RESOLUTION NO. 5244

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

<u>Grantor</u> <u>Purpose</u>

JS Development, LLC A sanitary sewer easement to serve a 3-parcel

development at the southwest corner of Queen Avenue and Broadway Street. The remainder of the sewer easement is being dedicated on a

partition plat.

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 22ND DAY OF MARCH 2006.

Council President

ATTEST:

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 3rd day of March , 2006, by and between JS Development, LLC, 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 map 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 \$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.
- Upon performing any maintenance, the City shall return the site to original or better condition. 5.
- No permanent structure shall be constructed on this easement.

LINN COUNTY, OREGON

2006-06867

E-EAS

Cnt=1 Stn=1 COUNTER

03/24/2006 02:59:20 PM

\$46.00

\$25.00 \$11.00 \$10.00



County, Oregon, certify that the instrument identified herein was recorded in the Clerk

Steve Druckenmiller - County Clerk



IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below. Doug Sproul, Managing Member for JS Development, LLC. STATE OF OREGON County of Linn City of Albany The foregoing instrument was acknowledged before me this 3rd day of March, 2006, by Doug Sproul, Managing Member for JS Development, LLC. as his/her voluntary act and deed. Notary Public for Oregon
My Commission Expires: January 15,2009 OFFICIAL SEAL RONDA M. SPENCER NOTARY PUBLIC-OREGON COMMISSION NO. 388969 MY COMMISSION EXPIRES JANUARY 25, 2009 **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 5244 , do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 22 day of March

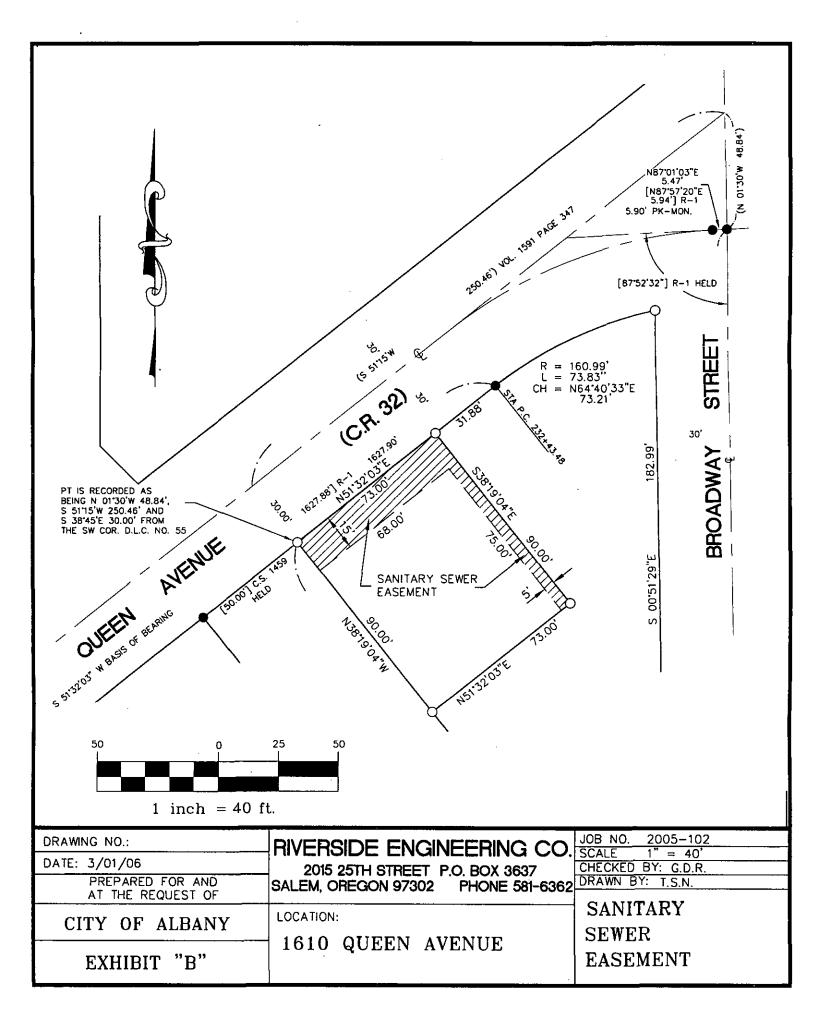
ATTEST:

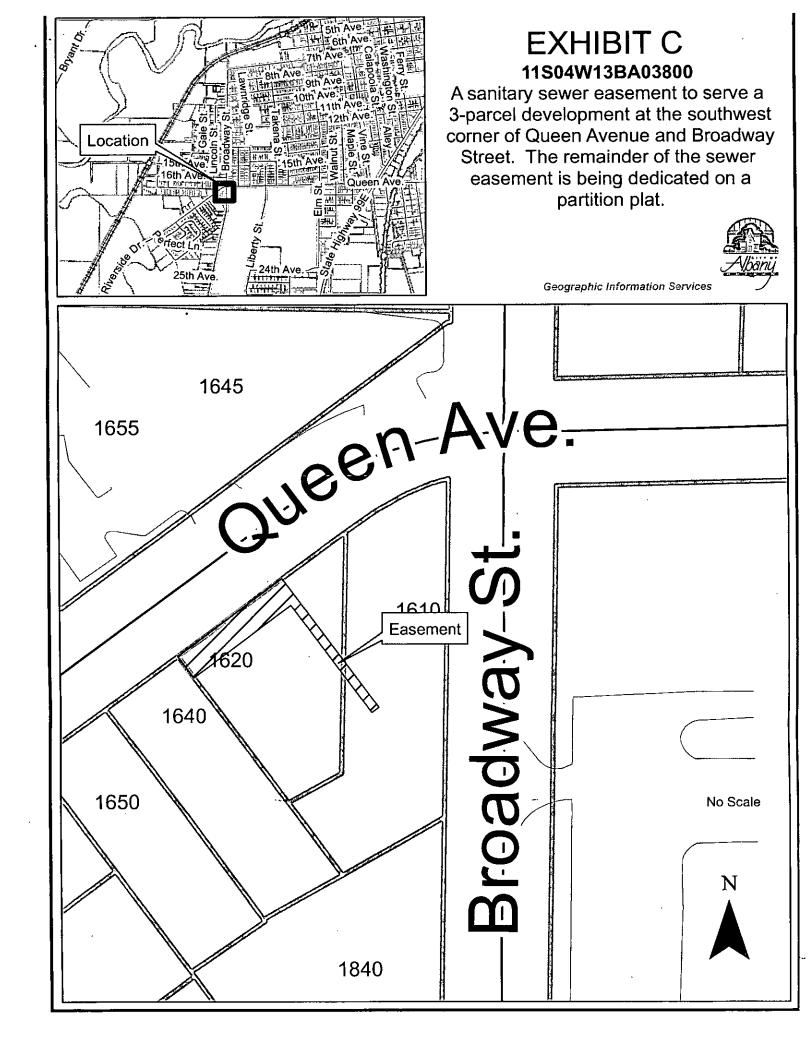
City Cler

EXHIBIT 'A'

SANITARY SEWER EASEMENT

Beginning at the West corner of that tract of land described as Parcel I in that deed recorded in Volume 1591, Page 347 Linn County Records, said point being on the southerly right-of-way line of Queen Avenue (C.R. 32) and being North 01°30' West 48.84 feet and South 51°15' West 250.46 feet and South 38°45' East 30.00 feet from the Southwest corner of the Walter Monteith Donation Land Claim No. 55 and being in Section 13, Township 11 South Range 4 West of the Willamette Meridian Linn County, Oregon; thence North 51°32'03" East 73.00 feet along said southerly line; thence South 38°19'04" East 90.00 feet; thence South 51°32'03" West 5.00 feet; thence North 38°19'04" West 75.00 feet to a point 15.00 feet from said southerly line of Queen Avenue, if measured perpendicular thereto; thence South 51°32'03" West 68.00 feet to the southwesterly line of said Parcel I; thence North 38°19'04" West 15.00 feet along said line to the point of beginning.





Resolution No. 5244 Recorded Document Recorder File No. 4744