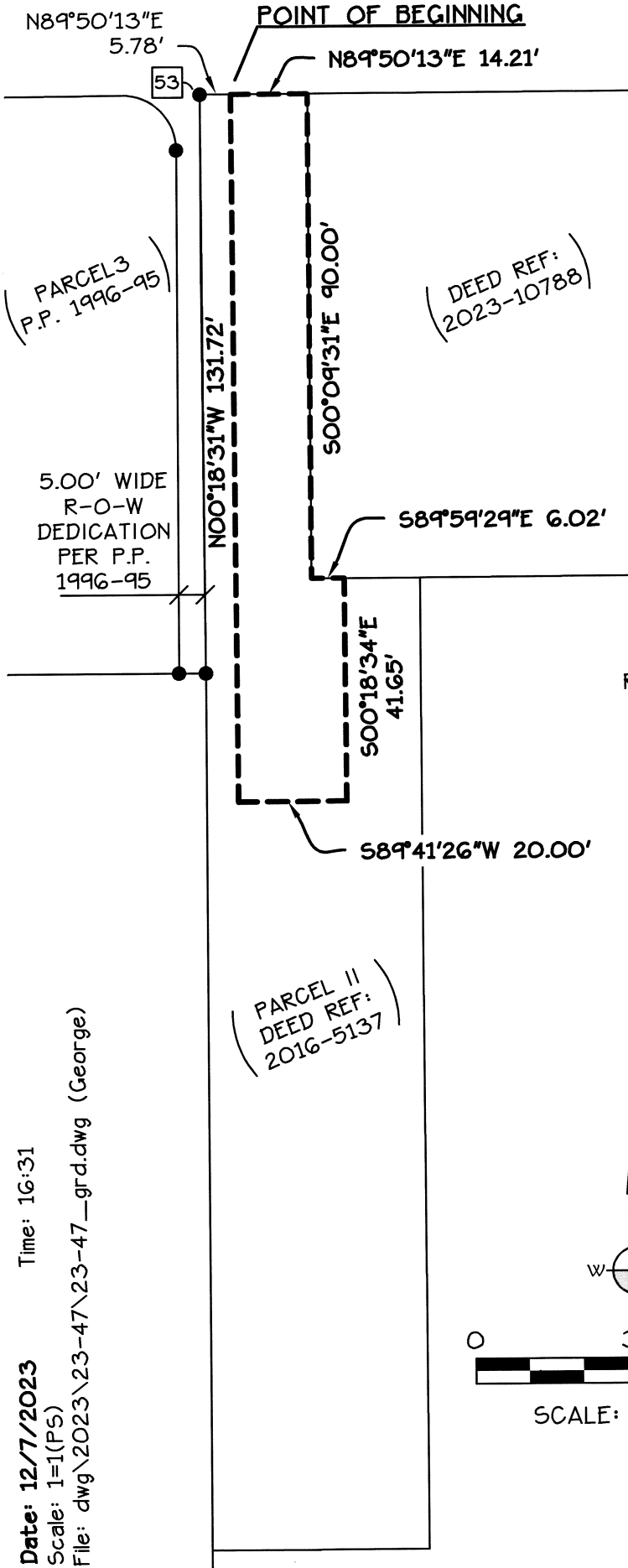
FOR

VARIABLE WIDTH PUBLIC SANITARY SEWER EASEMENT

LOCATED OVER

A PORTION OF PARCEL II OF
DEED DOC. #2016-5137 IN THE
SE 1/4 SEC 04, T. 11 S., R. 3 W., W.M.
IN THE
CITY OF ALBANY, LINN COUNTY, OREGON

NOVEMBER 29, 2023

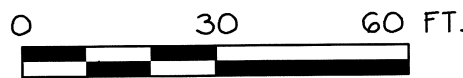
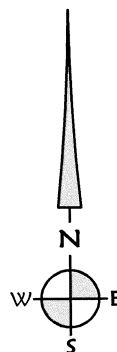


LEGEND:

- FOUND MONUMENT PER P.P. 1996-95, UNLESS NOTED, SEE "FOUND MONUMENT LIST"
- C.S. COUNTY SURVEY
- P.P. PARTITION PLAT
- R-O-W RIGHT OF WAY
- YPC YELLOW PLASTIC CAP
- 50 FOUND MONUMENT REFERENCE; SEE "FOUND MONUMENT LIST"

FOUND MONUMENT LIST:

- 53 FOUND 5/8" IRON ROD W/YPC MARKED: "K+D ENGINEERING LS 2395" PER C.S. 21517



SCALE: 1" = 30'

Date: 12/7/2023
Time: 16:31
Scale: 1"=1(P5)
File: dwg\2023\23-47\23-47-grd.dwg (George)

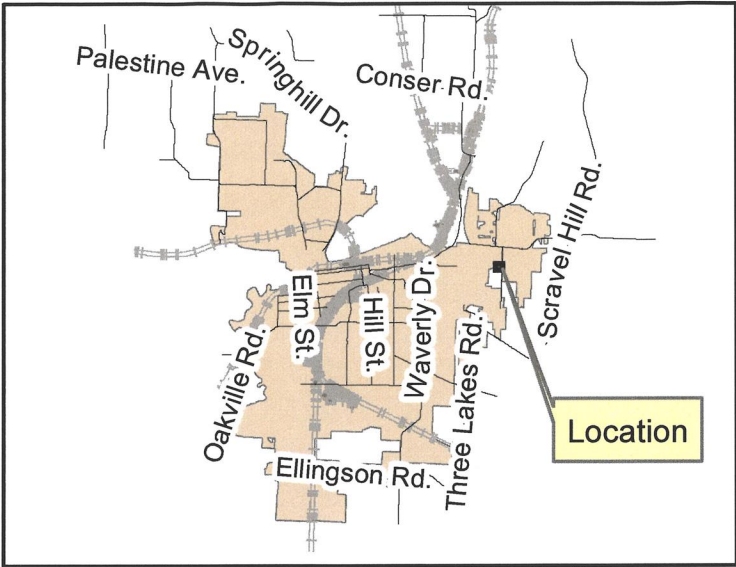


K & D ENGINEERING, Inc.
276 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583

EXHIBIT C

11S03W04DD00300

A variable-width public
sanitary sewer easement
along Douglas Street
as part of SI-23-16
Douglas St Sewer Extension



Geographic Information Services

