

LINN COUNTY, OREGON

2012-01471

E-AE

02/03/2012 12:32:56 PM

Cnt=2 Stn=7 C. ACKER

\$20.00 \$5.00 \$11.00 \$15.00 \$9.00

\$70.00

Recording Cover Sheet

All Transactions (ORS 205.234)


After Recording Return To:

CITY OF LEBANON  
925 MAIN ST,  
LEBANON, OR. 97355


Mail Tax Statements To:

2020 OVERDRIVE LLC & SBLEB LLC  
515 W PICKETT CIR. # 400  
SALT LAKE CITY, UTAH 84115

00172569201200014710040049



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

Reserved for Recording Label

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

EASEMENT FOR PUBLIC ACCESS AND UTILITIES

2. Grantor / Direct Party Name and Address (ORS 205.125 (1b), 205.160 & 205.234 (1b))

2020 OVERDRIVE LLC AND SBLEB LLC  
515 W PICKETT CIR. # 400  
SALT LAKE CITY, UTAH 84115

3. Grantee / Indirect Party Name and Address (ORS 205.125 (1b), 205.160 & 205.234 (1b))

CITY OF LEBANON  
925 MAIN ST.  
LEBANON, OREGON 97355

4. True and Actual Consideration (ORS 93.030)

0

5. If this instrument is being re-recorded, complete the following statement (ORS 205.244)

Re-recorded at the request of \_\_\_\_\_

to correct \_\_\_\_\_

Previously recorded in Book \_\_\_\_\_ and page \_\_\_\_\_ or DN \_\_\_\_\_

EASEMENT FOR PUBLIC ACCESS AND UTILITIES

THIS AGREEMENT, made and entered into this 8th day of November, 2011 by and between 2020 OVERDRIVE LLC., AND SBLEB LLC., herein called Grantors, and the CITY OF LEBANON, a Municipal corporation, herein called "City."

WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the Grantor does bargain, sell, convey and transfer unto the City of Lebanon, a perpetual and permanent easement and right-of-way, including the right to enter upon the real property hereinafter described, construct sidewalk, 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 is described as follows:

SEE "EXHIBIT A AND B" ATTACHED

- 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 other property or value, the receipt of which is hereby acknowledged, and in further consideration of the public improvements to be placed upon said property and the benefits Grantor may obtain therefrom. Nothing herein shall reduce or limit grantor's obligation to pay any costs or assessments which may result from the improvements.
4. The Grantor does hereby covenant with the City that Grantor is lawfully seized and possessed of the real property above described, has a good and lawful right to convey it or any part thereof, and will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City will make reasonable efforts to return the site to its original condition.
6. No permanent structure shall be constructed on this easement.

IN WITNESS WHEREOF, we have set our hands hereto this 8th day of November, 2011.

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

[Signature]

GRANTOR(S)

IN WITNESS WHEREOF, we have set our hands hereto this 15th day of December, 2011.

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

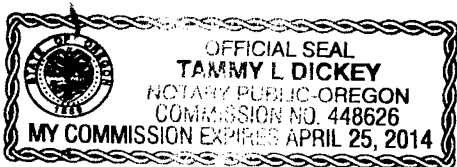
By: Kenneth I. Toomb
Kenneth I. Toomb, Mayor [checked]
Bob Elliott, Council President [unchecked]

By: Linda Kaser
Linda Kaser, City Clerk/Recorder

On the 8th day of November, 2011, personally appeared the within named Bret Fox who acknowledged the foregoing instrument to be a voluntary act and deed.

BEFORE ME: [Signature]
NOTARY PUBLIC FOR OREGON

Commission Expires: April 25, 2014

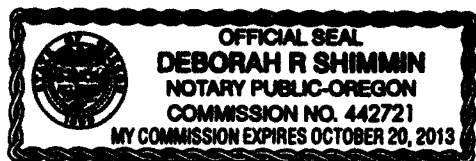


GRANTEES

On the 15th day of December, 2011, personally appeared Kenneth I. Toomb and LINDA KASER, who each being duly sworn, did say that the former is the Mayor/Council President and the latter is the Recorder for the City of Lebanon, a Municipal Corporation, and that the seal affixed to the foregoing instrument was signed and sealed in behalf of said corporation by authority of its City Council, which accepted this easement on the 14th day of December, 2011, and each of them acknowledged said instrument to be its voluntary act and deed.

BEFORE ME: [Signature]
NOTARY PUBLIC FOR OREGON

Commission expires: 10/20/2013



AREA RESERVED FOR USE BY LINN COUNTY RECORDER

## Exhibit A Public Utility Easement

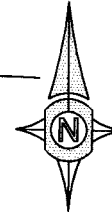
An area of land in the Southeast 1/4 of Section 15, Township 12 South, Range 2 West, Willamette Meridian, City of Lebanon, Linn County, Oregon being more particularly described as follows;

Beginning at a point on the South right-of-way of Airport Road and bearing South 88°51'6" East 2021.75 feet, and South 75°32'48" East 3.28 feet and South 88°04'44" East 64.59 feet from the Southeast corner of the S.A. Nickerson DLC No. 68 in the Southeast 1/4 of Section 15, Township 12 South, Range 2 West, Willamette Meridian, City of Lebanon, Linn County, Oregon; thence along said south right-of-way, South 88°04'44" East 30.00 feet; thence South 01°51'53" West 107.45 feet; thence South 88°18'45" East 19.00 feet; thence South 01°51'53" West 15.00 feet; thence North 88°15'45" West 49.00 feet; thence North 01°51'53" East 122.57 feet to the point of beginning.

Based on C.S. 24742.

POINT OF BEGINNING BEARING  
SOUTH 88°51'6" EAST 2021.75',  
AND SOUTH 75°32'48" EAST  
3.28' AND SOUTH 88°04'44"  
EAST 64.59' FROM THE  
SOUTHEAST CORNER OF THE  
S.A. NICKERSON DLC NO. 68

AIRPORT RD



SCALE:



UDELL ENGINEERING  
AND  
LAND SURVEYING, LLC  
63 EAST ASH ST.  
LEBANON, OREGON, 97355  
541-451-5125

EXHIBIT B  
PUBLIC UTILITY EASEMENT  
LEBANON, OREGON

Date 11-1-11  
Project 11-189  
Drawn by ASD  
Checked by ASD



SHEET 1  
of 1  
SCALE: AS NOTED

S88°04'44"E 30.00'

N1°51'53"E 122.57'

S1°51'53"W 107.45'

S88°18'45"E 19.00'

S1°51'53"W 15.00'

N88°18'45"W 49.00'

HWY 20