

RESOLUTION NO. 3028

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

Grantor

Oregon Freeze Dry, Inc.

Purpose

15-foot wide permanent utility easement for a waterline across their property located at 770 29th Avenue SW, Albany, Linn County, Oregon.

DATED this 13th day of February, 1991.


Approved by Council President

ATTEST:


Deputy City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 3rd day of January, 1990, by and between Oregon Freeze Dry Foods, Inc., an Oregon Corporation, now known as Oregon Freeze Dry, Inc., an Oregon Corporation, 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:

TRACT I

A 15-foot wide permanent utility easement, centered over an existing waterline, across that parcel of land conveyed to Oregon Freeze Dry Foods, Inc. an Oregon Corporation, now known as Oregon Freeze Dry, Inc., an Oregon Corporation, in Volume MF 259, Page 809, Tract II, Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the easterly southeast corner of the Isaac Hutchins Donation Land Claim Number 70, in the southwest quarter of Section 18, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence North 01° 29' 30" West 652.82 feet; thence North 17° 45' 00" West 537.22 feet, more or less, to the southeast corner of said Oregon Freeze Dry, Inc., parcel; thence on the southern property line of said parcel, South 88° 57' 00" West 974.42 feet, more or less, to the easterly right-of-way line of the Southern Pacific Railroad; thence on the said easterly right-of-way line, on the arc of a 974.02 foot radius curve to the right (the long chord of which bears North 23° 13' 47" West 8.10 feet) 8.10 feet, more or less, to a point where the said easterly right-of-way line intersects the westerly extension of a line which is parallel to and 7.50 feet northerly of the south property line of said Oregon Freeze Dry, Inc., parcel, said point being the TRUE POINT OF BEGINNING; thence following the centerline of a newly constructed waterline (Oregon Freeze Dry waterline project number SI-90-4A through 4D) the following courses and distances: North 88° 57' 00" East 886.50 feet, more or less; North 00° 07' 18" West 107.94 feet, more or less; North 14° 17' 44" West 26.75 feet, more or less;

North 29° 45' 48" East 11.41 feet, more or less;
 North 56° 30' 54" East 20.17 feet, more or less;
 North 18° 03' 43" West 208.43 feet, more or less, and there terminating.

Containing 0.3625 acres, more or less.

TRACT II

A 15-foot wide permanent utility easement, centered over an existing waterline, across that parcel of land conveyed to Oregon Freeze Dry Foods, Inc. an Oregon Corporation, now known as Oregon Freeze Dry, Inc., an Oregon Corporation, in Volume MF 259, Page 809, Tract II, Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT B:

Beginning at the easterly southeast quarter of the Isaac Hutchins Donation Land Claim Number 70, in the southwest corner of Section 18, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence North 01° 29' 30" West 652.82 feet; thence North 17° 45' 00" West 537.22 feet, more or less, to the southeast corner of said Oregon Freeze Dry, Inc., parcel; thence on the southern property line of said parcel, South 88° 57' 00" West 974.42 feet, more or less, to the easterly right-of-way line of the Southern Pacific Railroad; thence on the said easterly right-of-way line, on the arc of a 974.02 foot radius curve to the right (the long chord of which bears North 23° 13' 47" West 8.10 feet) 8.10 feet, more or less, to a point where the said easterly right-of-way line intersects the westerly extension of a line which is parallel to and 7.50 feet northerly of the south property line of said Oregon Freeze Dry, Inc., parcel, thence following the centerline of a newly constructed waterline (Oregon Freeze Dry waterline project number SI-90-4A through 4D) the following courses and distances: North 88° 57' 00" East 886.50 feet, more or less; North 00° 07' 18" West 107.94 feet, more or less; North 14° 17' 44" West 16.75 feet, to the TRUE POINT OF BEGINNING; thence South 75° 42' 16" West 11.00 feet; thence North 14° 17' 44" West 15.00 feet; thence North 75° 42' 16" East 15.26 feet; thence South 29° 45' 48" West 6.12 feet; thence South 14° 17' 44" East 10.60 feet to the True Point of Beginning.

Containing 0.0040 acres, more or less.

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.

Oregon Freeze Dry, Inc.

By: [Signature]
President

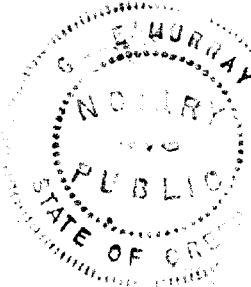
By: [Signature]
Secretary

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 3rd day of January, 1991, by Herbert Aschkenasy, president, and by Philip A. Unverzagt, secretary, of Oregon Freeze Dry, Inc., an Oregon corporation, on behalf of the corporation.

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3028 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14th day of February, 1991.

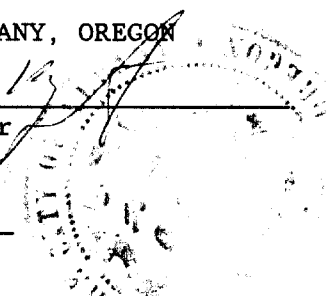


[Signature]
Notary Public for Oregon
My Commission Expires: 8-10-91

CITY OF ALBANY, OREGON

[Signature]
City Manager

[Signature]
Deputy City Recorder



Bearing Table

①	S 75° 42' 16" W 11.00'	⑧	N 88° 57' 00" E 886.50'
②	N 14° 17' 44" W 15.00'	⑨	D = 00° 28' 35" R = 974.02' L = 8.10
③	N 75° 42' 16" E 15.26'		
④	S 29° 45' 48" W 6.12'	⑩	S 88° 57' 00" W 974.42'
⑤	S 14° 17' 44" E 10.60'	⑪	N 17° 45' 00" W 537.22'
⑥	N 14° 17' 44" W 16.75'	⑫	N 01° 29' 30" W 652.82'
⑦	N 00° 07' 18" W 107.94'		

EXHIBIT B
(Tract II)

Oregon Freeze Dry, Inc.
Volume MF 259, Page 809
Tract II
11S-03W-18B
Tax Lot 900

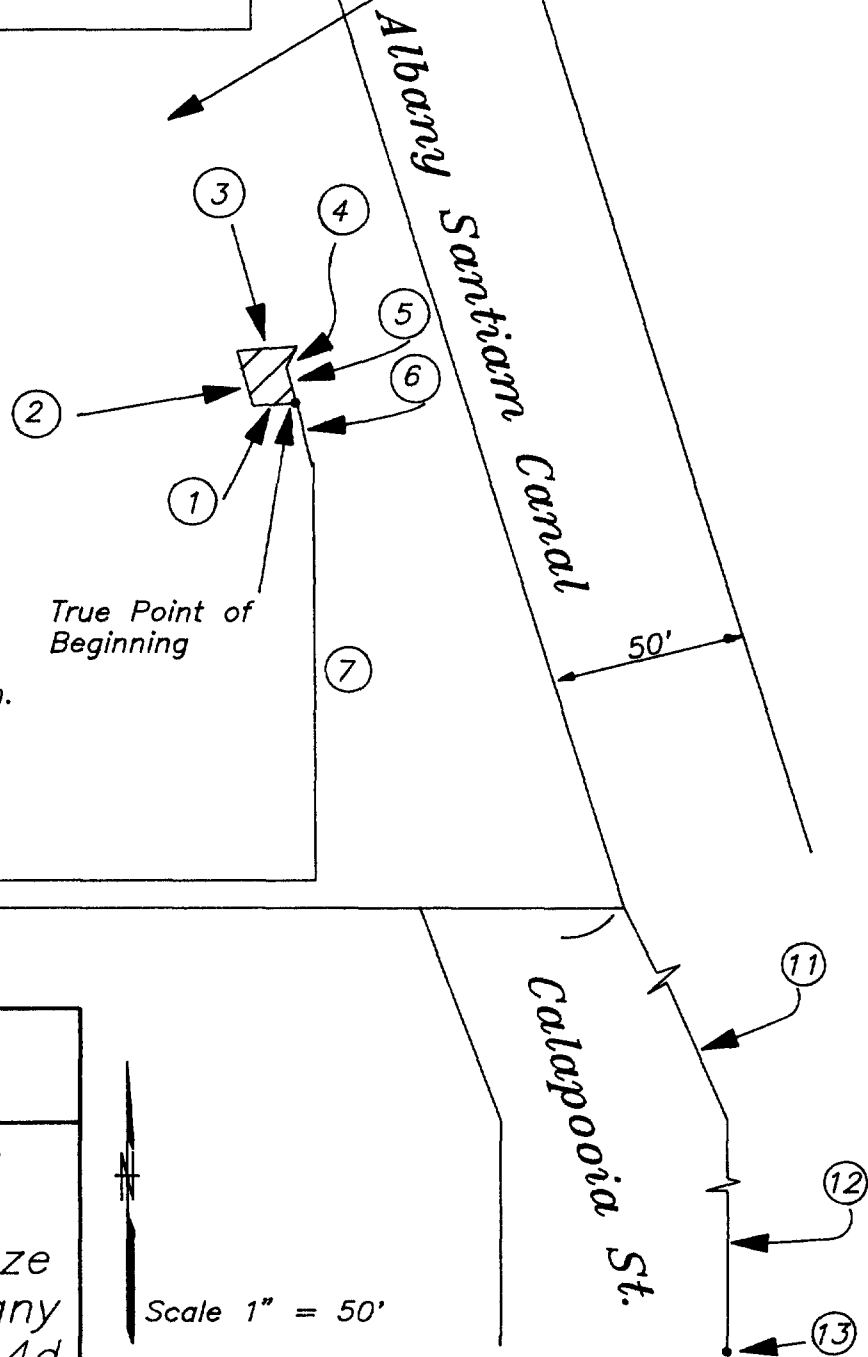
Southern Pacific Railroad

NOTES

15-foot permanent utility easement centered over the existing waterline, being 7.50-feet on each side of the centerline.

This easement is for a fire hydrant.

⑬ Point of Beginning is the easterly southeast corner of the Isaac Hutchins Donation Land Claim Number 70, in the SW 1/4 of Section 18, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon.



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

15-foot permanent utility easement for an existing waterline from Oregon Freeze Dry Inc. to the City of Albany Part of SI-90-4a through 4d

Scale 1" = 50'

EXHIBIT A
(Tract I)

NOTES

15-foot permanent utility easement centered over the existing waterline, being 7.50-feet on each side of the centerline.

Bearings and distances are for the centerline of the 15-foot easement.

- ⑪ Point of Beginning is the easterly southeast corner of the Isaac Hutchins Donation Land Claim Number 70, in the SW 1/4 of Section 18, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon.

Oregon Freez Dry, Inc.
Volume MF 259, Page 809
Tract II
11S-03W-18B
Tax Lot 900

True Point of Beginning

Bearing Table

①	N 88° 57' 00" E 886.50'
②	N 00° 07' 18" W 107.94'
③	N 14° 17' 44" W 26.75'
④	N 29° 45' 48" E 11.41
⑤	N 56° 30' 54" E 20.17'
⑥	N 18° 03' 43" W 208.43
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Southern Pacific Railroad

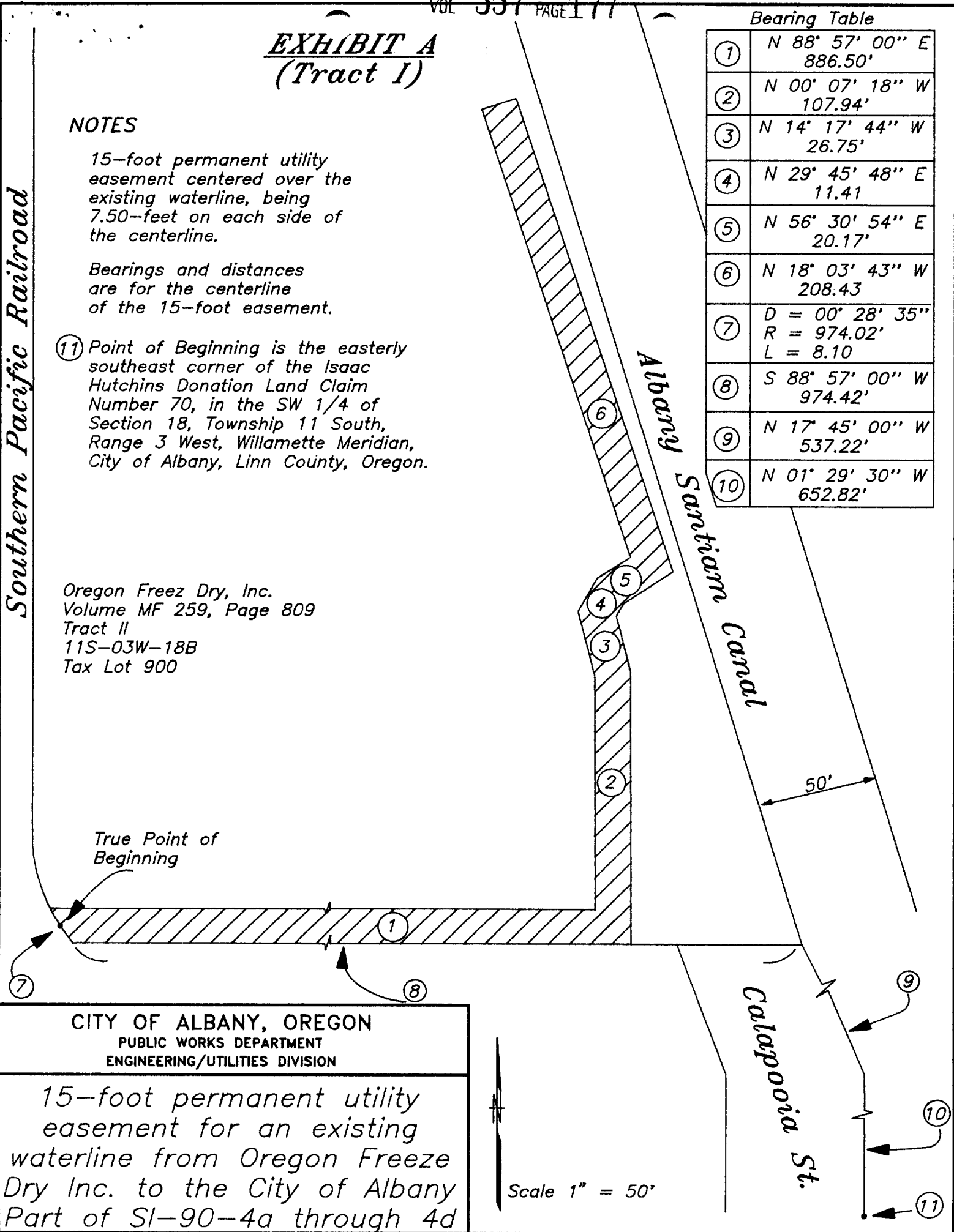
Albany Sarrtiam Canal

Calapooia St.

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

15-foot permanent utility easement for an existing waterline from Oregon Freeze Dry Inc. to the City of Albany
Part of SI-90-4a through 4d

Scale 1" = 50'



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MAR 12 2 10 PM '91

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 557 Page: 173

STEVE DRUCKENMILLER
Linn County Clerk

By pdw, Deputy
City of Albany

Resolution No. 3028

Recorded Document Recorder File No. 2031