

RESOLUTION NO. 5991

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Albany Industrial Properties, LLC

Purpose


A 40-foot wide easement over a new deep trunk sewer main east of I-5 as part of the Lawndale sewer pump station elimination project, SS-11-01.

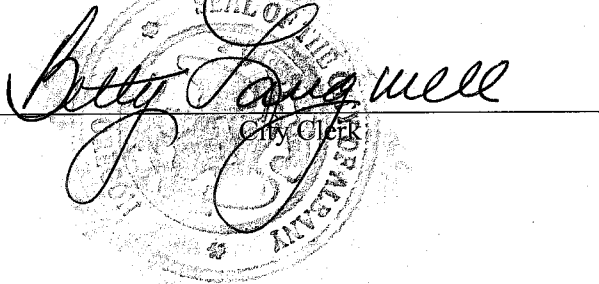
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 9TH DAY OF MARCH 2011.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 15TH day of FEBRUARY, 2011, by and between Albany Industrial Properties, 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 40-foot wide easement over a new deep trunk sewer main east of I-5 as part of the Lawndale sewer pump station elimination project, SS-11-01. See legal description on attached Exhibit A and map on attached 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 \$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, and in further consideration of the quitclaim/release by the City of two portions of an existing Easement for Public Utilities in the southerly extension of Rye Street.
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:**

*Radney G. Kempf*  
For ~~Albany~~ Albany Industrial Properties LLC

STATE OF OREGON )  
County of Lane ) ss.  
City of Eugene )

The foregoing instrument was acknowledged before me this 15th day of February, 2011, by Radney G. Kempf on behalf of Albany Industrial Properties, LLC as his voluntary act and deed.



*Donald Manning*  
Notary Public for Oregon  
My Commission Expires: 12-7-2011

**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 \_\_\_\_\_ day of \_\_\_\_\_ 2011.

\_\_\_\_\_  
City Manager

ATTEST:

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

# EXHIBIT A

## PERMANENT UTILITY EASEMENT

### Legal Description of easement area

A 40-foot wide Easement for Public Utilities, as shown on the attached maps labeled Exhibit B and Exhibit C, and as described below.

Beginning at the southeast corner of Lot 7 of Farwest Industrial Plat as recorded in Book 9, Page 27 of Linn County, Oregon Plat Records; thence South  $00^{\circ} 05' 15''$  West 218.0 feet along the southerly extension of the westerly right of way line of Fescue Street to the **true point of beginning**; thence continuing South  $00^{\circ} 05' 15''$  West 40.0 feet; thence North  $89^{\circ} 53' 44''$  West 285.5 feet; thence South  $00^{\circ} 05' 15''$  West 32.0 feet; thence North  $89^{\circ} 53' 44''$  West 40.0 feet; thence North  $00^{\circ} 05' 15''$  East 72.0 feet; thence South  $89^{\circ} 53' 44''$  East 325.5 feet to the true point of beginning.

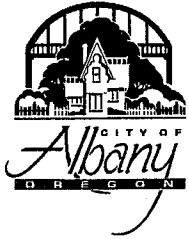
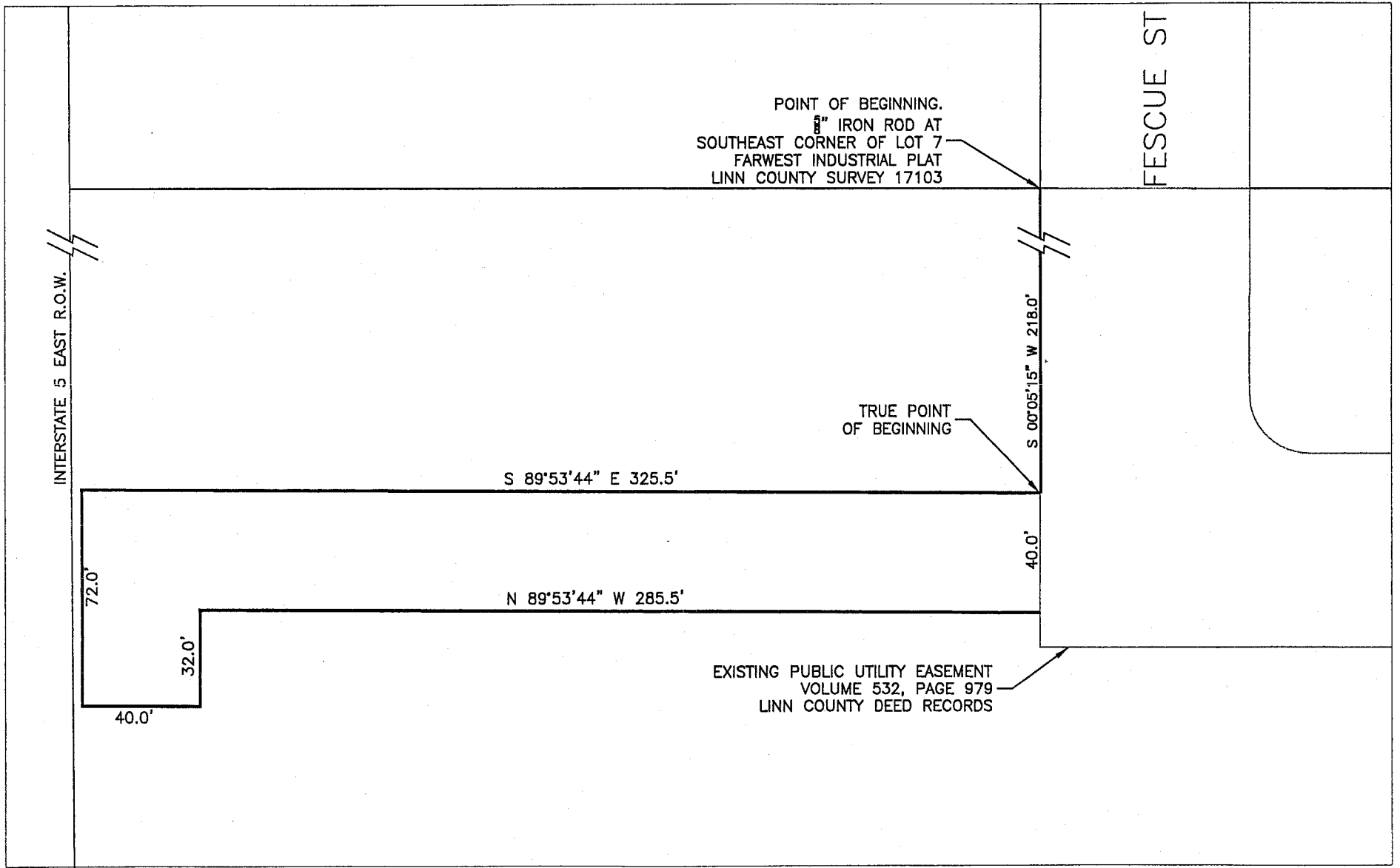
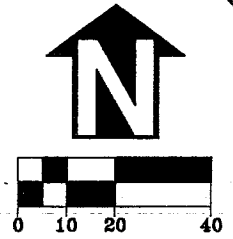


EXHIBIT B  
SS-11-01, LAWDALE SEWER EXTENSION  
PUBLIC UTILITY EASEMENT  
T11S R3W SEC 16 TL 704



# EXHIBIT C

11SO3W16 00704

A 40-foot wide easement over a new deep trunk sewer main east of I-5 as part of the Lawndale sewer pump station elimination project, SS-11-01.



Geographic Information Services

