

RESOLUTION NO. 3035

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

Grantor

Albany Secure Storage, Inc.

Purpose


A 20-foot wide utility easement for a newly constructed sanitary sewer line along Pacific Boulevard. Site address is 3605 Pacific Boulevard SW, City of Albany, Linn County, Oregon.

DATED this 27th day of February, 1991.



Mayor

ATTEST:



Deputy City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 7th day of February, 1999, by and between Albany Secure Storage Inc., 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 20-foot wide permanent utility easement across that property conveyed to Albany Secure Storage Inc. in Volume MF 534, Page 353 Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the northwest corner of the Truett Davis Donation Land Claim Number 38 in Section 13, Township 11 South, Range 4 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence South 00° 45' 17" East 861.36 feet; thence North 89° 14' 00" East 46.04 feet to the intersection of the north line of that parcel conveyed to Albany Secure Storage Inc. by deed recorded in Volume MF 534, Page 353 Linn County Microfilm Deed Records, and the east line of that parcel conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division, by deed recorded in Volume MF 428, Page 352 Linn County Microfilm Deed Records said point being the TRUE POINT OF BEGINNING; thence on the north line of said Albany Secure Storage Inc. parcel North 89° 14' 00" East 20.00 feet; thence South 02° 56' 17" East 199.37 feet to the north line of a 50 foot wide roadway; thence South 89° 16' 14" West on the north line of said roadway 20.00 feet to the east line of said State of Oregon parcel; thence on the east line of said State of Oregon parcel North 03° 48' 57" West 00.03 feet; thence continuing on the east line of said State of Oregon parcel on the arc of a 8,141.11 foot radius curve to the left (the long chord of which bears North 02° 56' 17" West 199.33 feet) 199.34 feet more or less to the true point of beginning.

Containing 0.092 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.

Albany Secure Storage Inc.

By: Glenn M. Kotara, Pres
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 10th day of October, 1990, by Glenn M. Kotara, president, and by ~~Robert Hoag, secretary~~, of Albany Secure Storage 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 3035 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27th day of February, 1991.

CITY OF ALBANY, OREGON

[Signature]
City Manager

[Signature]
Notary Public for Oregon
My Commission Expires: 9/25/93

[Signature]
Deputy City Recorder

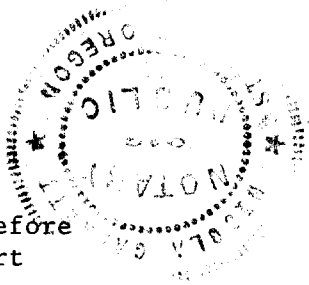
STATE OF OREGON)
County of Linn) ss.
City of Albany)

The foregoing instrument was acknowledged before me this 7 day of FEB, 1990 by Robert Hoag, secretary, Albany Secure Storage, Inc., an Oregon corporation, on behalf of the corporation.

[Signature]
Notary Public of Oregon
Commission Expires 9-25-93

My Commission Expires
NOTARY PUBLIC - OREGON
JAMES F. DAVIS

PAGE 2 - EASEMENT
[Signature]
JAMES F. DAVIS
NOTARY PUBLIC - OREGON
My Commission Expires 9/25/93



36TH AVE.

TRUE POINT OF BEGINNING
OF THIS DESCRIPTION
S 00° 45' 17" E
861.36' AND
N 89° 14' 00" E
46.04' FROM THE
NW CORNER OF THE
TRUETT DAVIS DLC
No. 38 IN 11S-04W W.M.

N 89° 14' E
20.00'

EXHIBIT A

ALBANY SECURE STORAGE INC.
VOLUME MF 534, PAGE 363
11S-04W SECTION 13

LONG CHORD
N 02° 56' 17" W
199.33'

S 02° 56' 17" E
199.37'

N 03° 48' 57" W
00.03'

50-FOOT WIDE ROAD
RIGHT-OF-WAY

S 89° 16' 14" W
20.00'

CENTERLINE

PACIFIC BOULEVARD
(HWY 99E)



SCALE 1" = 60'

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

20-FOOT PERMANENT
EASEMENT FROM ALBANY
SECURE STORAGE INC.
TO CITY OF ALBANY

MAR 12 2 06 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: 156

STEVE DRUCKENMILLER
Linn County Clerk

By *SDR*, Deputy

City of Albany
Box 490
Albany 97321

TRANSFER OF TITLE OF PRIVATE SANITARY SEWER LINE

The undersigned agent, legally representing American Cemwood Corporation, does by these presents, convey to the City of Albany all interest, claim and title to the private sanitary sewer line located along the easterly right-of-way line of Pacific Boulevard. Said sanitary sewer line is constructed of concrete pipe which begins within the right-of-way of Pacific Boulevard and extends east approximately 16.6 feet to a point where the sanitary sewer pipeline material changes from concrete to clay. This agreement does not include any of the clay sanitary sewer pipe which is connected to the concrete pipe. The said sanitary sewer pipe line lies within the following described parcel of land and the general location is show on the attached map labeled EXHIBIT A:

Beginning at the northwest corner of the Truett Davis Donation Land Claim Number 38 in Section 13, Township 11 South, Range 4 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence South 00° 45' 17" East 861.36 feet; thence North 89° 14' 00" East 46.04 feet to the intersection of the north line of that parcel conveyed to American Cemwood Corporation by deed recorded in Volume MF 489, Page 873 Linn County Microfilm Deed Records, and the east line (right-of-way line of Pacific Boulevard) of that parcel conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division, by deed recorded in Volume MF 428, Page 352 Linn County Microfilm Deed Records said point being the TRUE POINT OF BEGINNING; thence West 50.00 feet; thence South 15.00 feet; thence East 75.00 feet; thence North 15.00 feet; thence West 25.00 feet to the point of beginning.

The consideration of this agreement is for \$1.00 and in further consideration of the public improvements and the benefits the grantors may obtain therefrom.

American Cemwood Corporation

By: [Signature]
President

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 3 day of July, 1990 by Robert Hoag, president and secretary, of American Cemwood Corporation, an Oregon corporation, on behalf of the corporation.

I, Steve Bryant 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 _____, 19__.

[Signature]
Notary Public for Oregon
My Commission Expires: 10/6/92

CITY OF ALBANY, OREGON

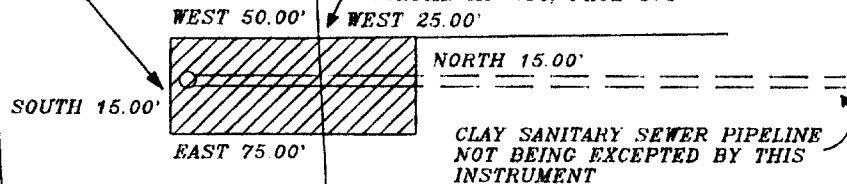
City Manager

City Recorder

36TH AVE.

ALL OF THE CONCRETE
SANITARY SEWER PIPELINE
IS BEING EXCEPTED WITHIN
THE RIGHT-OF-WAY OF
PACIFIC BOULEVARD

P.O.B OF DESCRIPTION
NORTHWEST CORNER OF
VOLUME MF 489, PAGE 873



CLAY SANITARY SEWER PIPELINE
NOT BEING EXCEPTED BY THIS
INSTRUMENT

CONCRETE SANITARY SEWER PIPELINE
IS BEING EXCEPTED WITHIN THE
HATCHED AREA PER THIS
INSTRUMENT

EXHIBIT A

AMERICAN CEMWOOD
CORPORATION
VOLUME MF 489, PAGE 873
TAX LOT 1500 IN
T. 11 S., R. 3 W., W.M.

PACIFIC BOULEVARD
(HWY 99E)



SCALE 1" = 60'

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

ACCEPTANCE OF THE CONCRETE
SANITARY SEWER PIPELINE
FROM AMERICAN CEMWOOD
CORP. TO THE CITY
OF ALBANY

Resolution No. 3035

Recorded Document Recorder File No. 2030