

RESOLUTION NO. 5284

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Robin and Gilbert Pouliot

Purpose

A variable width public water line easement over a portion of Perfect Lane. The US Department of Energy has requested that the water line be built and has agreed to reimburse the City for construction and easement costs.

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

DATED AND EFFECTIVE THIS 14TH DAY OF JUNE 2006.



Mayor

ATTEST:



City Clerk

EASEMENT FOR CITY OF ALBANY PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 14 day of June, 2006, by and between **Gilbert and Robin Pouliot**, 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 water services only, 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 permanent public utility easement more particularly shown in attached EXHIBIT B and described in attached EXHIBIT A.
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 \$1000.00, 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 his hand and seal the day and year above written.

GRANTORS:

Gilbert Pouliot
Gilbert Pouliot

Robin Pouliot
Robin Pouliot

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

The foregoing instrument was acknowledged before me this 12th day of May, 2006, by **Gilbert and Robin Pouliot** as their voluntary act and deed.

Bekkie Snyder
Notary Public for Oregon
My Commission Expires: 2/23/2008



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 5284, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14 day of June 2006.

Wes Hare
City Manager

ATTEST:
Betty Langweil
City Recorder

Exhibit A

Legal Description for Pouliot-to-City of Albany utility easement:

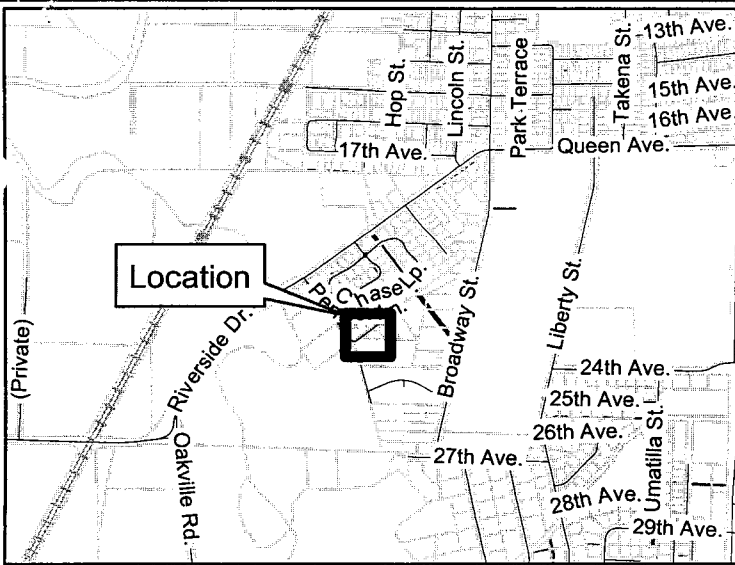
Beginning at a point on the southeast boundary of Chase Orchards Planned Community – Phase 3, recorded in the Linn County Record Book of Plats Volume 19, Page 50 on April 16, 1998, said point lying 41.45 feet from the south corner of said Chase Orchards Planned Community, said point also being the westernmost common property corner of the Gilbert and Robin Pouliot tract described in Linn County, Oregon microfilm deed records Volume 616, Page 201 and the Donald and Maryann Coon property described in Linn County, Oregon microfilm deed records Volume 977, Page 968; thence northeast 190 feet along the southeast boundary of said Chase Orchards Planned Community; thence southeast perpendicular to said Chase Orchards Planned Community southeast boundary line, 30 feet more or less to the northwest property line of the Joan R. Gidley property described in Linn County, Oregon deed reference DN2006-8477; thence southwest along the northeast property line of said Gidley property 4.0 feet to the north property corner of the Bryce W. Trefethen and Helen Trefethen Trust property described in Linn County, Oregon microfilm deed records Volume 980, Page 89; thence southwest along the northwest property line of said Trefethen property 11 feet; thence northwest perpendicular with the northwest property line of said Trefethen property 15 feet; thence southwest parallel to and 15 feet distance from the southeast boundary of said Chase Orchards Planned Community 155 feet to the north property line of the aforementioned Coon property; thence west along the north line of said Coon property 25 feet to the point of beginning.

As shown on the attached map labeled Exhibit B.

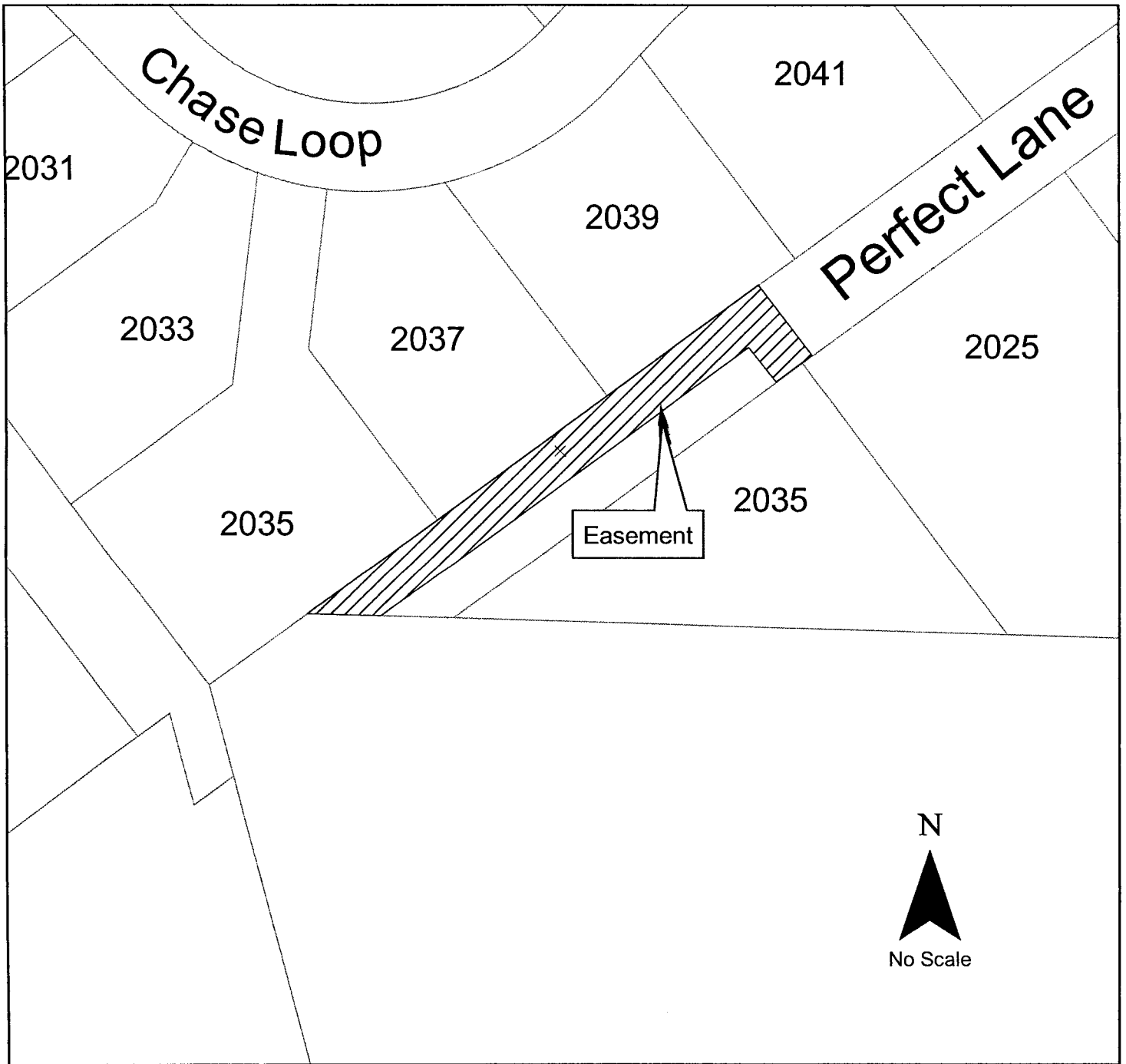
EXHIBIT B

11SO4W13BA05699

A public water main easement
over a portion of Perfect Lane.



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2007-01654**
E-UT
Cnt=1 Stn=1 COUNTER **01/19/2007 01:10:00 PM**
\$25.00 \$11.00 \$10.00 **\$46.00**

After Recording Return To:

City of Albany Recorder

PO Box 490

Albany, OR 97321



00038421200700016540050054

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

All Tax Statements Should Be Sent To:

NA

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

EASEMENT FOR CITY OF ALBANY PUBLIC UTILITIES

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

Gilbert and Robin Pouliot

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

\$1,000.00

Resolution No. 5284

Recorded Document Recorder File No. 4863