

RESOLUTION NO. 5899

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

**Greater Albany Public School District 8J
a.k.a. Linn Benton School District 8J**

Purpose

Twenty-foot wide public waterline easement to connect the Hill Street waterline to the Lochner Road waterline.

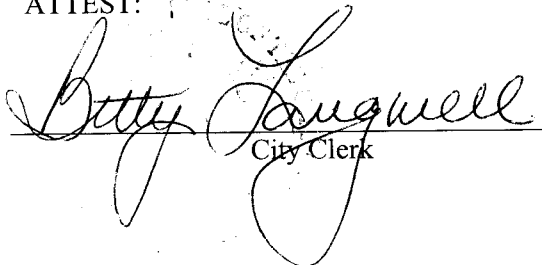
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 24TH DAY OF MARCH 2010.



Mayor

ATTEST:



City Clerk

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON 2010-05246
E-PU
Cnt=1 Stn=1 COUNTER 03/29/2010 10:29:24 AM
\$25.00 \$11.00 \$15.00 \$9.00 \$10.00 \$70.00



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:

NA

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

EASEMENT FOR PUBLIC UTILITIES

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

Greater Albany Public School District 8J aka Linn Benton School District 8J

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

\$2,600.00

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 24 day of March, 2010, by and between **Greater Albany Public School District 8J, (Linn Benton School District 8J)**, 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:

Twenty-foot wide public waterline easement to connect the Hill Street waterline to the Lochner Road waterline. As described on attached Exhibit A and as shown on attached Exhibit B.
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 \$2,600.00, 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.

GRANTOR:

Greater Albany Public School District 8J

a.k.a. Linn Benton School District 8J

Maria Delapoe
By

SUPERINTENDENT
Title

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

The foregoing instrument was acknowledged before me this 9th day of March, 2010, by Maria Delapoe as his/her voluntary act and deed on behalf of the school district.



Lori K Williams
Notary Public for Oregon
My Commission Expires: 2-25-14

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 5899, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26 day of March 2010.

Wes Hare
City Manager



ATTEST:
Margaret Langwell
City Clerk

EXHIBIT A

PERMANENT UTILITY EASEMENT

A permanent 20 foot wide public utility easement across that property conveyed to **Linn Benton School District 8J, (Greater Albany School District 8J), (GAPS)**, described in Volume 299, Page 303, Linn County Oregon Microfilm Deed Records and as shown on Linn County, Oregon Survey number 17790, said easement being more particularly described as follows and as shown on the attached map labeled "EXHIBIT B".

Beginning at the Northwest property corner of the aforementioned GAPS property, said point being the intersection of the East right-of-way line of Lochner Road and the South right-of-way line of the Union Pacific Railroad Company railroad right-of-way; thence S65°37'40"E 863 feet along the South right-of-way line of the Union Pacific Railroad Company right-of-way line; thence Southwest 20 feet, perpendicular to the Union Pacific Railroad Company right-of-way line; thence Northwest 854 feet, 20 feet distant from and parallel to the South right-of-way line of the Union Pacific Railroad Company right-of-way line, to the East right-of-way line of Lochner Road; thence North 22 feet along the East right-of-way line of Lochner Road to the point of beginning.

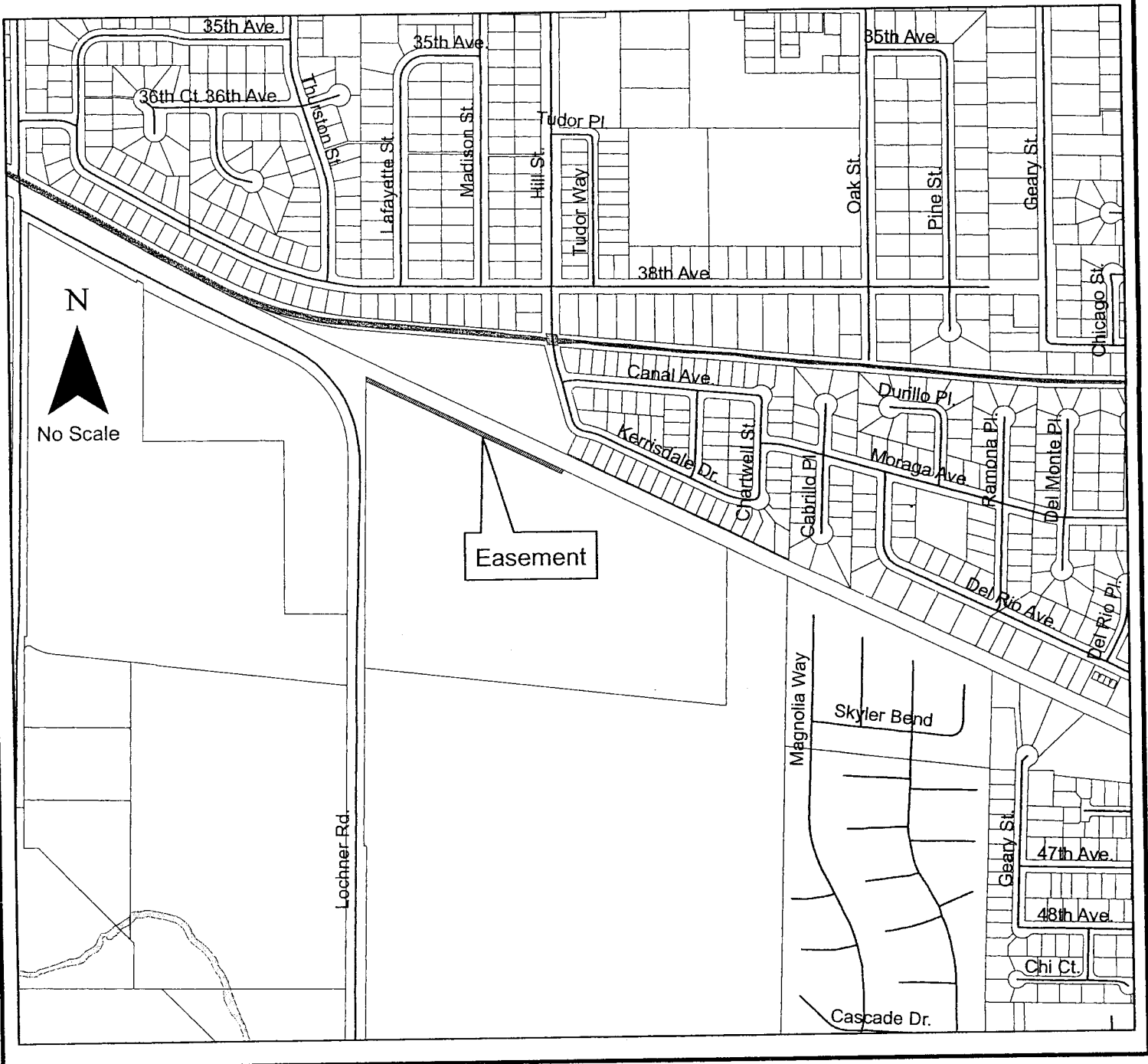
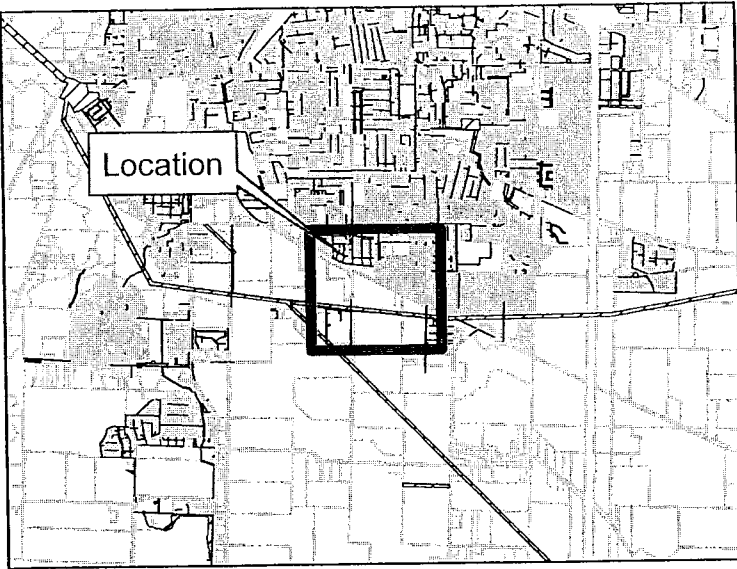
EXHIBIT B

11S03W20 00603

Twenty-foot wide public waterline easement to connect the Hill Street waterline to the Lochner Road waterline.



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON 2010-05245
E-PU
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\$25.00 \$11.00 \$15.00 \$9.00 \$10.00 \$70.00



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Steve Druckenmiller - County Clerk

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Albany, OR 97321 _____

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[COPY]

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Greater Albany Public School District 8J aka Linn Benton School District 8J

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City of Albany

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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.

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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.
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GAPS ORIGINAL RECORDED COPY

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

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a.k.a. Linn Benton School District 8J

Maria Delapoe
By

SUPERINTENDENT
Title

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

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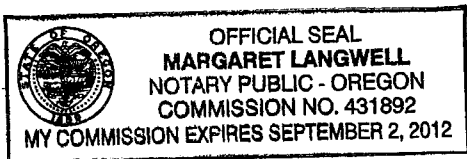
Lori K Williams
Notary Public for Oregon
My Commission Expires: 2-25-14

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

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Wes Hare
City Manager Wes Hare



ATTEST:
Margaret Langwell
City Clerk

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11SO3W20 00603

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Geographic Information Services

