

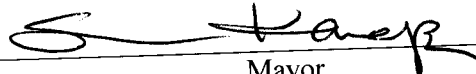
RESOLUTION NO. 6418

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:


<u>Grantor</u>	<u>Purpose</u>
Central Willamette Community Credit Union	An 8-foot wide easement for a public water line and fire hydrant as part of the Capitol Surgery Center project. 11S03W05DD 00711 and 00604

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

DATED AND EFFECTIVE THIS 27TH DAY OF MAY 2015.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

### EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 12<sup>th</sup> day of May, 2015, by and between Central Willamette Credit Union, 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:  
  
An 8-foot wide easement for a public water line and fire hydrant as part of the Capitol Surgery Center project. See 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:**

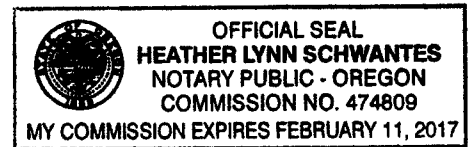
Central Willamette Credit Union

Nikki Warner  
By: Nikki Warner, Chief Administrative Officer

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

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of May, 2015, by Nikki Warner, Chief Administrative Officer, on behalf of Central Willamette Credit Union, as her voluntary act and deed.

Heather Lynn Schwantes  
Notary Public for Oregon  
My Commission Expires: February 11, 2017



**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 6718, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 29<sup>th</sup> day of May 2015.

Wes Hare  
City Manager



ATTEST:  
Mary A. Dibble  
City Clerk

EXHIBIT A

Legal Description For:  
Public Waterline and Fire Hydrant Easement  
Property Vested in: Central Willamette Credit Union

An 8.00-foot wide strip of land situated in the southeast one-quarter of Section 5, Township 11 South, Range 3 West of the Willamette Meridian, in the City of Albany, Linn County, Oregon, more particularly described as follows:

Beginning at the southeast corner of that property described in that instrument recorded in Document No. 2011-497, Linn County Records, said point recorded as being 153.60 feet North 88°28'00" East and 194.47 feet South 01°25'53" East from the southwest corner of Parcel 3, Partition Plat 2001-18, as platted and recorded in the Linn County Book of Partition Plats, said point being on the north right of way line of 7th Avenue; and running thence:  
Southwesterly along the arc of a 385.00-foot radius curve to the left (whose radius point bears South 13°41'15" East and the long chord of which bears South 75°55'53" West 5.12) 5.12 feet along said north right of way line;  
thence North 1°25'53" West 8.21 feet;  
thence Northeasterly along the arc of a 393.00-foot radius curve to the right (whose radius point bears South 14°10'50" East and the long chord of which bears North 76°56'09" East 15.31 feet) 15.32 feet;  
thence South 1°25'53" East 8.14 feet to a point on the aforementioned north right of way line of 7th Avenue;  
thence Southwesterly along the arc of a 385.00-foot radius curve to the left (whose radius point bears South 12°10'07" East and the long chord of which bears South 77°04'19" West 10.20 feet) 10.21 feet along said north right of way line to the Point of Beginning.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Gregory L. Wilson*

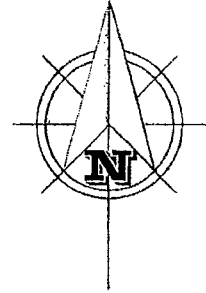
OREGON  
JULY 19, 1994  
GREGORY L. WILSON  
2687

EXPIRES 6-30-16

# EXHIBIT B

## WATERLINE AND FIRE HYDRANT EASEMENT TO THE CITY OF ALBANY

BADLANDS RPA, LLC  
TAX LOT  
11S03W05DD712



SCALE: 1" = 20'  
MAY 7, 2015

APPROX. LOCATION OF  
EXISTING 10' WATERLINE  
EASEMENT PER  
DOC. NO. 2011-00239

CENTRAL WILLAMETTE  
CREDIT UNION  
TAX LOT  
11S03W05DD00711

CENTRAL WILLAMETTE  
CREDIT UNION  
TAX LOT  
11S03W05DD00604

- Ⓒ1 L.C.—S75°55'53"W 5.12'  
385.00' RADIUS / 5.12' ARC LENGTH
- Ⓒ2 L.C.—N76°56'09"E 15.31'  
393.00' RADIUS / 15.32' ARC LENGTH
- Ⓒ3 L.C.—S77°04'19"W 10.20'  
385.00' RADIUS / 10.21' ARC LENGTH

N1°25'53"W 8.21'

S1°25'53"E 8.14'

Ⓒ1

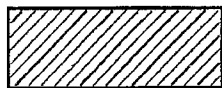
P.O.B.

Ⓒ3

20'

7TH AVENUE SE

20'



WATERLINE AND FIRE HYDRANT  
EASEMENT TO THE CITY OF ALBANY

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 19, 1994  
GREGORY L. WILSON  
2887

EXPIRATION DATE: 6/30/2016

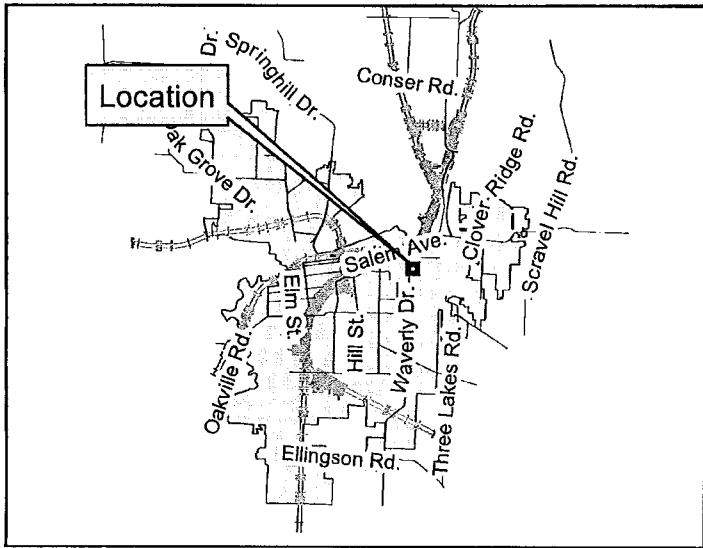
BARKER SURVEYING  
3657 KASHMIR WAY SE  
SALEM, OREGON 97317  
PHONE (503) 588-8800  
FAX (503) 363-2469  
EMAIL: INFO@BARKERWILSON.COM

LOCATION: SE 1/4 OF SECTION 5, T. 11 S.,  
R. 3 W., W.M., CITY OF ALBANY,  
LINN COUNTY, OREGON

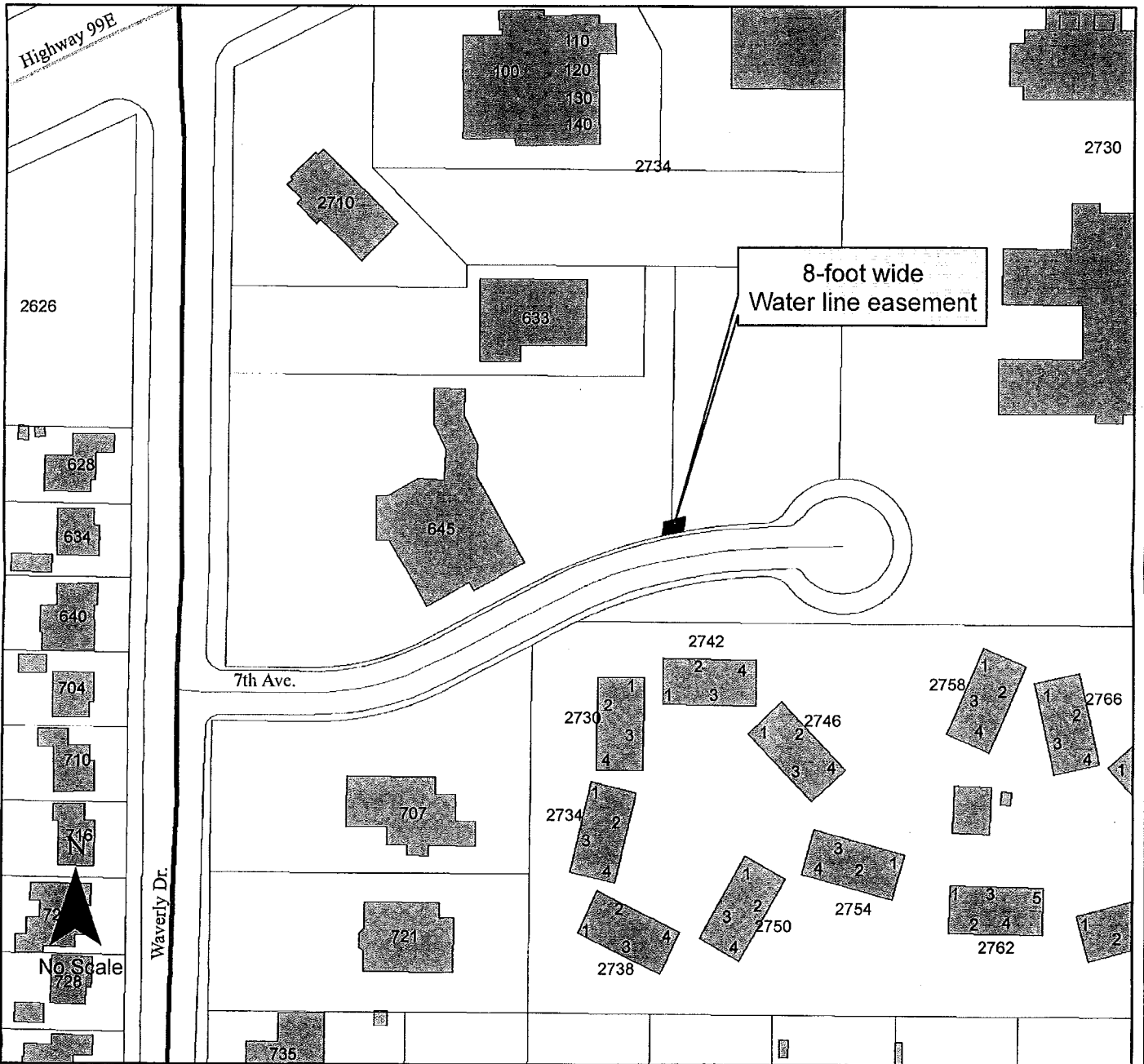
# EXHIBIT C

11S03W05DD- 00711, 00604

An 8-foot wide easement for a public water line and fire hydrant as part of the Capitol Surgery Center project.



Geographic Information Services



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

LINN COUNTY OREGON **2015-07807**  
E-UT  
Cnt=1 Stn=44 COUNTER **05/29/2015 10:57:27 AM**  
\$30.00 \$11.00 \$20.00 \$19.00 \$10.00 **\$90.00**



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:

Central Willamette Community Credit Union

\_\_\_\_\_

\_\_\_\_\_

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

Easement

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

Central Willamette Community Credit Union

\_\_\_\_\_

\_\_\_\_\_

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

2-10-15 6:13