

RESOLUTION NO. 2949

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following easement:

Grantor

Purpose

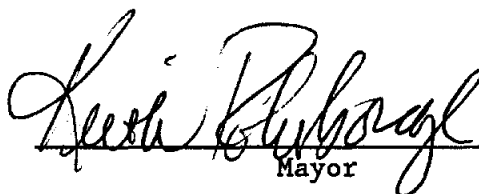
Rodney G. Kempf
Gloria J. Kempf

Permanent utility easement off of Three Lakes Road for the future construction of public utilities in Linn County, Oregon.

Rodney G. Kempf
Gloria J. Kempf

Permanent utility easement off of Three Lakes Road for future street construction in Linn County, Oregon.

DATED this 9th day of May, 1990.

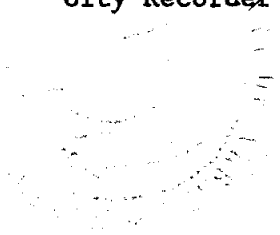


Mayor

ATTEST:



City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 9th day of May, 1990, by and between Rodney G. Kempf and Gloria J Kempf, husband and wife, herein called grantors, 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 grantors have this day bargained and sold and by these presents do 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 permanent utility easement across that property conveyed to Rodney G. Kempf and Gloria J. Kempf, husband and wife, in Volume MF 328, Page 888 Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the southeast corner of the west half of the Edward White Donation Land Claim Number 48 in Section 16, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence WEST on the south line of said Donation Land Claim line 928.75 feet to a point on the south line of said Donation Land Claim where the southerly extension of the westerly right of way line of Three Lakes Road intersects; thence North $00^{\circ} 17' 00''$ East on the westerly right of way line of Three Lakes Road 2,738.52 feet; thence North $89^{\circ} 53' 44''$ West on the southerly boundary line of Lawndale Subdivision as recorded in Book 9, Page 21, Linn County Plat Records, 1,099.21 feet, more or less, to the southeast corner of Lot 7, of Farwest Industrial Plat as recorded in Book 9, Page 27, Linn County Plat Records; thence South $00^{\circ} 05' 15''$ West on the southerly extension of the westerly right of way line of Fescue Street, 205.67 feet to the TRUE POINT OF BEGINNING; thence continuing on said southerly extension of Fescue Street, South $00^{\circ} 05' 15''$ West 15.00 feet; thence North $89^{\circ} 53' 44''$ West parallel to said south line of Lawndale Subdivision 327.77 feet more or less to the easterly right of line of Interstate 5; thence North $00^{\circ} 21' 00''$ West along the easterly right of way line of Interstate 5, 15.00 feet; thence South $89^{\circ} 53' 44''$ East parallel to said south line of Lawndale Subdivision, 327.88 feet, more or less, to the True Point of Beginning.

Containing 0.11 Acres.

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 and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantors do 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 Grantors have hereunto fixed their hands and seals the day and year above written.

Rodney G. Kempf

 Rodney G. Kempf
Gloria J. Kempf

 Gloria J. Kempf

STATE OF OREGON)
 County of ~~Linn~~ ^{Eugene}) ss.
 City of Albany)

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

The foregoing instrument was acknowledged before me this 13th day of March, 1990, by grantor(s) as his/her/their voluntary act and deed.

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2949, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10th day of May _____, 1990.

T. Owens

 Notary Public Oregon
 My Commission Expires 3/5/94
 My Commission Expires _____

CITY OF ALBANY, OREGON
Steve Bryant

 City Manager

[Signature]

 City Recorder

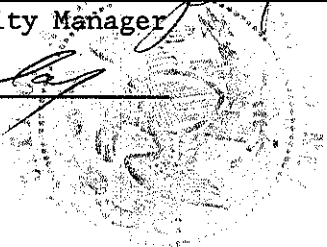


EXHIBIT A

SCALE 1" = 200'

CURVE TABLE

CURVE NUMBER 1

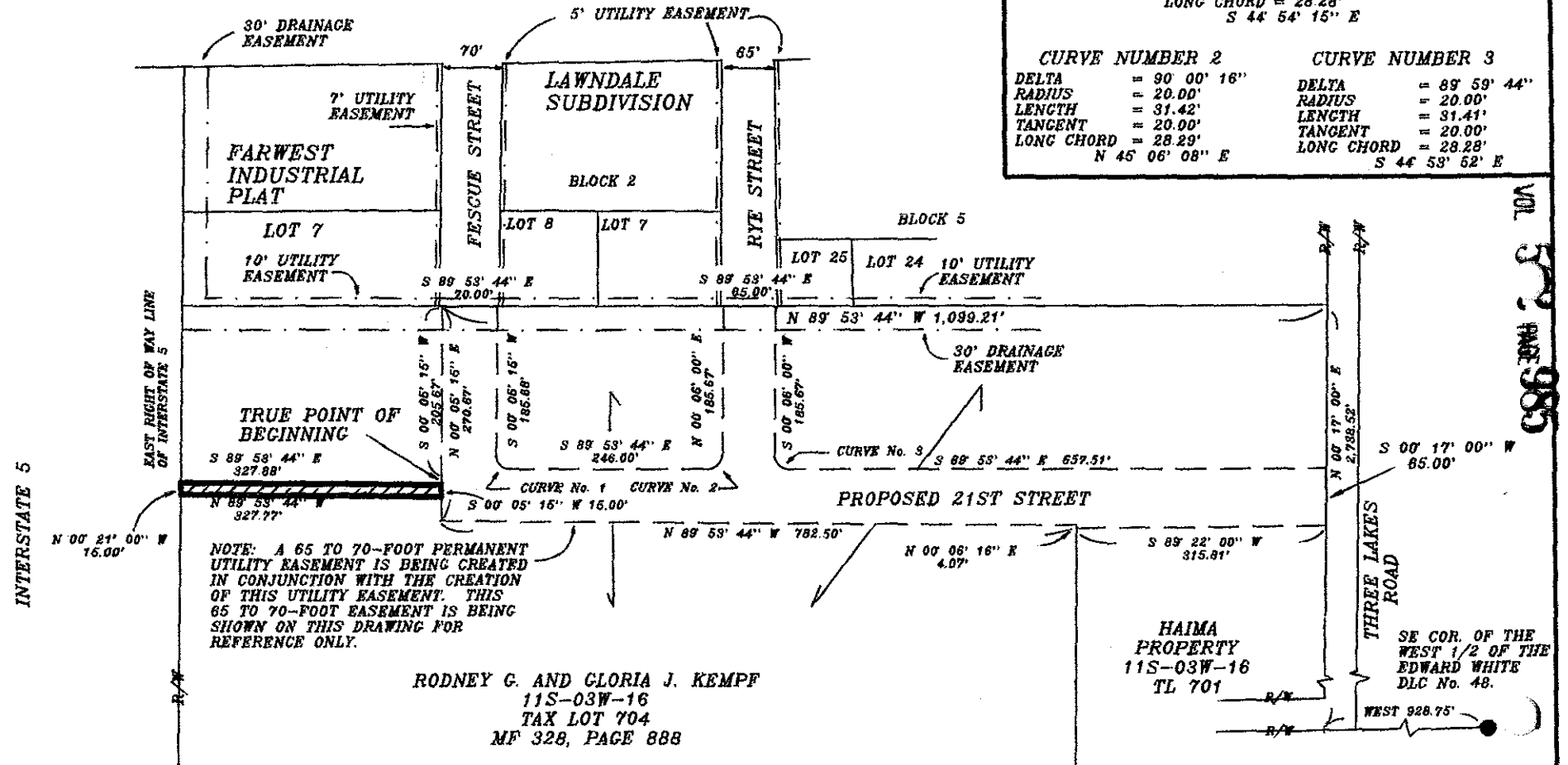
DELTA = 89° 58' 59"
 RADIUS = 20.00'
 LENGTH = 31.41'
 TANGENT = 19.99'
 LONG CHORD = 28.28'
 S 44° 54' 15" E

CURVE NUMBER 2

DELTA = 90° 00' 16"
 RADIUS = 20.00'
 LENGTH = 31.42'
 TANGENT = 20.00'
 LONG CHORD = 28.29'
 N 45° 06' 08" E

CURVE NUMBER 3

DELTA = 89° 59' 44"
 RADIUS = 20.00'
 LENGTH = 31.41'
 TANGENT = 20.00'
 LONG CHORD = 28.28'
 S 44° 53' 52" E



INTERSTATE 5

LEGEND

- PROPOSED EASEMENT BOUNDARY LINE
- PROPERTY AND OR RIGHT OF WAY BOUNDARY LINE
- EASEMENT AREA
- TO BE CREATED EASEMENT BOUNDARY LINE

CITY OF ALBANY, OREGON
 PUBLIC WORKS DEPARTMENT
 ENGINEERING/UTILITIES DIVISION

**PUBLIC UTILITY EASEMENT
 FROM KEMPF TO
 THE CITY OF ALBANY
 IN SECTION 16,
 T. 11 S., R. 3 W., W.M.**

ENTERED JUN 04 1990

STATE OF OREGON
 County of Linn
 I hereby certify that the attached was received and duly recorded by me in Linn County records:
 Volume: MF 532 Page: 983

At 8:30 O'clock a.m.
STEVE DRUCKENMILLER
 Linn County Clerk
 By Deputy
 City of Albany

VOL 532 PAGE 983

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EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 9th day of May, 1990, by and between Rodney G. Kempf and Gloria J Kempf, husband and wife, herein called grantors, 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 grantors have this day bargained and sold and by these presents do 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 permanent utility easement across that property conveyed to Rodney G. Kempf and Gloria J. Kempf, husband and wife, in Volume MF 328, Page 888 Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the southeast corner of the west half of the Edward White Donation Land Claim Number 48 in Section 16, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence WEST on the south line of said Donation Land Claim line 928.75 feet to a point on the south line of said Donation Land Claim where the southerly extension of the westerly right of way line of Three Lakes Road intersects; thence North 00° 17' 00" East on the westerly right of way line of said Three Lakes Road 2,467.85 feet to a point where the north line of that parcel of land conveyed to Carl Haima and Fern Haima, husband and wife, in Volume 314, Page 495, Linn County Deed Records intersects the westerly right of way line of Three Lakes Road, said point being the TRUE POINT OF BEGINNING; thence South 89° 22' 00" West on the north boundary line of said parcel of land as recorded in Volume 314, Page 495, Linn County Deed Records, 315.81 feet, more or less, to the northwest corner of said parcel of land; thence North 00° 06' 16" East 4.07 feet; thence North 89° 53' 44" West parallel to the south boundary line of Lawndale Subdivision as recorded in Book 9, Page 21 of the Linn County Plat Records, 782.50 feet, more or less, to a point where the southerly extension of the westerly right of way line of Fescue Street intersects; thence North 00° 05' 15" East on the southerly extension of the westerly right of way line of said Fescue Street, 270.67 feet, more or less, to the southeast corner of Lot 7 of Farwest Industrial Plat as recorded in Book 9, Page 27, Linn County Plat Records; thence South 89° 53' 44" East on the southerly boundary line of said Farwest

Industrial Plat and Lawndale Subdivision, 70.00 feet to the southwest corner of Lot 8, Block 2, of said Lawndale Subdivision, said point being on the easterly right of way line of Fescue Street; thence South 00° 05' 15" West on the southerly extension of the easterly right of line of said Fescue Street, 185.68 feet, more or less, to the point of curvature of a 20-foot radius curve; thence on the arc of a 20-foot radius curve to the left (the long chord of which bears South 44° 54' 15" East 28.28 feet) 31.41 feet to a point which is 65.00 feet northerly of the southerly easement line of proposed 21st Avenue as created by this description and as shown on EXHIBIT A; thence South 89° 53' 44" East parallel to the south boundary line of said Lawndale Subdivision, said line also being parallel to and 65.00 feet northerly of said southerly line of proposed 21st Avenue, 246.00 feet, more or less, to the point of curvature of a 20-foot radius curve; thence on the arc of a 20-foot radius curve to the left (the long chord of which bears North 45° 06' 08" East 28.29 feet) 31.42 feet to a point on the southerly extension of the westerly right of way line of Rye Street; thence North 00° 06' 00" East, on the southerly extension of the westerly right of way line of said Rye Street, 185.67 feet, more or less to the southeast corner of Lot 7, Block 2, of said Lawndale Subdivision; thence South 89° 53' 44" East on the southerly boundary line of said subdivision, 65.00 feet to the southwest corner of Lot 25, Block 5, of said subdivision, said point being on the easterly right of way line of said Rye Street; thence South 00° 06' 00" West, on the southerly extension of the easterly right of way line of Rye Street, 185.67 feet, more or less, to the point of curvature of a 20-foot radius curve; thence on the arc of a 20-foot radius curve to the left (the long chord of which bears South 44° 53' 52" East 28.28 feet) 31.41 feet to a point which is 65.00 feet northerly of the southerly easement line of the proposed 21st Avenue as created by this easement description and as shown on EXHIBIT A; thence South 89° 53' 44" East parallel to the south boundary line of said Lawndale Subdivision, 657.51 feet, more or less, to a point on the westerly right of way line of Three Lakes Road, said point being North 00° 17' 00" East 65.00 feet from the True Point of Beginning; thence South 00° 17' 00" West on the westerly right of way line of Three Lakes Road 65.00 feet to the True Point of Beginning.

Containing 2.31 Acres.

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 and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantors do 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 Grantors have hereunto fixed their hands and seals the day and year above written.

Rodney G. Kempf
 Rodney G. Kempf
Gloria J. Kempf
 Gloria J. Kempf

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

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

The foregoing instrument was acknowledged before me this 13th day of March, 1990, by grantor(s) as his/her/their voluntary act and deed.

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2949, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10th day of May, 1990.

Carole Owens
 Notary Public for Oregon
 My Commission Expires: 3/5/94
CAROLE OWENS
NOTARY PUBLIC-OREGON
 My Commission Expires _____

CITY OF ALBANY, OREGON
Steve Bryant
 City Manager

[Signature]
 City Recorder



EXHIBIT A

SCALE 1" = 200'

CURVE TABLE

CURVE NUMBER 1

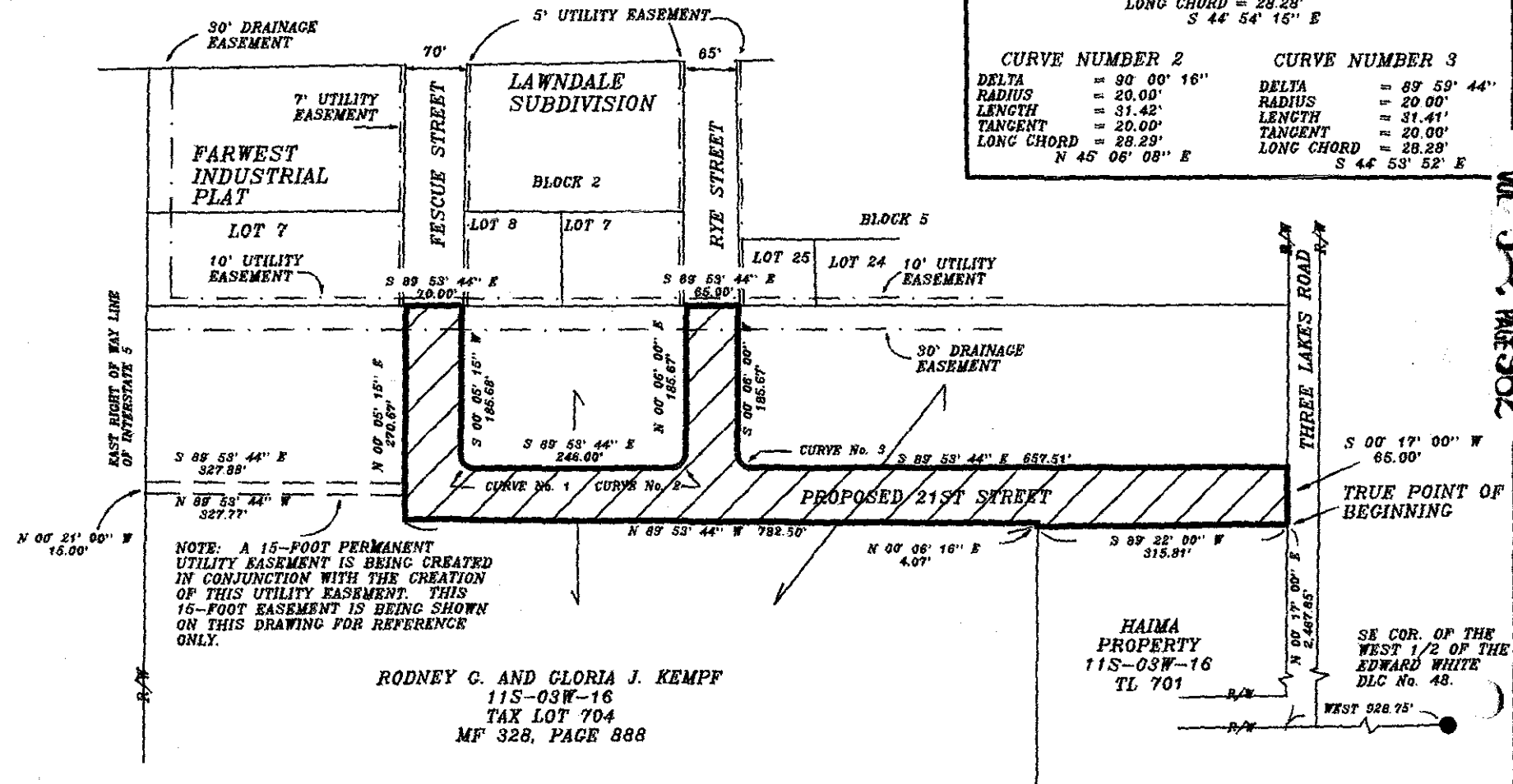
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DELTA = 89° 59' 44"
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 LENGTH = 31.41'
 TANGENT = 20.00'
 LONG CHORD = 28.28'
 S 44° 53' 52" E



NOTE: A 15-FOOT PERMANENT UTILITY EASEMENT IS BEING CREATED IN CONJUNCTION WITH THE CREATION OF THIS UTILITY EASEMENT. THIS 16-FOOT EASEMENT IS BEING SHOWN ON THIS DRAWING FOR REFERENCE ONLY.

RODNEY C. AND GLORIA J. KEMPF
 11S-03W-16
 TAX LOT 704
 MF 328, PAGE 888

LEGEND

- PROPOSED EASEMENT BOUNDARY LINE
- PROPERTY AND OR RIGHT OF WAY BOUNDARY LINE
- EASEMENT AREA
- TO BE CREATED EASEMENT BOUNDARY LINE

CITY OF ALBANY, OREGON
 PUBLIC WORKS DEPARTMENT
 ENGINEERING/UTILITIES DIVISION

PUBLIC UTILITY EASEMENT
 FROM KEMPF TO
 THE CITY OF ALBANY
 IN SECTION 16,
 T. 11 S., R. 3 W., W.M.

ENTERED JUN 04 1990

STATE OF OREGON
 County Of Linn

I hereby certify that the attached was received and duly recorded by me in Linn County records:

Volume: MF 532 Page: 979

At 8:30 O'clock a.m.,
 STEVE BRUCKENMILLER
 Linn County Clerk

By Deputy

City of Albany
 Vol 490
 Albany 97321

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MF 532, PAGE 982

Resolution No. 2949

Recorded Document Recorder File No. 0590