

RESOLUTION NO. 5488

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Michael F. and Linda Lou Quinn

A fifteen foot wide easement for a public water line.

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 2007.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 12<sup>th</sup> day of September, 2007, by and between Michael F. and Linda Lou Quinn, 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 fifteen foot wide easement for a public water line. 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 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.

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

GRANTORS:

  
Michael F. Quinn

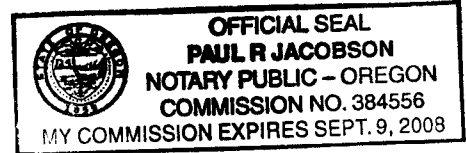
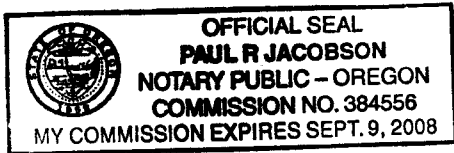
  
Linda Lou Quinn

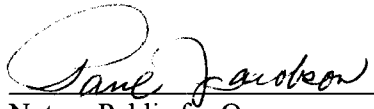
STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

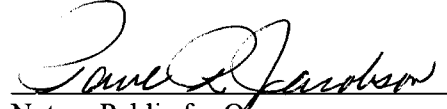
STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of September, 2007, by **Michael F. Quinn** as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of September, 2007, by **Linda Lou Quinn** as her voluntary act and deed.




  
Notary Public for Oregon  
My Commission Expires: 9/9/2008

  
Notary Public for Oregon  
My Commission Expires: 9/9/2008

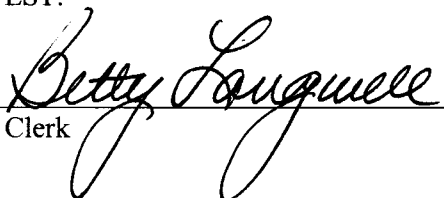
**CITY OF ALBANY:**

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 5488, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 26 day of September 2007.

  
City Manager

ATTEST:

  
City Clerk

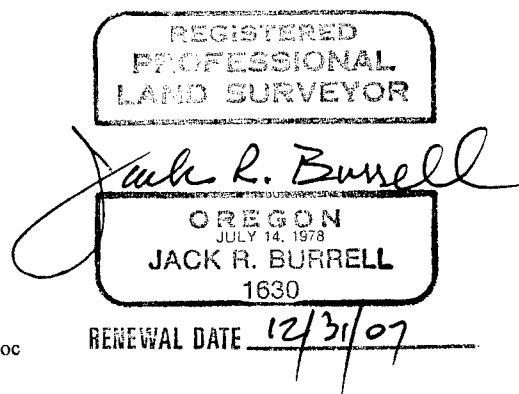
**EXHIBIT "A"**  
**(City Water Line Easement)**

**Quinn to City**

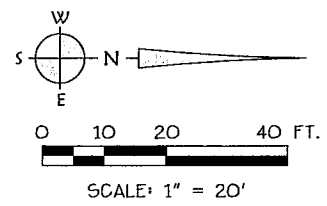
A tract of land for easement purposes located in that Quinn Parcel recorded by Land Sales Contract in Volume MF 1695, Page 84 of the Linn County, Oregon Deed Records on March 31, 2005, said easement tract being more particularly described as follows:

Commencing at a point on the south line of "Derringer Subdivision", a subdivision of record in Linn County, Oregon, that is North 89°17'30" East 9.61 feet from the southwest corner of Lot 12, Block 2 of said "Derringer Subdivision"; thence South 01°34'35" East 23.39 feet; thence South 17°32'10" West 105.67 feet to a point on the west line of that tract identified as AREA "B" on C.S. No. 24494, a survey of record filed in the office of the Linn County, Oregon Surveyor, which point being the TRUE POINT OF BEGINNING of the hereinafter described land for easement purposes; thence South 17°32'10" West 73.74 feet; thence South 90°00'00" East 14.13 feet; thence South 00°05'09" West 10.00 feet; thence North 90°00'00" West 17.10 feet; thence South 00°24'50" East 2.18 feet to a point on the south line of said Quinn Parcel; thence South 89°15'24" West, along said south line of Quinn Parcel, 15.00 feet; thence North 00°24'50" West 5.15 feet; thence North 17°32'10" East 106.97 feet; thence South 88°25'00" West 5.58 feet; thence North 01°35'00" West 22.20 feet; thence North 88°25'00" East 12.90 feet to a point on the said west line of Area "B"; thence South 01°35'00" East 46.88 feet to the TRUE POINT OF BEGINNING.

August 30, 2007  
EXHIBIT "A"  
QUINN TO CITY WATER LINE EASEMENT  
(07-32) JRB:ls  
File Ref: nlm/shared documents/legal/07-32 Exh A-Quinn to City Waterline Ease desc.doc

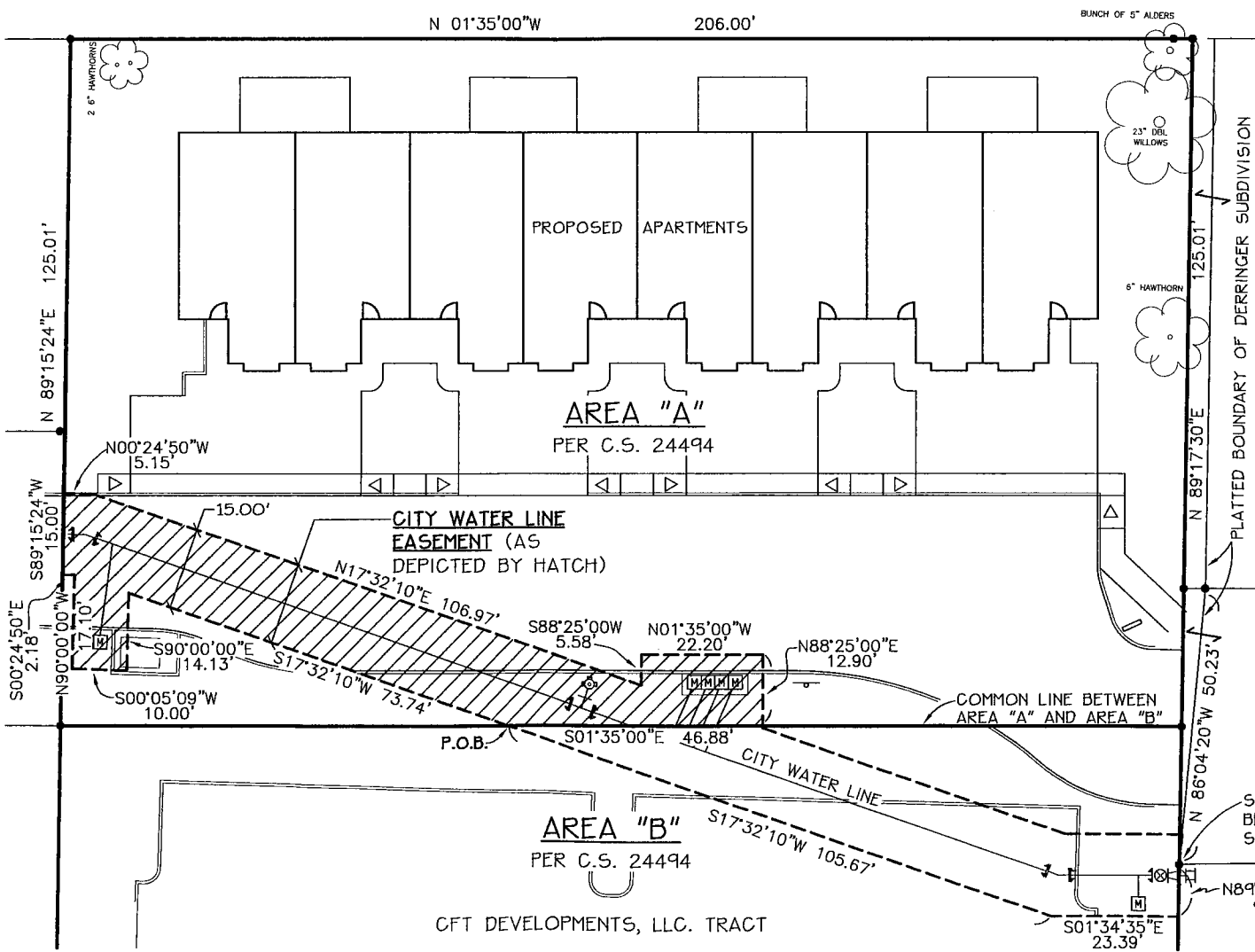


**EXHIBIT "B"**  
**CITY WATER LINE EASEMENT**  
**OVER QUINN TRACT**  
 LOCATED IN  
 NW 1/4 SEC. 8, T. 11 S., R. 3W., W.M.,  
 CITY OF ALBANY, LINN COUNTY, OREGON.  
 AUGUST 30, 2007



**K & D** **K & D ENGINEERING, Inc.**  
 278 N.W. Hickory Street P.O. Box 725  
 Albany, Oregon 97321  
 (541) 928-2683

Date: 8/30/2007 Time: 8:05  
 Viewtwlst: 268d25'0" Scale: 1=20  
 File: dwg\2007\07-32\32-ex2.dwg (Brian E)



**CLEVELAND STREET**  
 (PLATTED AS PINE STREET)

SW CORNER LOT 12,  
 BLOCK 2, "DERRINGER  
 SUBDIVISION"

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Jack R. Burrell*  
 OREGON  
 JULY 14, 1978  
 JACK R. BURRELL  
 1630

RENEWAL DATE: 12/31/07

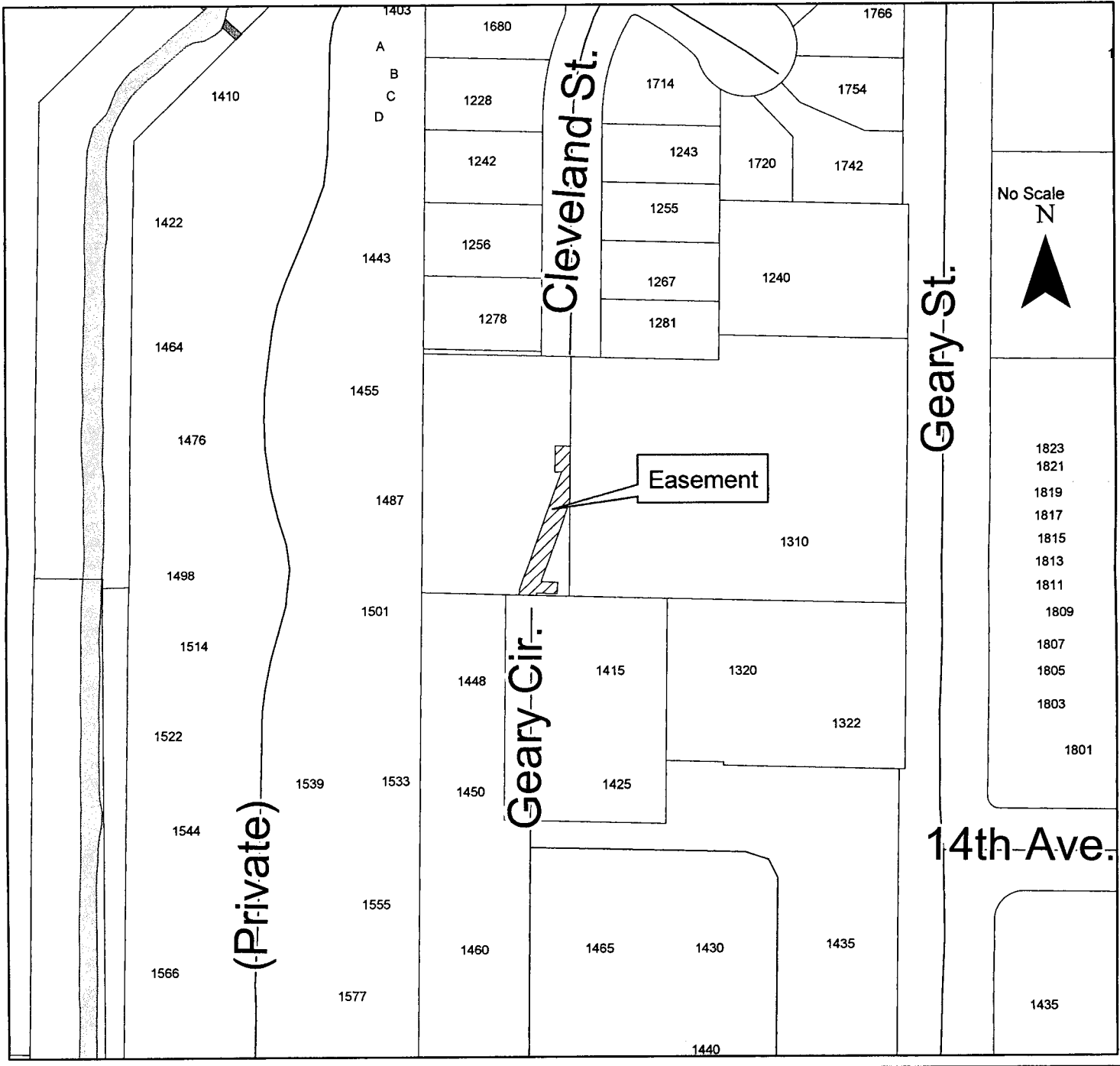
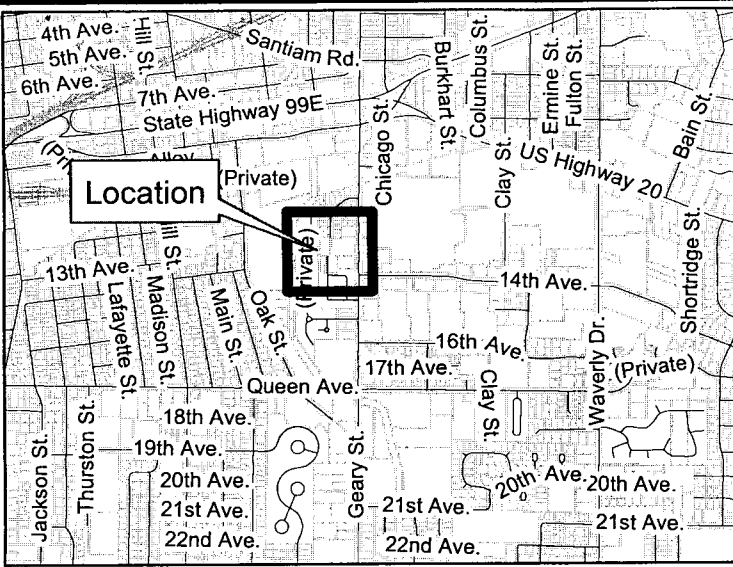
# EXHIBIT C

11SO3W08BC01601

A fifteen foot wide easement  
for a public wate line.



Geographic Information Services



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

LINN COUNTY, OREGON **2007-24904**  
E-UT  
Cnt=1 Str=1 COUNTER **10/19/2007 02:37:46 PM**  
\$30.00 \$11.00 \$10.00 **\$51.00**



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

Michael F. and Linda Lou Quinn \_\_\_\_\_

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. 5488

Recorded Document Recorder File No. 4986