

RESOLUTION NO. 3331

BE IT RESOLVED BY THE ALBANY CITY COUNCIL THAT IT DOES HEREBY ACCEPT THE FOLLOWING EASEMENT:

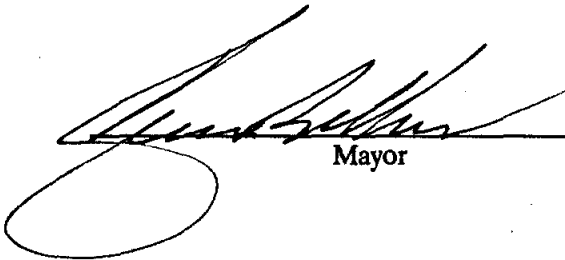
Grantor

Eagle Land Company

Purpose

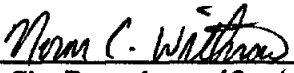
a permanent public utility easement around a sanitary sewer manhole located at 1290 - 1300 SE Clay Street

DATED this 9th day of February 1994.

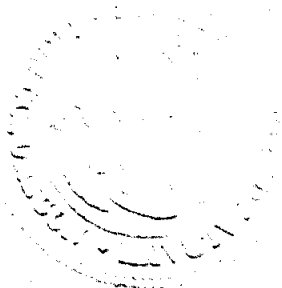


Mayor

ATTEST:



City Recorder (Deput)



VOL 0682 PAGE 531
EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 18 day of Jan, 1994, by and between Jimmie C. Taylor, Robert S. Powell, Jr., Judith R. Cruz, and David F. Lentz, doing business as EAGLE LAND COMPANY, 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 twenty-foot wide permanent public utility easement across that parcel conveyed to Jimmie C. Taylor, Robert S. Powell, Jr., Judith R. Cruz, and David F. Lentz, doing business as Eagle Land Company, by deed recorded in Volume 296, Page 432, Linn County Microfilm Deed Records, the centerline of which is described more particularly as follows and as shown on the attached map labeled Exhibit A:

Beginning at the Southeast corner of the Leander C. Burkhardt Donation Land Claim No. 50 in Section 8, Township 11 South, Range 3 West of the Willamette Meridian, City of Albany, Linn County, Oregon; thence North 1° 28' 15" West 3432.00 feet; thence North 89° 04' 54" West 651.43 feet; thence North 1° 35' 29" West 35.03 feet to a 5/8 inch iron rod; thence North 1° 30' 45" West 114.80 feet to a 5/8 inch iron rod; thence South 88° 40' 05" West 200.05 feet to a 5/8 inch iron rod; thence North 1° 30' 20" West 195.05 feet to a 5/8 inch iron rod; thence South 88° 37' 47" West 158.95 feet; thence South 1° 29' 51" East 2.50 feet to the TRUE POINT OF BEGINNING; thence North 88° 37' 47" East 9.0 feet and there terminating.

Containing 180 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.

Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

GRANTOR:

Jimmie C. Taylor

Jimmie C. Taylor
Judith R. Cruz

Judith R. Cruz

Robert S. Powell, Jr.

Robert S. Powell, Jr.
David F. Lentz

David F. Lentz
(Authorized Owners or Agents)

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

The foregoing instrument was acknowledged before me this 18 day of Jan., 1994, by Jimmie C. Taylor as his/her/their voluntary act and deed.

Yvonne Ward
Notary Public for Oregon
My Commission Expires: 3/21/94

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

The foregoing instrument was acknowledged before me this 18 day of Jan., 1994, by Robert S. Powell, Jr. as his/her/their voluntary act and deed.

Yvonne Ward
Notary Public for Oregon
My Commission Expires: 3/21/94

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

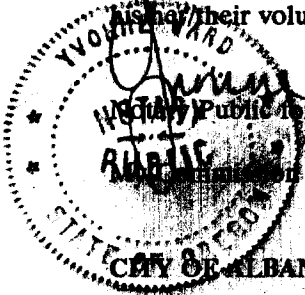
The foregoing instrument was acknowledged before me this 13 day of Jan., 1994, by Judith R. Cruz as his/her/their voluntary act and deed.

Notary Public for Oregon
My Commission Expires: Kelli F. Brandenburger
1-26-96

OFFICIAL SEAL
KELLI F. BRANDENBURGER
NOTARY PUBLIC - Oregon
COMMISSION NO. 012708
MY COMMISSION EXPIRES JAN. 26, 1996

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

The foregoing instrument was acknowledged before me this 18 day of Jan, 1994, by David F. Lentz as his/her/their voluntary act and deed.



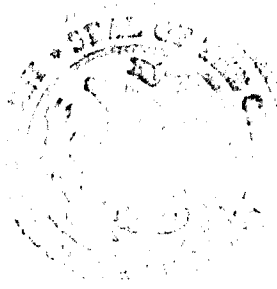
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3331 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9th day of February, 1994.

Steve Bryant
City Manager

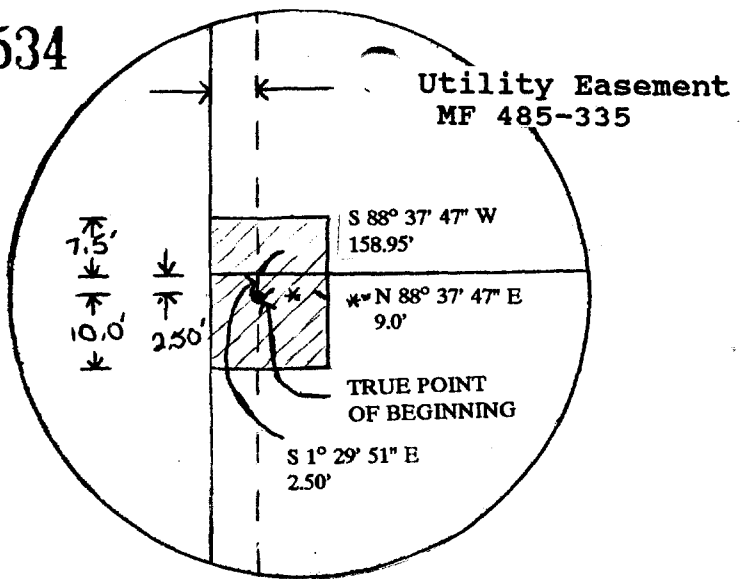
ATTEST:

Norm C. Withers
City Recorder (Deputy)



NORTH
No Scale

DETAIL



See Detail

S 88° 37' 47" W
158.95'

EAGLE LAND COMPANY
MF296-432

N 1° 30' 20" W
195.05'

S 88° 40' 05" W
200.05'

N 1° 30' 45" W
114.80'

CLAY STREET

14th AVENUE

N 1° 35' 29" W
35.03'

N 89° 04' 54" W
651.43'

SE corner
L.C. Burkhart
D.L.C. No. 50

N 1° 28' 15" W
3432.00'

EXHIBIT A: Easement from Eagle Land Company to City of Albany

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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Recorded Document Recorder File No. 2409