

RESOLUTION NO. 5517

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

4505 Properties LLC  
Bee Hollows LLC

Purpose

A 20-foot wide utility easement for the purpose of  
constructing a sewer force main.

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

DATED AND EFFECTIVE THIS 14TH DAY OF NOVEMBER 2007.

  
\_\_\_\_\_  
Council President

ATTEST:

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

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 5<sup>th</sup> day of November, 2007, by and between 4505 Properties LLC, and Bee Hollows LLC, hereinafter called Grantors, 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 20-foot wide utility easement for the purpose of constructing a sewer force main. See attached legal description labeled Exhibit A and map labeled 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 \$2,820.00, to be issued in a payment of \$1,410 to 4505 Properties LLC and a payment of \$1,410 to Bee Hollow LLC, receipt of which is acknowledged by the Grantors, 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:**

4505 Properties LLC

[Signature]

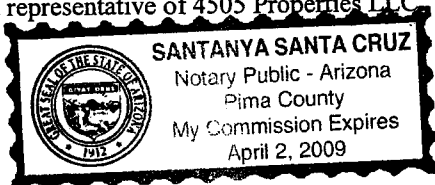
By

RETVER

Title

STATE OF ARIZONA )  
County of PIMA ) ss.  
City of TUCSON )

The instrument was acknowledged before me this 21st day  
of September, 2007, by Ret V. Casey  
Title member  
as a representative of 4505 Properties LLC



[Signature]  
Notary Public for ARIZONA  
My Commission Expires: April 2, 2009

~~By \_\_\_\_\_  
Title \_\_\_\_\_~~

~~STATE OF \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.  
City of \_\_\_\_\_ )~~

~~The instrument was acknowledged before me this \_\_\_\_ day  
of \_\_\_\_\_, 2007, by \_\_\_\_\_,  
Title \_\_\_\_\_,  
as a representative of 4505 Properties LLC.~~

~~Notary Public for \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_~~

Bee Hollow LLC

[Signature]

By

MANAGER

Title

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

The instrument was acknowledged before me this 3rd day  
of Oct, 2007, by Daniel A Post  
Title Manager  
as a representative of Bee Hollow LLC

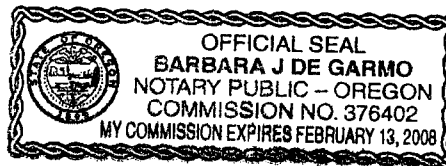


Barbara J. De Garmo  
Notary Public for Oregon  
My Commission Expires: 2/13/08

Nancy C Post  
By  
manager  
Title

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

The instrument was acknowledged before me this 3rd day  
of Oct, 2007, by Nancy C. Post  
Title Manager  
as a representative of Bee Hollow LLC.



Barbara J. De Garmo  
Notary Public for Oregon  
My Commission Expires: 2/13/08

**CITY OF ALBANY:**

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

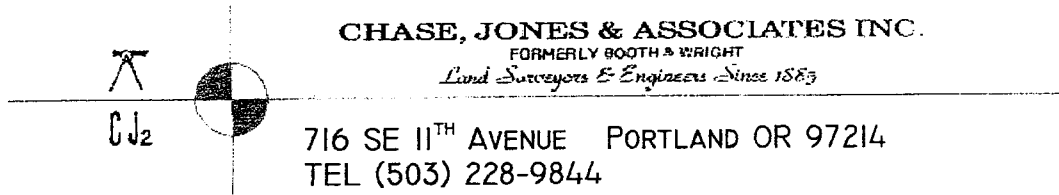
5517  
6

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 \_\_\_\_\_ day of November, 2007.

Wes Hare  
City Manager

ATTEST:  
Betty Langwell  
City Clerk

# EXHIBIT A



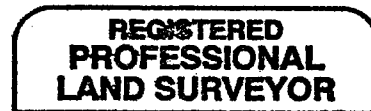
May 25, 2007  
#12057

## 4505 PROPERTIES TAX LOT 600 SEWER EASEMENT

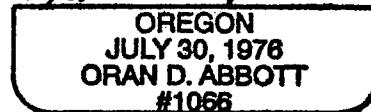
A 20 foot wide strip of land lying within that parcel described in Volume 1741, Page 325 also being Lot 1, Block 1 of "Marion Industrial Park", situated in the N.E. 1/4 of Section 19, Township 11 South, Range 3 West of the Willamette Meridian in the City of Albany, County of Linn, State of Oregon, being more particularly described as follows:

Commencing at the centerline intersection of the 125.0 foot wide Bonneville Power Administration Easement recorded in Book 232, Page 342, May 1953, with the west line of said Lot 1; thence North  $0^{\circ}48'03''$  East, along said west line, a distance of 47.76 feet to a point that is 15.00 feet southwesterly when measured perpendicular to the north line of said Bonneville Power Administration Easement and is the POINT OF BEGINNING; thence South  $83^{\circ}10'01''$  East, parallel with the north line of said Bonneville Power Administration Easement, a distance of 281.53 feet more or less to the west right of way line of Marion Street; thence North  $0^{\circ}57'13''$  East, along said west line, a distance of 20.11 feet to a point that is 5.00 feet northeasterly of the north line of said Bonneville Power Administration Easement; thence North  $83^{\circ}10'01''$  West, parallel with the north line of said Bonneville Power Administration Easement, a distance of 281.59 feet; more or less to the west line of said Lot 1; thence South  $0^{\circ}48'03''$  West, along said west line, a distance of 20.11 feet to the POINT OF BEGINNING.

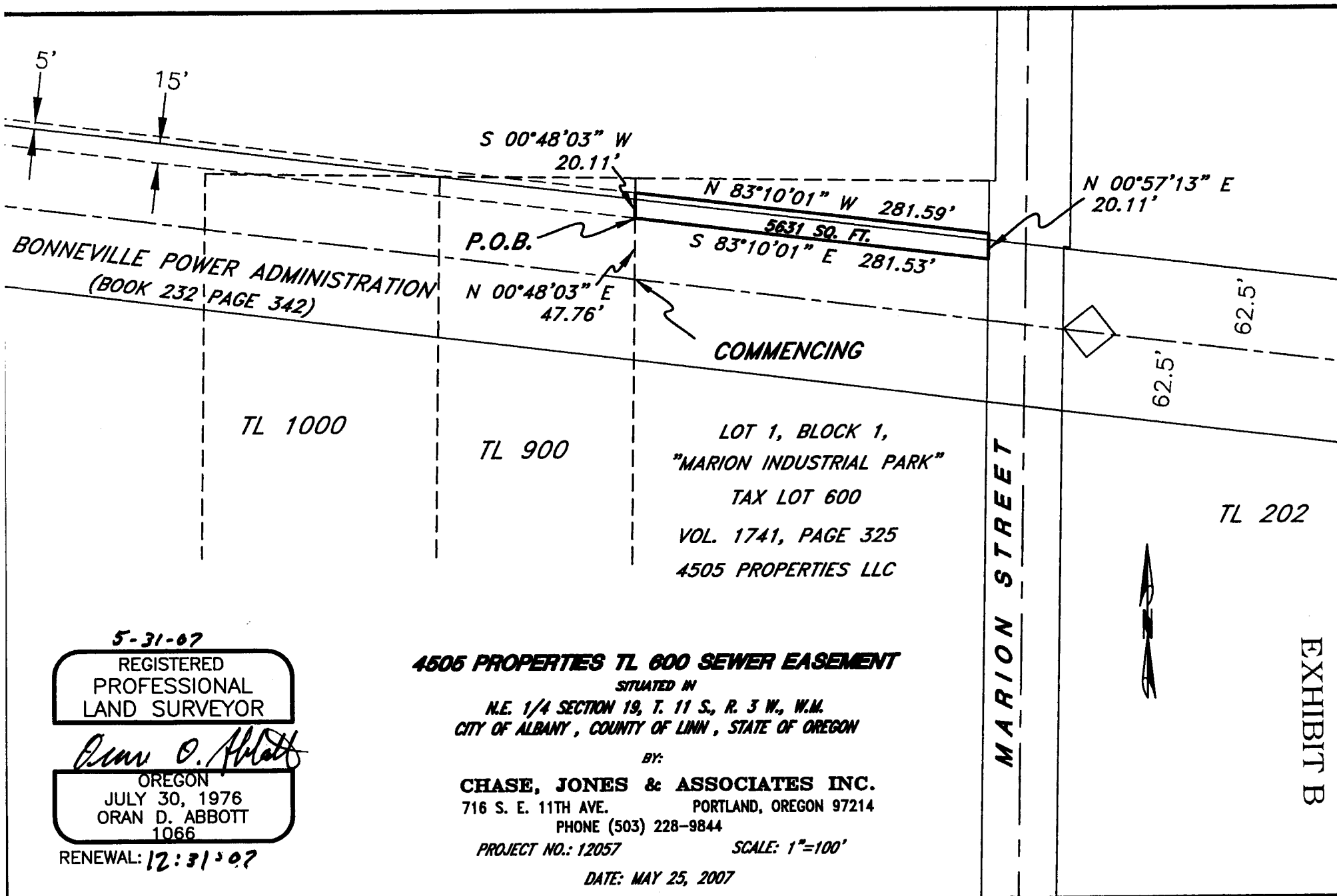
This tract contains 5,631 square feet more or less.



*Oran D. Abbott*



RENEWAL: 12/31/07



BONNEVILLE POWER ADMINISTRATION  
(BOOK 232 PAGE 342)

TL 1000

TL 900

LOT 1, BLOCK 1,  
"MARION INDUSTRIAL PARK"  
TAX LOT 600  
VOL. 1741, PAGE 325  
4505 PROPERTIES LLC

TL 202

MARION STREET

EXHIBIT B

5-31-07  
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Oran D. Abbott*  
OREGON  
JULY 30, 1976  
ORAN D. ABBOTT  
1066

RENEWAL: 12:31:07

**4505 PROPERTIES TL 600 SEWER EASEMENT**  
SITUATED IN  
N.E. 1/4 SECTION 19, T. 11 S., R. 3 W., W.M.  
CITY OF ALBANY, COUNTY OF LINN, STATE OF OREGON

BY:  
**CHASE, JONES & ASSOCIATES INC.**  
716 S. E. 11TH AVE. PORTLAND, OREGON 97214  
PHONE (503) 228-9844

PROJECT NO.: 12057 SCALE: 1"=100'  
DATE: MAY 25, 2007

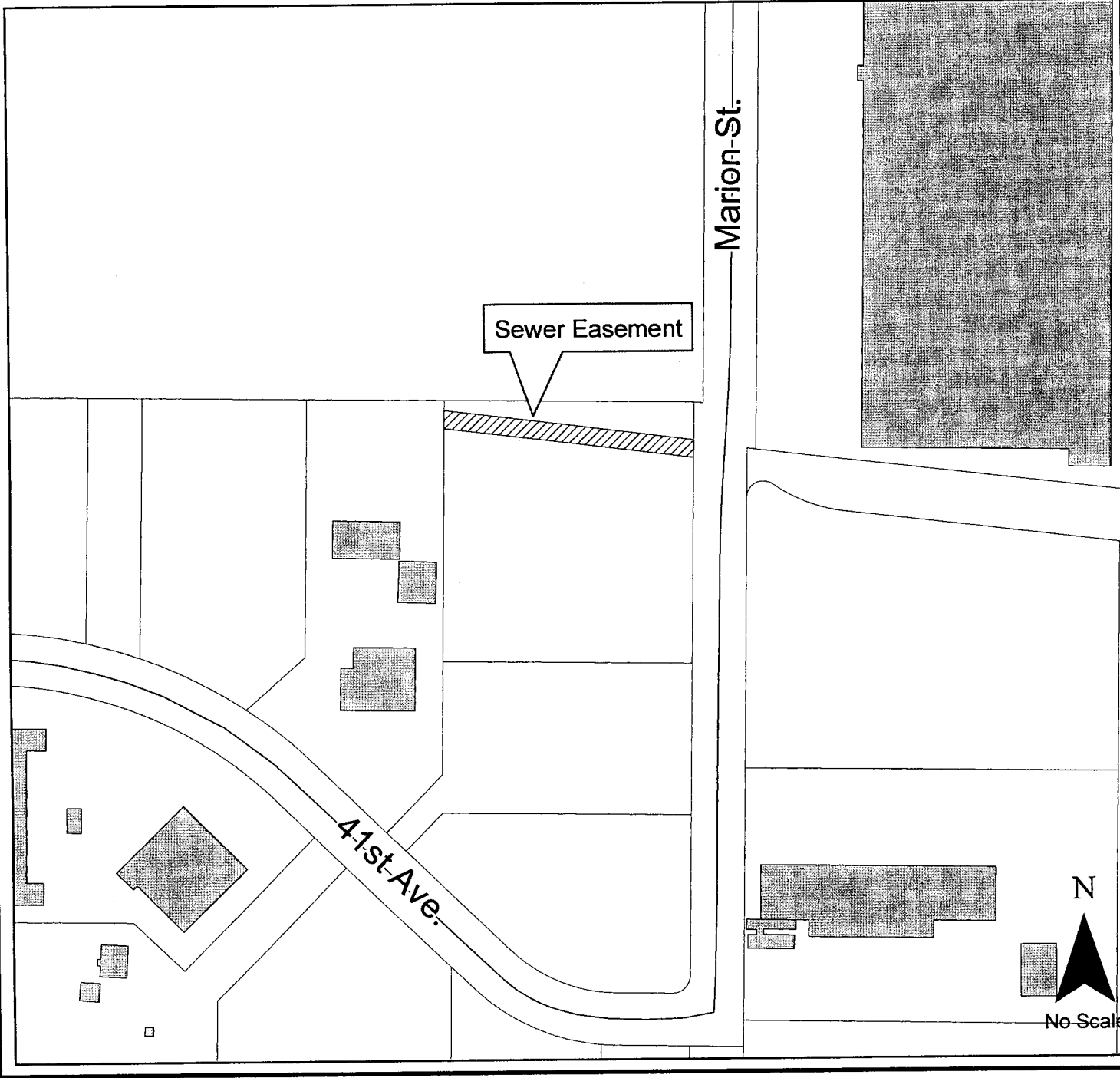
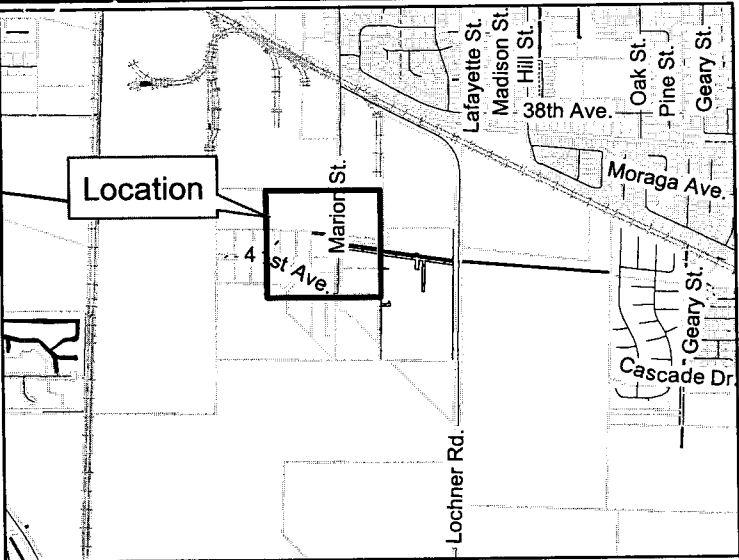
# EXHIBIT C

11S03W19A 00600

SS-07-05  
Oak Creek Sewer  
Force Main



Geographic Information Services



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

LINN COUNTY, OREGON **2007-26441**  
E-UT  
Cnt=1 Stn=7 M. FISHER 11/08/2007 02:16:05 PM  
\$35.00 \$11.00 \$10.00 **\$56.00**



00066397200700264410070072

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

4505 Properties LLC and Bee Hollows 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

\$2,820.00 \_\_\_\_\_



Resolution No. 5517

Recorded Document Recorder File No. 4996