

RESOLUTION NO. 5499

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

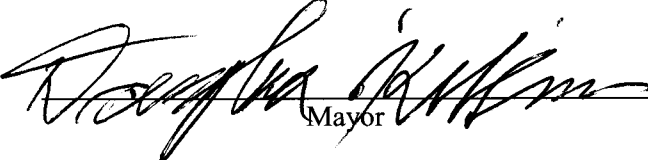
Post Tree Farm, LLC

Purpose

A 52 foot by 30 foot public sanitary sewer easement for a sewer extension from Benton Woods subdivision to the Post property.

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

DATED AND EFFECTIVE THIS 24TH DAY OF OCTOBER 2007.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 19<sup>TH</sup> day of SEPTEMBER, 2007, by and between Post Tree Farm, 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:

A 52 foot by 30 foot public sanitary sewer easement for a sewer extension from Benton Woods subdivision to the Post property. 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.

**GRANTOR:**

Post Tree Farm, LLC

[Signature]  
Signature  
MEMBER  
Title

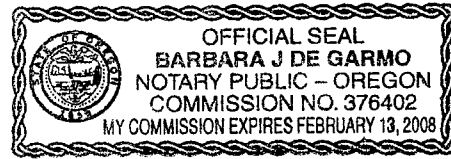
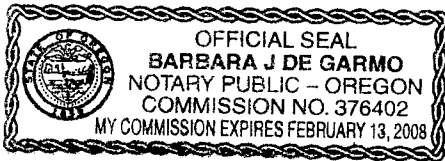
Nancy C. Post  
Signature  
MEMBER  
Title

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

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

The instrument was acknowledged before me this 19<sup>th</sup> day of Sept, 2007, by Daniel A. Post, Title MEMBER, as a representative of Post Tree Farm, LLC.

The instrument was acknowledged before me this 19<sup>th</sup> day of Sept, 2007, by Nancy C. Post, Title MEMBER, as a representative of Post Tree Farm, LLC



Barbara J. De Garmo  
Notary Public for Oregon  
My Commission Expires: 02/13/08

Barbara J. De Garmo  
Notary Public for Oregon  
My Commission Expires: 02/13/08

**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 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 5499 day of October, 2007.

Wes Hare  
City Manager

**ATTEST:**

Margaret Longwell  
City Clerk

## Exhibit "A"

**LEGAL DESCRIPTION**  
**PUBLIC SANITARY SEWER EASEMENT**  
September 12, 2007  
Page 1 OF 2

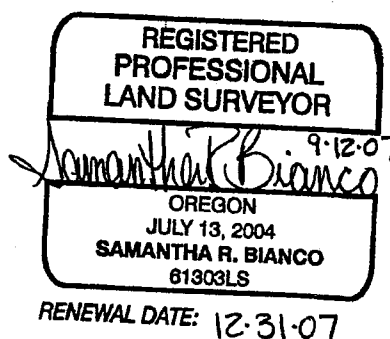
A portion of that tract of land conveyed to Post Tree Farm, LLC, an Oregon Limited Liability Company, by Deed Document Number 2007-420594, Benton County Deed Records, located in the southeast one-quarter of Section 26, Township 10 South, Range 4 West, Willamette Meridian, City of Albany, Benton County, Oregon, being more particularly described as follows:

**COMMENCING** at the southwest corner of Lot 25, plat of "Scenic Heights Subdivision", Benton County Plat Records, being marked by a 5/8 inch iron rod with a orange plastic cap marked "Cole Surv LS 51523"; Thence southerly along the common line of said tract described by Deed Document No. 2007-420594 and that tract of land described by Deed Document 2006-398737, Benton County Deed Records, South 0°19'38" West, 98.59 feet to the **TRUE POINT OF BEGINNING**; Thence continuing along said common line South 0°19'38" West, 52.00 feet; Thence leaving said common line North 89°40'22" West, 30.00 feet; Thence North 0°19'38" East, 52.00 feet; Thence South 89°40'22" East, 30.00 feet to said **TRUE POINT OF BEGINNING**.

Contains 1,560 square feet, more or less.

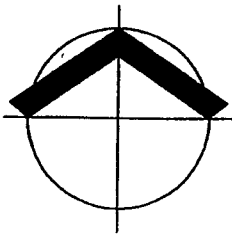
Basis of Bearings are per C.S. No. 10142, Benton County Survey Records.

The attached EXHIBIT "B" entitled "PUBLIC SANITARY SEWER EASEMENT" is made a part hereof.

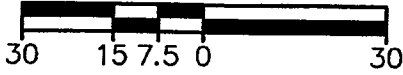


# EXHIBIT "B"

SCENIC HEIGHTS SUBDIVISION  
LOT 25



SCALE: 1" = 30'

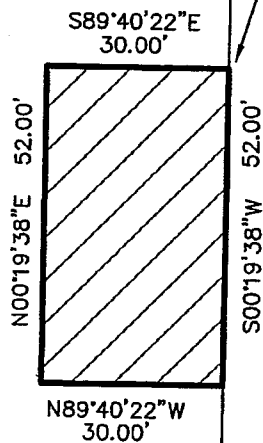


S00°19'38"W 98.59'

POINT OF COMMENCEMENT

DEED DOCUMENT NO. 2007-420594 B.R.

TRUE POINT OF BEGINNING



DEED DOCUMENT NO. 2006-398737 B.R.

**LEGEND:**



PUBLIC SANITARY SEWER EASEMENT  
1,560 SQUARE FEET (MORE OR LESS)

□ - DENOTES 5/8" IRON ROD WITH ORANGE  
PLASTIC CAP MARKED "COLE SURV LS 51523"

B.R. - DENOTES BENTON COUNTY DEED RECORDS

SEE ATTACHED LEGAL DESCRIPTION

**W R G**  
DESIGN INC.

5415 SW Westgate Dr,  
Ste 100 / Portland, OR  
97221 / Tel 503.419.2500

**PUBLIC SANITARY  
SEWER EASEMENT**

SE 1/4 OF S26, T10S, R4W, W.M.  
CITY OF ALBANY, BENTON COUNTY, OREGON

PROJECT NO. DRH5847  
DATE: 09/07/07  
BY: JJH  
SCALE: 1"=30'  
PAGE NO. 2 OF 2

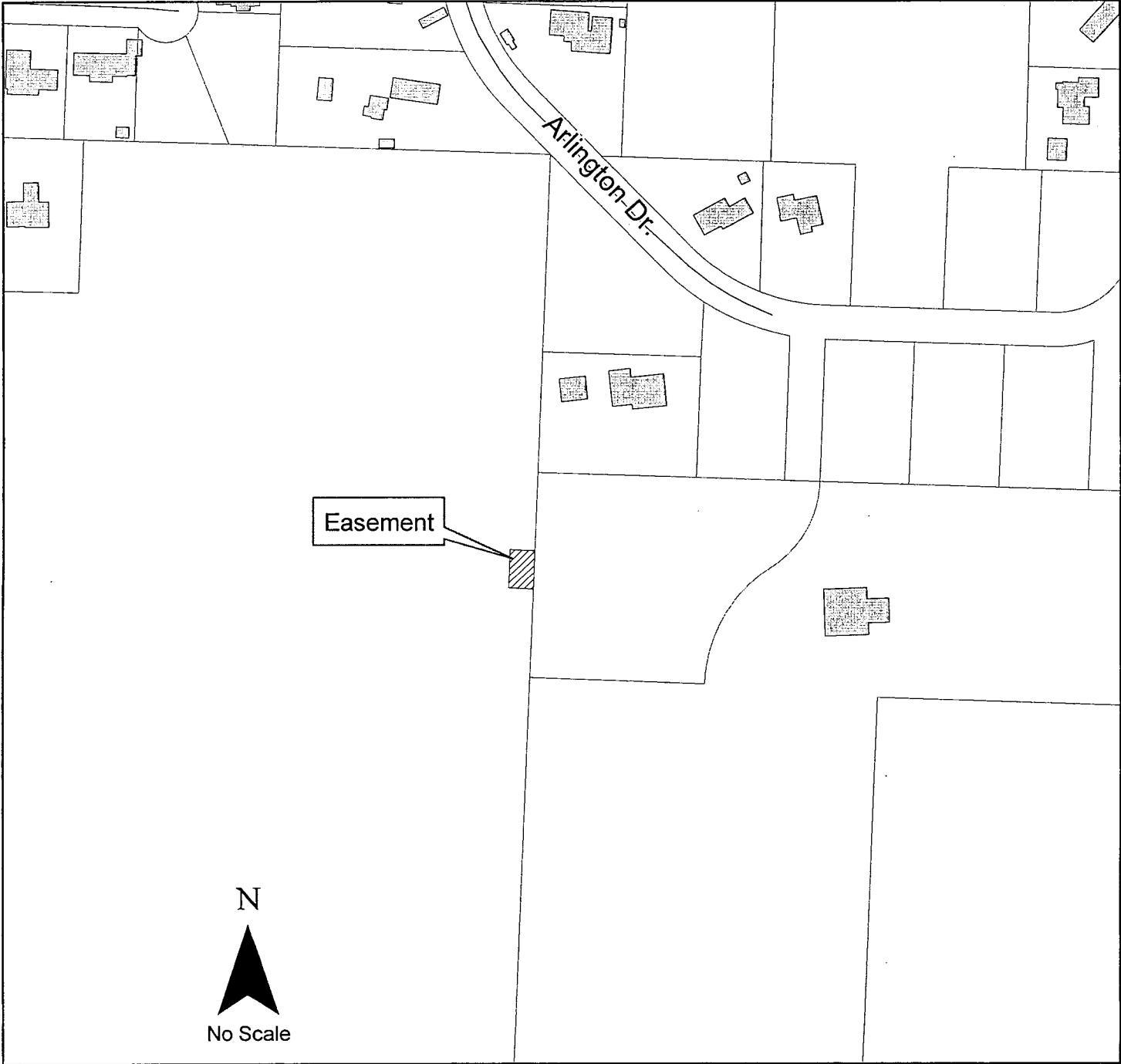
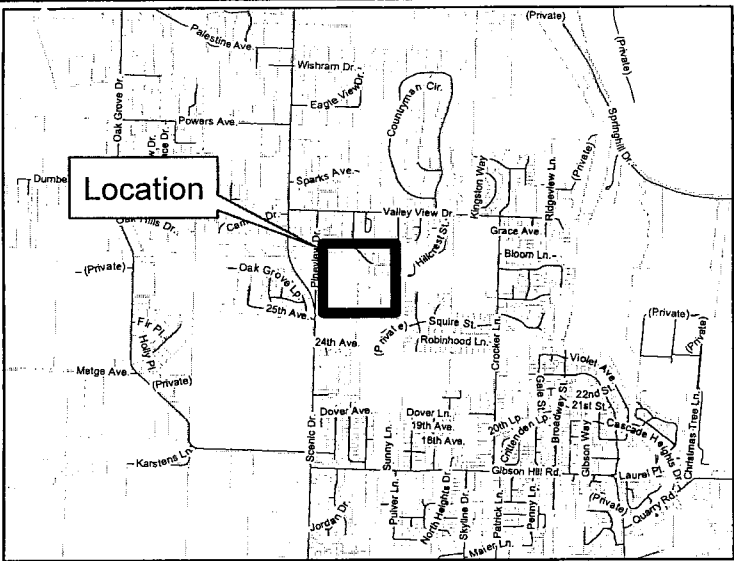
# EXHIBIT C

10S04W26 00400

A 52 foot by 30 foot public sanitary sewer easement for a sewer extension from Benton Woods subdivision to the Post property.



Geographic Information Services



**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.

BENTON COUNTY, OREGON **2007-429741**  
DE-EAS  
Cnt=1 Stn=5 MR **11/05/2007 01:38:44 PM**  
\$30.00 \$11.00 \$10.00 \$15.00 **\$66.00**



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

**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

Post Tree Farm LLC

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. 5499

Recorded Document Recorder File No. 4998