

RESOLUTION NO. 5229

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

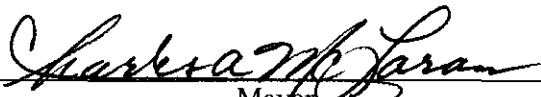
Santos Callejas and Socorro Gutierrez

A five foot wide sidewalk and utility easement.

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 8TH DAY OF FEBRUARY 2006.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

**EASEMENT FOR PUBLIC SIDEWALK AND UTILITIES**

THIS AGREEMENT, made and entered into this 30<sup>th</sup> day of January, 2006 <sup>S.C.</sup>, by and between Santos Callejas and Socorro Gutierrez, 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 construct and maintain a public sidewalk, 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 five foot wide sidewalk and utility easement. As described on attached Exhibit A and as shown on the attached map labeled 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 \$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. The City shall replace the two driveway approaches in their existing locations as part of the Geary Street 2005-2006 sidewalk in-fill project between 10<sup>th</sup> and 14<sup>th</sup> Avenues.

Return to: City of Albany - Recorder  
PO Box 490 Albany OR 97321

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

GRANTORS:

[Signature]  
Santos Callejas

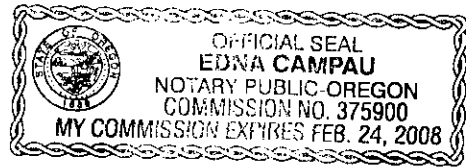
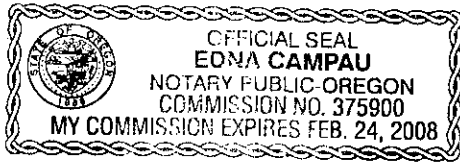
[Signature]  
Socorro Gutierrez

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 30<sup>th</sup> day of January, ~~2005~~, <sup>2006</sup> by Santos Callejas as his/her voluntary act and deed.

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of January, ~~2005~~, <sup>2006</sup> by Socorro Gutierrez as his/her voluntary act and deed.



[Signature]  
Notary Public for Oregon  
My Commission Expires: Feb. 24, 2008

[Signature]  
Notary Public for Oregon  
My Commission Expires: Feb. 24, 2008

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 5229, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8<sup>th</sup> day of February 2005.

[Signature]  
City Manager

ATTEST:

[Signature]  
City Clerk

# EXHIBIT A

## PERMANENT UTILITY EASEMENT

A permanent public utility easement across that property conveyed to Santos Callejas and Socorro Gutierrez, described in Volume 1463, Page 832, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled "EXHIBIT B".

The Eastern 5 feet of the property conveyed to Santos Callejas and Socorro Gutierrez, described in Volume 1463, Page 832, Linn County Microfilm Deed Records in the City of Albany, Section 8, T. 11S, 3R. 3W, Willamette Meridian, Linn County, Oregon, more particularly described as follows. Beginning at the southeast corner of said Callejas-Gutierrez property, said point lying at the west right-of-way line of Geary Street; thence North  $1^{\circ}35'$  West 144.5 feet along the west right-of-way line of Geary Street to the north property line of said Callejas-Gutierrez property; thence South  $89^{\circ}10'$  West 5.0 feet along the north property line of said Callejas-Gutierrez property; thence South  $1^{\circ}35'$  East 144.5 feet along a line lying parallel with and 5.0 feet west of the Geary Street right-of-way to the south property line of said Callejas-Gutierrez property; thence North  $89^{\circ}10'$  East 5.0 along the south property line of said Callejas-Gutierrez property to the point of beginning.

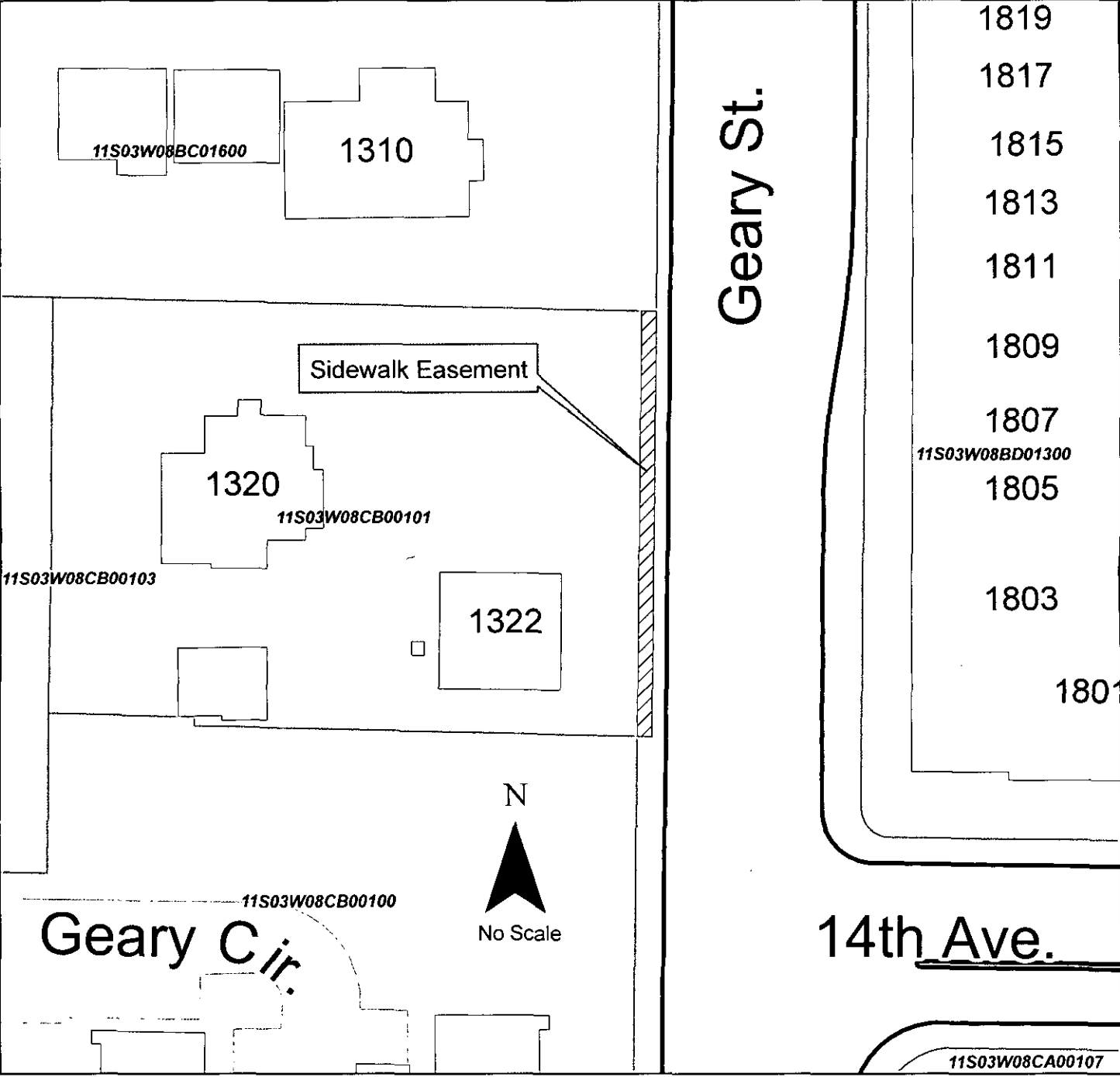
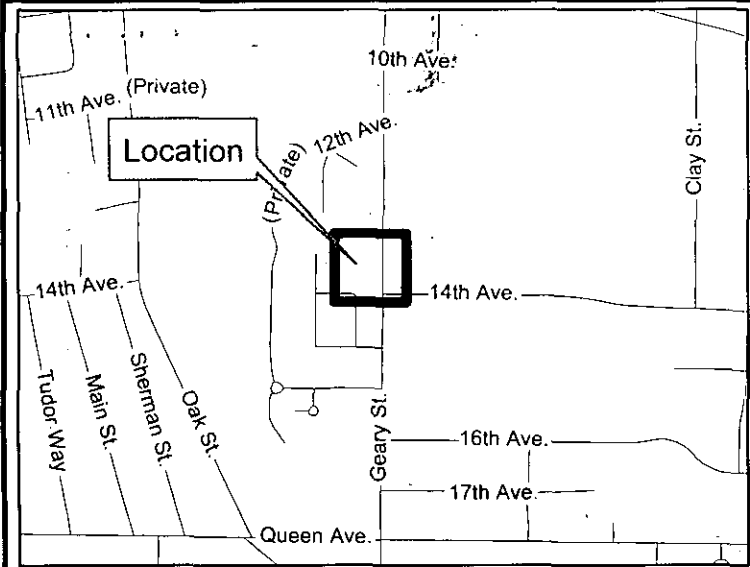
# EXHIBIT B

1320 Geary St. SE  
11S03W08CB00101  
Santos Callejas and Socorro Gutierrez

Geary Street Sidewalk Easement



Geographic Information Services



**LINN COUNTY**  
Recording Cover Sheet  
All Transactions, ORS: 205.234

*Reserved for Recording Label*

After Recording Return To:

City of Albany Recorder

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Government Agency - Exempt

LINN COUNTY, OREGON **2006-03941**  
E-RD  
Cnt=2 Stn=1 COUNTER **02/17/2006 02:28:17 PM**  
\$25.00 \$5.00 \$11.00 \$10.00 **\$51.00**



00004415200600039410050054

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



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

Easement for Public Sidewalk and Utilities

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

Santos Callejas and Socorro Gutierrez

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

Resolution No. 5229

Recorded Document Recorder File 4726