

RESOLUTION NO. 6386

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Micheal D. Newman and Roberta D. Newman

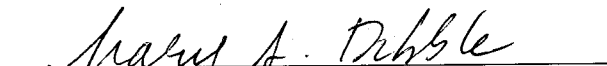
A 15.0 foot wide easement for a public water line as part of the Grace Point Church development project.

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

DATED AND EFFECTIVE THIS 11TH DAY OF FEBRUARY 2015.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

### EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 13 day of January, 2015, by and between Micheal D. and Roberta D. Newman, 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, 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 easement hereby granted consists of:
  - A 15.0 foot wide easement for a public water line. See legal description on attached Exhibit A and easement 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:**

**Micheal D. and Roberta D. Newman**

Micheal D Newman  
Micheal D. Newman

Roberta D Newman  
Roberta D. Newman

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

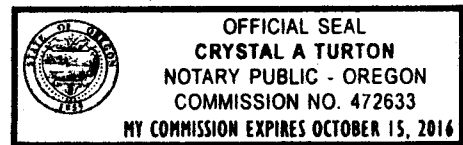
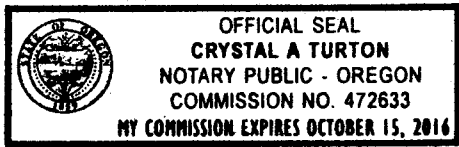
STATE OF OR )  
County of Linn ) ss.  
City of Albany )

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of January, 2015, by Micheal D. Newmann as his voluntary act and deed.

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of January, 2015, by Roberta D. Newman as her voluntary act and deed.

Crystal A Turton  
Notary Public for OR  
My Commission Expires: Oct. 15, 2016

Crystal A Turton  
Notary Public for OR  
My Commission Expires: Oct. 15, 2016



**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 \_\_\_\_\_ 2015.

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

ATTEST:

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

# EXHIBIT A

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

## Legal Description

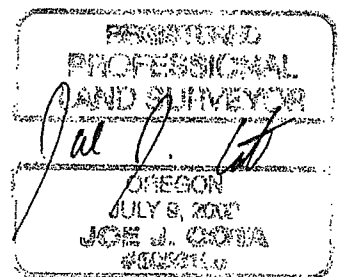
### City of Albany Waterline Easement

A tract of land for easement purposes located over the properties conveyed to Michael and Roberta Newman described by deeds recorded in MF Volume 345, Page 899 and MF Volume 1539, Page 256 in the Linn County, Oregon Deed Records (herein after referred to as the "Newman Properties") which tract being more particularly described as follows:

Beginning at a point on the easterly right-of-way line of Clover Ridge Road that is South 88°00'28" East 124.70 feet from a 2 inch aluminum cap at City of Albany GPS Point Number 94043; thence South 00°25'46" East, along said easterly right-of-way line, 15.00 feet; thence North 89°41'23" West 142.13 feet; thence South 00°18'37" West 2.50 feet to a point on the south line of said Newman Properties; thence North 89°41'23" West, along the south line of said Newman Properties, 15.00 feet; thence North 00°18'37" East 2.50 feet; thence North 89°41'23" West 7.99 feet; thence South 00°18'37" West 2.50 feet to a point on the south line of said Newman Properties; thence North 89°41'23" West, along the south line of said Newman Properties, 15.00 feet; thence North 00°18'37" East 2.50 feet; thence North 89°41'23" West 302.89 feet; thence North 00°18'37" East 15.00 feet; thence South 89°41'23" East 1.70 feet; thence North 00°10'02" West 5.43 feet; thence North 89°49'58" East 15.00 feet; thence South 00°10'02" East 5.55 feet; thence South 89°41'23" East 466.13 feet to the Point of Beginning.

January 6, 2015  
COA WATERLINE EASEMENT  
(08-129-C) JJC:ls

File Ref: z:/projects/2008/08-129/surveying/documents/legals/water easement.doc



# EXHIBIT B

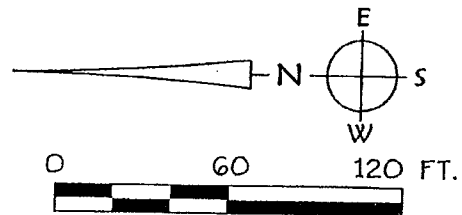
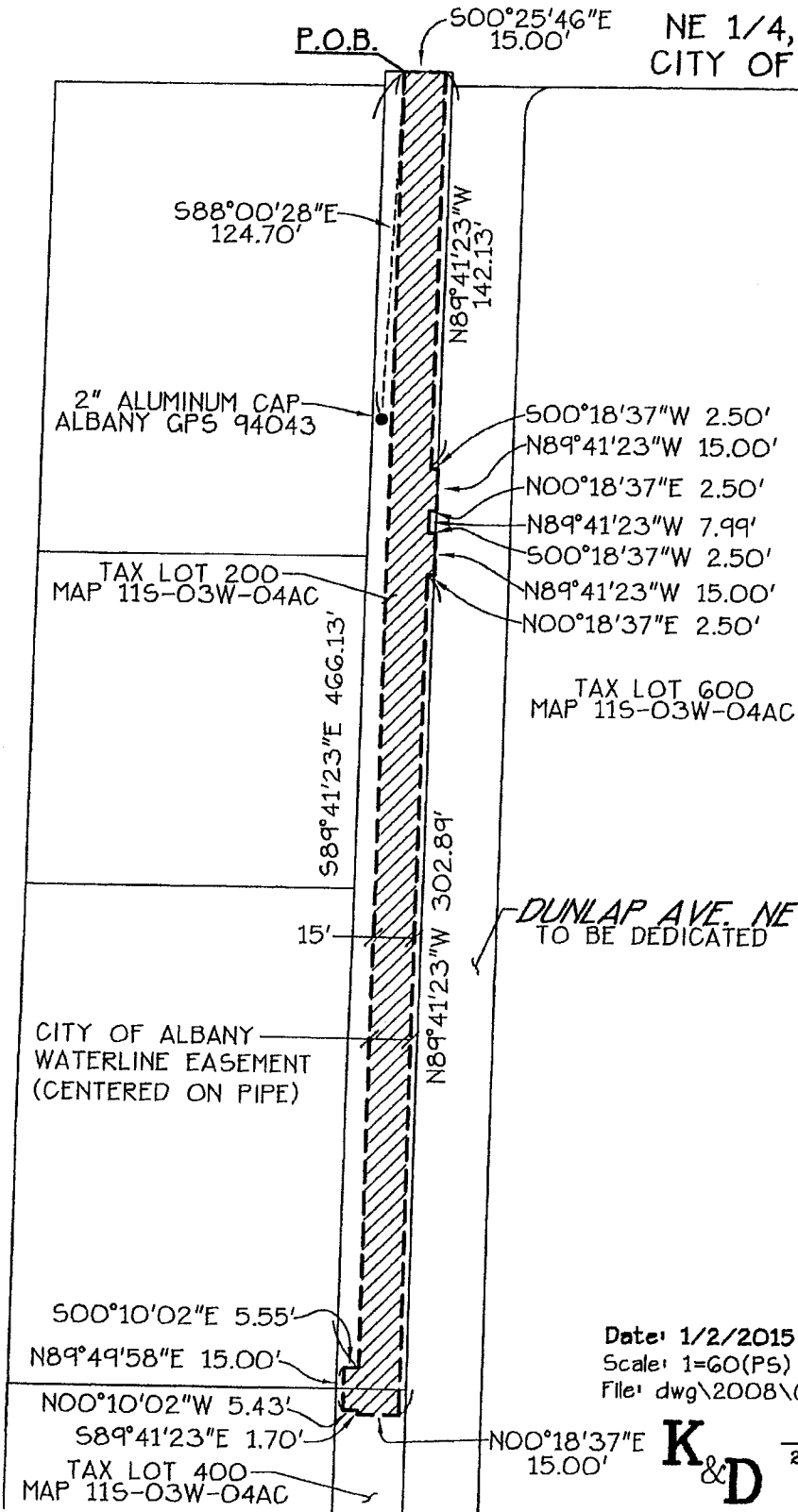
CLOVER RIDGE RD NE

EXHIBIT MAP  
FOR

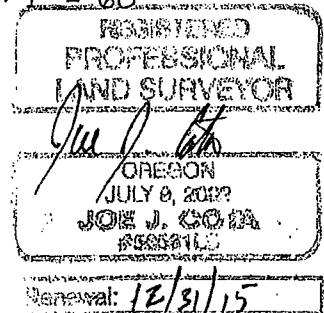
CITY OF ALBANY WATERLINE EASEMENT  
LOCATED IN

NE 1/4, SEC. 4, T. 11 S., R. 3 W., W.M.  
CITY OF ALBANY, LINN COUNTY, OREGON

JANUARY 2, 2015



SCALE: 1" = 60'



Date: 1/2/2015

Time: 14:52

Scale: 1=60(PS)

File: dwg\2008\08-129-c\Phase1a\08-129c-exht.dwg (lan)

**K & D**

**K & D ENGINEERING, Inc.**

278 N.W. Hickory Street P.O. Box 725  
Albany, Oregon 97321  
(541) 928-2583

