

RESOLUTION NO. 6163

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Loyd and Roberta Thurman

Purpose

A 10-foot-wide easement over an existing public sanitary sewer as part of an emergency sewer repair.

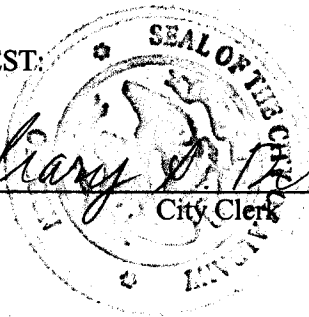

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 26TH DAY OF SEPTEMBER 2012.



Mayor

ATTEST:

City Clerk

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2012-14851**
E-UT
Cnt=1 Stn=1 COUNTER **09/28/2012 10:44:34 AM**
\$30.00 \$11.00 \$15.00 \$19.00 \$10.00 **\$85.00**



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:

Exempt

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

Loyd and Roberta ^{MD} ~~Thurman~~ Thurman

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

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 19 day of Sept, 2012, by and between Loyd and Roberta Thurman, 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:

A 10 foot wide easement over an existing public sanitary sewer as part of an emergency sewer repair. See legal description on attached Exhibit A and map 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.
7. Sidewalks, gardens, landscaping, and paved or unpaved driveways may be placed within the easement area.

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

GRANTOR:

Lloyd Thurman
Lloyd Thurman

Roberta Thurman
Roberta Thurman

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

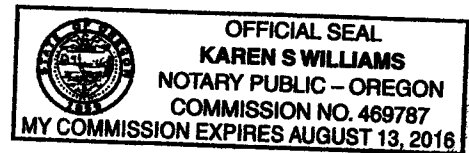
STATE OF Oregon)
County of Linn) ss.
City of Albany)

The foregoing instrument was acknowledged before me this 14th day of September, 2012, by Lloyd Thurman as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 14th day of September, 2012, by Roberta Thurman as her voluntary act and deed.

Karen S. Williams
Notary Public for Oregon
My Commission Expires: 8-13-2016

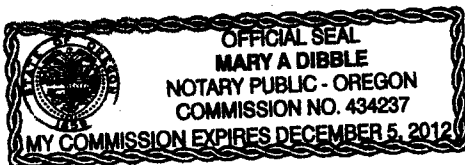
Karen S. Williams
Notary Public for Oregon
My Commission Expires: 8-13-2016



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 6163, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27 day of September 2012.



Wes Hare
City Manager

ATTEST:

Mary A. Dibble
City Clerk

EXHIBIT A

PERMANENT UTILITY EASEMENT

Legal Description – A 57.87 foot by 10 foot sanitary sewer easement, more particularly described as follows.

The southern 10 feet, of Linn County Oregon Assessor's tax lot 11S03W05CC08400, said tax lot containing lots 9, 10, a portion of lot 8, and the northern 6 feet of a vacated alley adjacent to said lots of Schmeer's Central Addition to Albany, Oregon. As shown on the attached maps labeled Exhibits B and C, attached hereto and incorporated herein by this reference.

Exhibit B Sewer Easement Map



EXHIBIT C

11S03W05CC08400

A 10 foot wide easement
over an existing public
sanitary sewer as part of
an emergency sewer repair



Geographic Information Services

