

RESOLUTION NO. 3112

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

Grantor

Harvest Baptist Church  
2660 Marion Street SE  
P. O. Box 705  
Albany, OR 97321

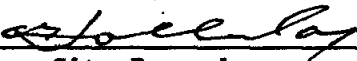
Purpose

That portion of a fifteen foot wide permanent utility easement which lies on that parcel located at 2660 Marion St. SE

DATED this 20 day of November, 1991.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder



## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 8th day of Nov., 1991, by and between Harvest Baptist Church, 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 parcel conveyed to Harvest Baptist Church in MF 105, Page 442, Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached EXHIBIT A:

Beginning at a half-inch iron rod at the Southwest corner of Lot 8, Block 2, Dorris Addition in Section 18, Township 11 South, Range 3 West, Willamette Meridian in the City of Albany, Linn County, Oregon; THENCE N 88° 57' 50" E on the southerly boundary line of said plat 269.39 feet to the Southeast corner of Lot 12, Block 3, Dorris Addition, said point being the TRUE POINT OF BEGINNING; THENCE N 1°14'00" W on the easterly line of said Lot 12, 12.5 feet; THENCE N 88° 57' 50" E, parallel with the southerly boundary of said Dorris Addition, 37.5 feet; THENCE S 1° 14' 00" E, parallel with the easterly line of said Lot 12, 12.5 feet to a point on the southerly boundary line of Dorris Addition; THENCE S 88° 57' 00" W on the southerly boundary line of Said Dorris Addition 37.5 feet to the True Point of Beginning.

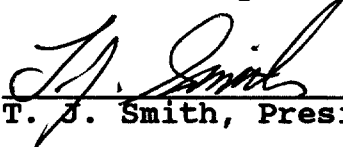
Containing 469 square feet, more or less.

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 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.

  
 \_\_\_\_\_  
 T. J. Smith, President

  
 \_\_\_\_\_  
 Leroy Reeser, Secretary

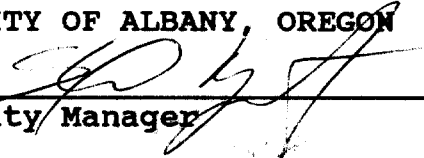
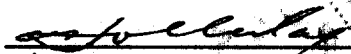
STATE OF OREGON )  
 County of Linn ) ss.  
 City of Albany )

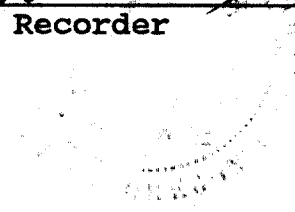
STATE OF OREGON )  
 County of Linn ) ss.  
 City of Albany )

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of Nov, 1991, by T. J. Smith, president, and by Leroy Reeser, secretary, of Harvest Baptist Church, an Oregon corporation, on behalf of the corporation.

I, Steve Bryant, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3112 do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof this 22<sup>nd</sup> day of November, 1991.

  
 \_\_\_\_\_  
 Notary Public for Oregon  
 My Commission Expires: 9/14/93

CITY OF ALBANY, OREGON  
  
 \_\_\_\_\_  
 City Manager  
  
 \_\_\_\_\_  
 City Recorder



Block 1

25th Ave. SE

Block 2

Block 3

Lyon St.

Marion Street

Harvest Baptist Church  
MF 105, Page 442

Map 11-3W-188D  
Tax Lot 418

S 01° 17' 10" E

S 01° 14' 00" E

N 88° 57' 50" E  
37.5'

N 1° 14' 00" W  
12.5'

S 1° 14' 00" E  
12.5'

S 88° 57' 50" W  
37.5'

N 88° 57' 50" E  
382.50'

91.94'

127.45'

5'

Point of Beginning

TRUE POINT OF BEGINNING  
For Permanent Utility Easement



SCALE: 1" = 50'

CITY OF ALBANY, OREGON  
PUBLIC WORKS DEPARTMENT  
ENGINEERING/UTILITIES DIVISION/OCTOBER 1991

EXHIBIT A  
PERMANENT UTILITY EASEMENT  
FROM HARVEST BAPTIST CHURCH  
TO THE CITY OF ALBANY

25

Dec 11 11 01 AM '91

STATE OF OREGON  
County of Linn

STEVE DRUCKENMILLER  
Linn County Clerk

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

By *[Signature]*, Deputy

Volume: MF 583 Page: 839

*City of Albany*  
*Box 490, Albany*

ATTN: NORM

Resolution No. 3112

Recorded Document Recorder File No. 2150