

RESOLUTION NO. 3045

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

Grantor

Creed V. Brattain
Nancy M. Brattain

Purpose

1. Deed dedication of a 5-foot wide strip of land for right-of-way purposes along the west side of Fescue Street, just south of the T&R Restaurant.
2. 7.5-foot wide utility easement across the north edge of their property for an existing waterline. Easement is located along the north line of Brattain's property and being on the south line of the T&R Restaurant property, in the City of Albany, Linn County, Oregon.

DATED this 27th day of March, 1991.



Mayor

ATTEST:



City Recorder

DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS, that Creed V. Brattain and Nancy M. Brattain, hereinafter referred to as the Grantors, do dedicate to the City of Albany for street and utility right-of-way purposes, all that real property situated in Linn County, State of Oregon, described as follows:

A 5.00-foot wide tract of land across that property conveyed to Creed V. Brattain and Nancy M. Brattain, in Volume MF 547, Page 722, Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

A 5.00-foot wide strip of land over the entire length of said Creed V. Brattain and Nancy M. Brattain parcel, said strip of land being parallel, adjacent, and west of the most easterly-east property line of said parcel in the southwest corner of Section 9, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon.

Containing 1,775.50 square feet, more or less.

and covenants that the Grantors are the owner of the above described property free of all encumbrances save and except reservations in patents and easements of record, and will warrant and defend the same against all persons who may lawfully claim the same.

The deed granted herein 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.

IN WITNESS WHEREOF, the Grantors have hereunto affixed his/her/their signature this 7th day of March, 1991.

Creed V. Brattain
Creed V. Brattain
Nancy M. Brattain
Nancy M. Brattain

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 ___ day of ___, 19___, by grantor(s) as his/her/their voluntary act and deed.

Arrene L Bratten
Notary Public for Oregon
My Commission Expires: 4-23-94

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3045, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27th day of March, 1991.

CITY OF ALBANY, OREGON
Steve Bryant
City Manager

Spencer
City Recorder

T & R Truck Stop
Tax Lot 607

N 89° 36' E 345.90'

Tax Lot 610

Creed and Nancy Brattain
Volume MF 547, Page 722
11S-03W-09C
Tax Lot 610

5.00' right-of-way
dedication which is
parallel, adjacent and
west of the east
property line.

Scale 1" = 100'

Interstate Number 5

N 00° 24' W 507.10'

S 00° 03' W 507.10'

Tax Lot 606

152.00'

129.00'

65'

Tax Lot 302

Tax Lot 1500

Tax Lot 1400

Tax Lot 1700

Tax Lot 1600

Laundale Subdivision

S 89° 36' W 342.10'

Tax Lot 605

Rescue Street

18th Avenue 65'

Tax Lot 3100

Tax Lot 1800

Farwest Subdivision

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

5-foot right-of-way
dedication from
Brattain to the
City of Albany

Parcel is located in
the SW 1/4 of Section 9
Township 11 South,
Range 3 West, W.M.

APR 23 2 45 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:

STEVE DRUCKENMILLER
Linn County Clerk

By *[Signature]*, Deputy

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City of Albany

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EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 7th day of March, 1990, by and between **Creed V. Brattain and Nancy M. Brattain**, 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 7.50-foot wide permanent utility easement across that property conveyed to Creed V. Brattain and Nancy M. Brattain, in Volume MF 547, Page 722, Linn County Microfilm Deed Records, City of Albany, Linn County, Oregon, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

A 7.50-foot wide strip of land over the entire length of said Creed V. Brattain and Nancy M. Brattain parcel, said strip of land being parallel, adjacent, and south of the north property line of said parcel in the southwest quarter of Section 9, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon.

Containing 2,594 square feet, 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

T & R Truck Stop
Tax Lot 607

N 89° 36' E 345.90'



Scale 1" = 100'

Tax Lot 610

7.50' easement for utility purposes which is parallel, adjacent and south of the north property line.

Creed and Nancy Brattain
Volume MF 547, Page 722
11S-03W-09C
Tax Lot 610

N 00° 24' W 507.10'

S 00° 03' W 507.10'

Tax Lot 302

Tax Lot 1500

Tax Lot 1400

Tax Lot 606

152.00'

129.00'

Tax Lot 1700

Tax Lot 1600

65'

Fescue Street

Lawndale Subdivision

S 89° 36' W 342.10'

Tax Lot 605

18th Avenue 65'

Tax Lot 3100

Tax Lot 1800

70'

Farwest Subdivision

Interstate Number 5

Parcel is located in the SW 1/4 of Section 9 Township 11 South, Range 3 West, W.M.

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

5-foot permanent utility easement from Brattain to the City of Albany

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STATE OF OREGON
County of Linn

MAY 3 3 37 PM '91
STEVE DRUCKENMILLER
Linn County Clerk

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

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By *[Signature]*, Deputy
City of Albany
Box 490
Albany

Resolution No. 3045

Recorded Document Recorder File No. 2028