

RESOLUTION NO. 6162

A RESOLUTION ACCEPTING THE FOLLOWING FRANCHISE UTILITY EASEMENT:

Grantor

FIRST CHURCH OF GOD, ALBANY, OREGON,  
AN OREGON NONPROFIT CORPORATION

Purpose

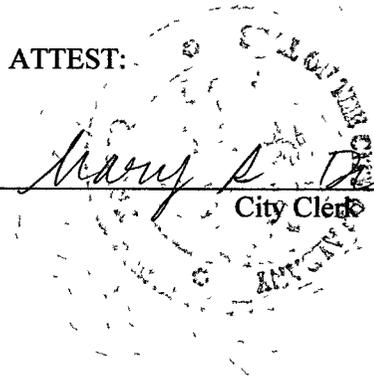
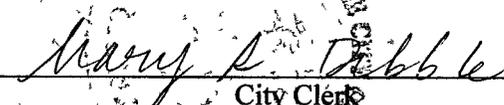
A 10-foot wide franchise utility easement on the south side of the Hickory Street right-of-way as required by a condition of approval for Blossom Crossing subdivision.

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

DATED AND EFFECTIVE THIS 22ND DAY OF AUGUST 2012.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
  
\_\_\_\_\_  
City 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.

-----

BENTON COUNTY, OREGON **2012-496141**  
DE-EAS  
Crit=1 Str=9 SANDY **08/29/2012 03:21:05 PM**  
\$30.00 \$11.00 \$17.00 \$10.00 \$20.00 **\$88.00**



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:

First Church of God

\_\_\_\_\_

\_\_\_\_\_

1. Name/Title of Transaction - by ORS 205.234 (a)

Easement for Franchised Public Utilities

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

First Church of God, Albany, Oregon

\_\_\_\_\_

\_\_\_\_\_

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

## EASEMENT FOR FRANCHISED PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 2ND day of JUNE, 2011, by and between **First Church of God, Albany, Oregon, an Oregon nonprofit corporation**, 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 and Utility Companies with Franchise Agreements with the City, 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 franchised utilities 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: See legal description on attached Exhibit A and map on attached Exhibit B and Exhibit C.
2. The permanent easement described herein grants to the City and its franchised utility companies, and to their 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 Utility Company performing the maintenance 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: First Church of God, Albany, Oregon, an Oregon nonprofit corporation**

By: Connie Shroat  
\_\_\_\_\_  
President

STATE OF OREGON )  
County of Linn ) ss.

Personally appeared the above named Connie Shroat, President of the Board of Trustees of the First Church of God, Albany, Oregon, an Oregon nonprofit corporation, as its duly authorized officer, and acknowledged the foregoing instrument to be its voluntary act and deed, before me this 2nd day of June, 2011.

Betty M. Jear  
Notary Public for Oregon  
My Commission Expires: July 16, 2013



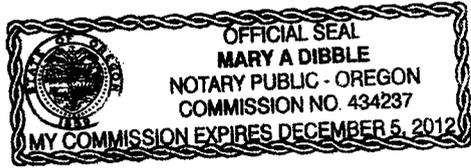
**CITY OF ALBANY:**

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 6162, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27th day of August ~~2011~~. 2012 <sup>08</sup>

Wes Hare  
City Manager

ATTEST:



Mary A. Dibble  
City Clerk

**EXHIBIT "A"**

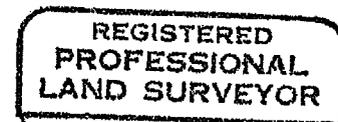
**Franchise Utility Easement**  
**(Over Portion of CHURCH TRACT – formerly GRIFFIN)**

A 10.00 foot wide strip of land for easement purposes located over a portion of that Griffin Tract described by deed recorded in Document No. 2010-462120 in the Benton County, Oregon Deed Records that is more particularly described as follows:

Commencing at a 5/8 inch rod at the intersection of the south right-of-way line of NW Hickory Place with the west right-of-way line of NW Hickory Place, which rod being South 04°10'53" West 163.59 feet from a 1 inch pipe at the northeast corner of said Griffin Tract; thence North 86°01'02" West 24.78 feet to a 5/8 inch rod; thence along the arc of a 370.00 foot radius curve to the left (long chord of which bears South 81°33'19" West 159.29 feet) a distance of 160.55 feet to a 5/8 inch rod on the west line of that ~~FIRST CHURCH OF GOD, ALBANY, OREGON~~ Tract (hereinafter referred to as "Church Tract") described by deed recorded in M-277431-99 in the Benton County, Oregon Deed Records and which rod being the **TRUE POINT OF BEGINNING** of the hereinafter described Tract; thence along the arc of a 370.00 foot radius curve to the left (long chord of which bears South 65°20'23" West 48.80 feet) a distance of 48.84 feet to a 5/8 inch rod; thence South 28°26'30" East 10.00 feet; thence along the arc of a 360.00 foot radius curve to the right (chord bears North 64°47'45" East 40.66 feet) a distance of 40.68 feet to a point on the west line of said Church Tract; thence North 13°18'00" East 12.17 feet to the Point of Beginning.

January 13, 2011  
EXHIBIT "A"  
FRANCHISE EASEMENT OF CHURCH  
FORMERLY GRIFFIN  
(04-120-K) JRB:nm

File: titan\projects\2004\04-120-K\Surveying\documents\church as grantor\FUE over church Tract formerly Griffin.doc



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

RENEWAL DATE 12/31/11

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jack R. Burrell*

OREGON  
JULY 14, 1978  
JACK R. BURRELL  
1630

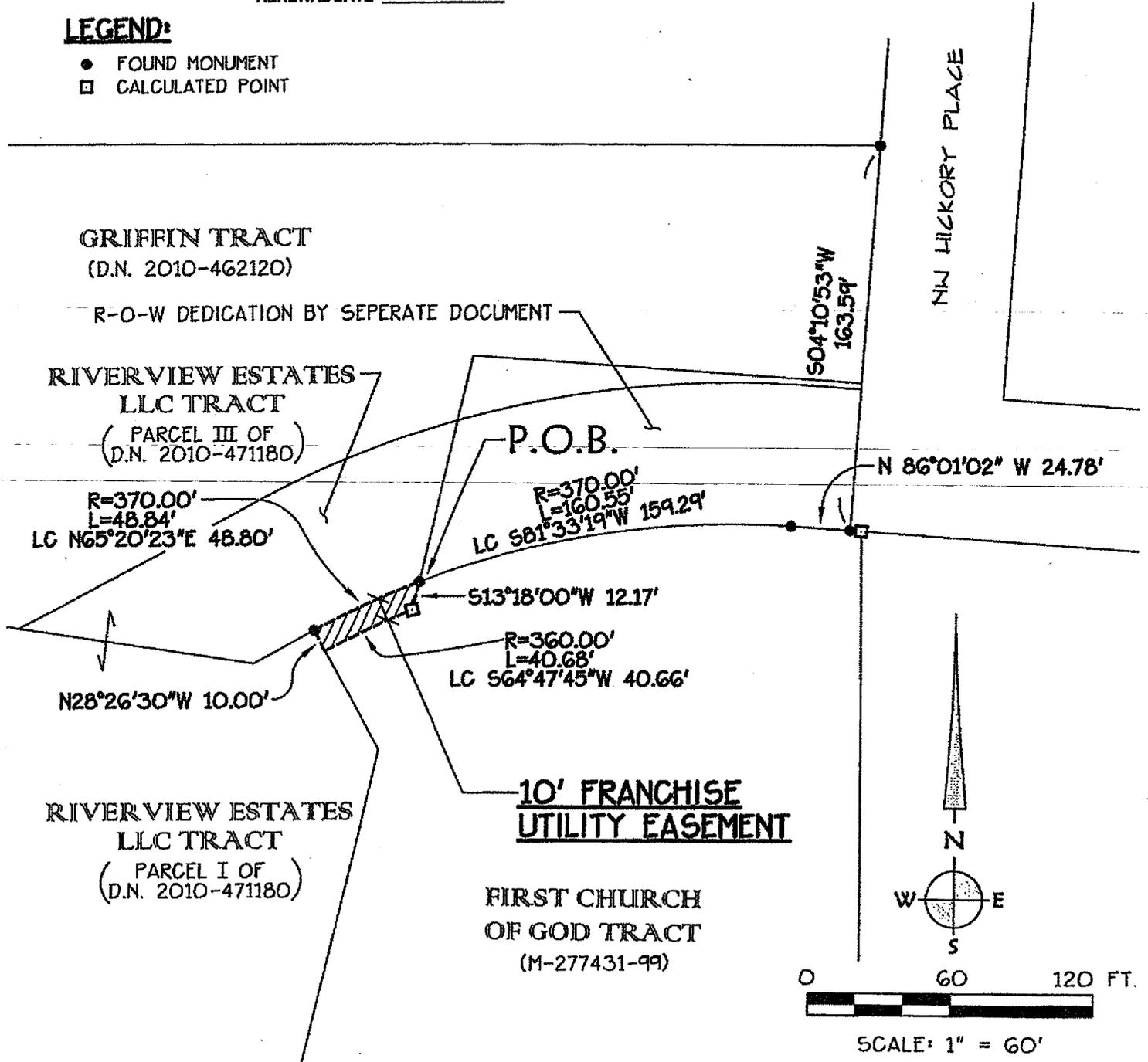
# EXHIBIT "B" FRANCHISE UTILITY EASEMENT

LOCATED IN  
NE 1/4 + SE 1/4 OF SEC. 1, T. 11 S., R. 4 W., W.M.  
A.M. RAINWATER DLC No. 61  
CITY OF ALBANY, BENTON COUNTY, OREGON  
JANUARY 11, 2011

RENEWAL DATE 12/31/11

## LEGEND:

- FOUND MONUMENT
- CALCULATED POINT



Date: 1/12/2011 Time: 13:54  
Scale: 1=60  
File: dwg\2004\04-120\120-exhibit-k.dwg (lan)

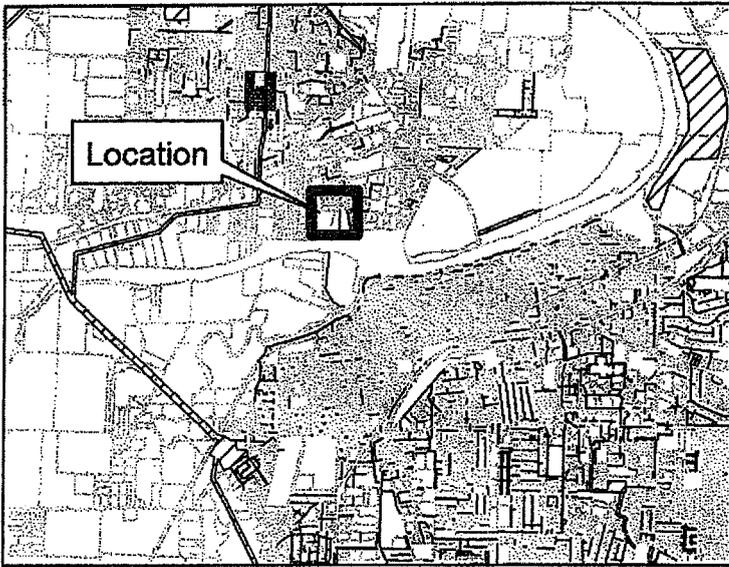
**K D**

**K & D ENGINEERING, Inc.**  
276 N.W. Hickory Street P.O. Box 725  
Albany, Oregon 97321  
(541) 928-2583

# EXHIBIT C

11S04W01DB00400

A 10-foot wide franchise utility easement on the south side of a future right-of-way as required by a condition of approval for Blossom Crossing subdivision.



Geographic Information Services

