

RESOLUTION NO. 5389

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

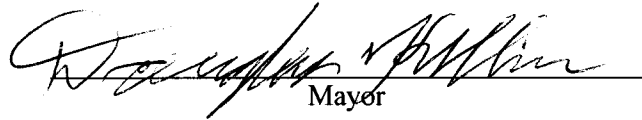
Benton County, Oregon

Purpose

Two 20-foot wide easements for sanitary sewer extensions from North Albany Park to Hillcrest Street and Whispering Oaks Place. The sewer extensions will serve undeveloped existing lots on Whispering Oaks Place.

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

DATED AND EFFECTIVE THIS 28<sup>TH</sup> DAY OF FEBRUARY 2007.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

## EASEMENT FOR PUBLIC UTILITIES

This Easement, made and entered into this 16 day of January, 2007, by and between BENTON COUNTY, a political subdivision of the state of Oregon, 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:  
  
Two 20-foot wide easements for sanitary sewer extensions from North Albany Park to Hillcrest Street and Whispering Oaks Place. The sewer extensions will serve undeveloped existing lots on Whispering Oaks Place. See legal description on attached Exhibit A and maps 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 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.
4. 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.

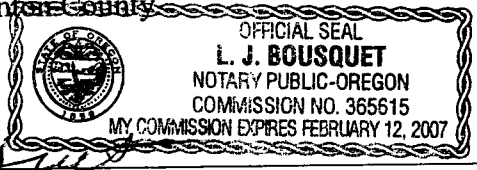
IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

**GRANTOR:**

*Annabelle Jaramillo*  
**Chair of the Benton County Board of Commissioners**

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

The foregoing instrument was acknowledged before me this 16 day of January, 2007 by Annabelle Jaramillo, Chair of the Benton County Board of Commissioners on behalf of Benton County



*L. J. Bousquet*  
Notary Public for Oregon  
My Commission Expires: 2/12/07

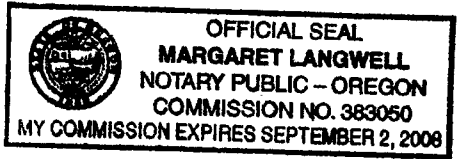
**CITY OF ALBANY**

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 5389, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 6<sup>th</sup> day of March 2007.

*Wes Hare*  
City Manager

ATTEST:  
*Margaret Langwell*  
City Clerk



# Exhibit A

## DESCRIPTION FOR TWO SANITARY SEWER EASEMENTS

Commencing at a 3/4 inch iron rod located at the Southwest corner of Lot 1 of Block 3 of "Valley View Heights", a subdivision plat of record in Section 26 of Township 10 South, Range 4 West of the Willamette Meridian, Benton County, Oregon, said corner also being the Southeast corner of Whispering Oaks Place (a 50 foot right-of-way originally dedicated as Grandview Road by the plat of "Valley View Heights"); thence along the South line of Whispering Oaks Place South  $70^{\circ}53'46''$  West 4.34 feet to the TRUE POINT OF BEGINNING; thence South  $10^{\circ}50'32''$  West 151.58 feet; thence North  $79^{\circ}09'28''$  West 20.00 feet; thence North  $10^{\circ}50'32''$  East 140.06 feet to the aforementioned South line of Whispering Oaks Place; thence along said South line North  $70^{\circ}53'46''$  East 23.08 feet to the TRUE POINT OF BEGINNING.

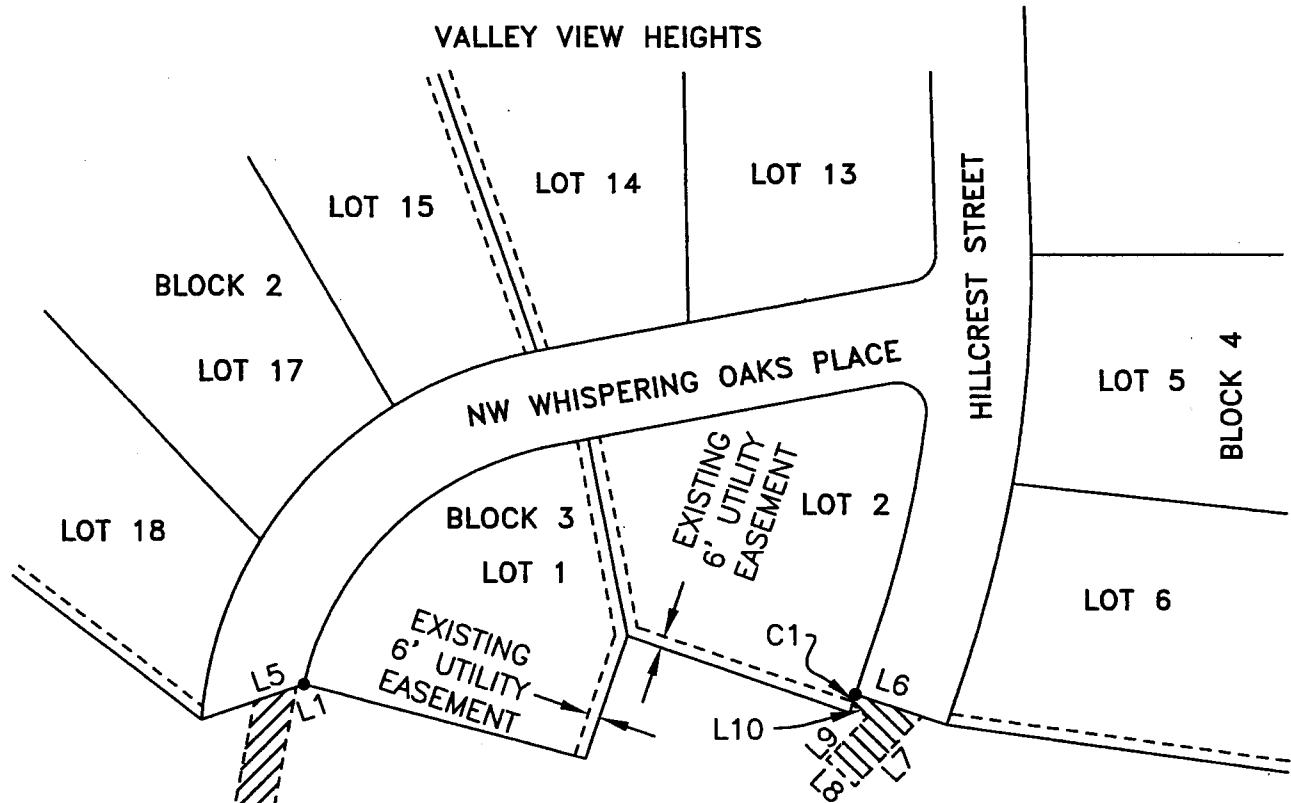
ALSO: Beginning at a 3/4 inch iron rod located at a point of curvature on the Easterly line of Lot 2 of Block 3 of "Valley View Heights", a subdivision plat of record in Section 26 of Township 10 South, Range 4 West of the Willamette Meridian, Benton County, Oregon, said corner also being the Southwest corner of Hillcrest Street (a 50 foot right-of-way); thence along the South line of Hillcrest Street South  $71^{\circ}35'36''$  East 36.04 feet; thence South  $43^{\circ}30'55''$  West 50.32 feet; thence North  $46^{\circ}29'05''$  West 20.00 feet; thence North  $43^{\circ}30'55''$  East 30.50 feet; thence North  $46^{\circ}29'05''$  West 10.45 feet to the Easterly line of the aforementioned Lot 2; thence along said Easterly line along a 661.32 foot radius curve to the right 5.03 feet (the long chord of which bears North  $17^{\circ}45'13''$  East 5.03 feet) to the point of beginning.

**EASEMENT SKETCH**

SANITARY SEWER EASEMENTS TO BENEFIT THE CITY OF ALBANY OVER PROPERTY OWNED BY BENTON COUNTY  
 PROPERTY ADDRESS: 2800 HILLCREST ST NW, ALBANY  
 BENTON COUNTY TAX MAP 10-4-26 TAX LOT 600  
 PROPERTY OWNER: BENTON COUNTY  
 DATE: OCTOBER 12, 2006

PREPARED BY:  
 DAVID L. MALONE, P.L.S.  
 COLE SURVEYING, LLC  
 6765 S.W. PHILOMATH BLVD.  
 CORVALLIS, OREGON 97333  
 (541) 929-5500

**Exhibit B**



SCALE: 1" = 100'

BENTON COUNTY  
 NORTH ALBANY PARK  
 TAX MAP 10-4-26  
 TAX LOT 600

L#	Bearing	Length
L1	S 70°53'46" W	4.34'
L2	S 10°50'32" W	151.58'
L3	N 79°09'28" W	20.00'
L4	N 10°50'32" E	140.06'
L5	N 70°53'46" E	23.08'
L6	S 71°35'36" E	36.04'
L7	S 43°30'55" W	50.32'
L8	N 46°29'05" W	20.00'
L9	N 43°30'55" E	30.50'
L10	N 46°29'05" W	10.45'

C#	Radius	Delta	Length	Bearing	Chord
C1	661.32'	0°26'08"	5.03'	N 17°45'13" E	5.03'

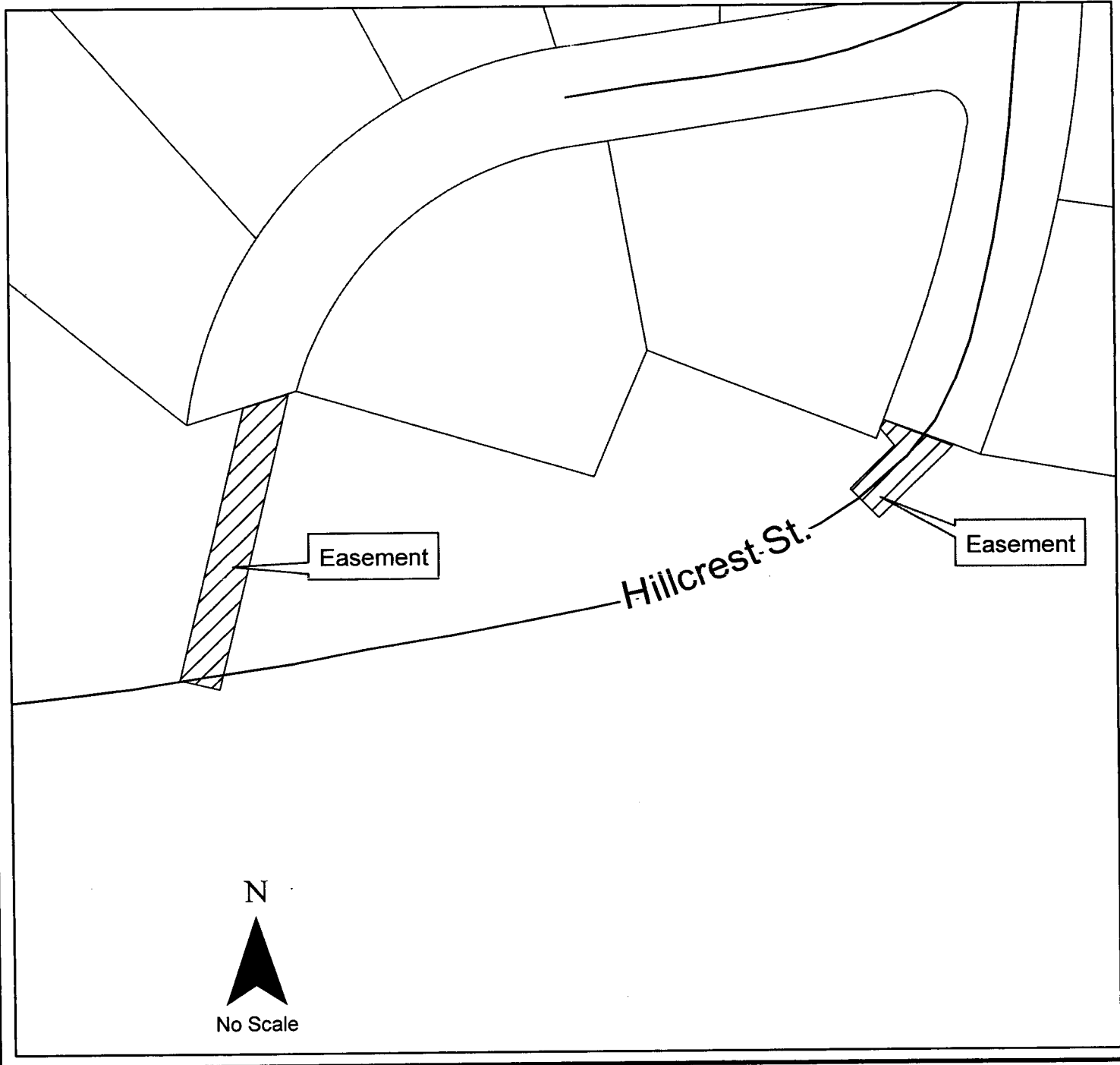
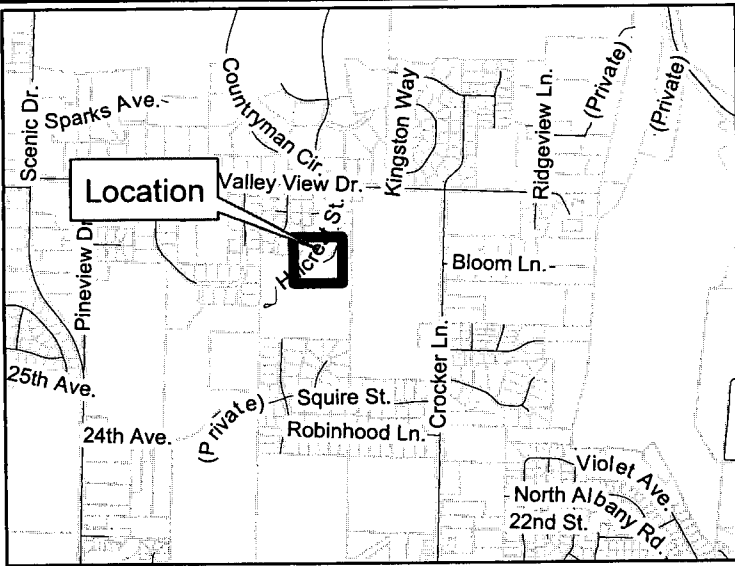
# EXHIBIT C

10S04W26 00600

Two 20-foot wide easements for  
sanitary sewer extensions from  
North Albany Park to Hillcrest  
Street and Whispering Oaks Place.



Geographic Information Services



BENTON COUNTY, OREGON 2007-418581  
DE-EAS  
Cnt=1 Stn=7 COUNTER2 03/21/2007 10:22:20 AM  
\$30.00 \$11.00 \$10.00 \$15.00 \$66.00



T  
I  
I, James V. Morales, County Clerk for Benton  
County, Oregon, certify that the instrument  
identified herein was recorded in the Clerk  
records.

James V. Morales - County Clerk



**RECORDING COVER SHEET (Please Print or Type)**

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

**AFTER RECORDING RETURN TO:**

City of Albany Recorder

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Government Agency - 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

BENTON COUNTY

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

\$.00

Resolution No. 5389

Recorded Document Recorder File No. 4917