

RESOLUTION NO. 3385

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

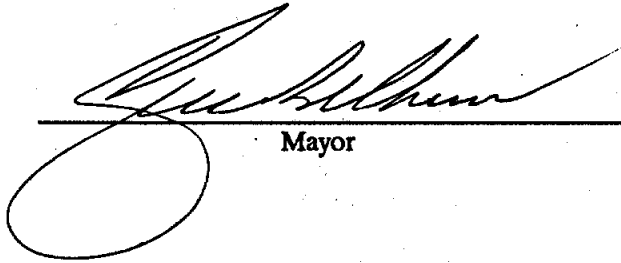
Grantor

Mennonite Home of Albany, Inc.

Purpose

a permanent public utility easement for a waterline and a sidewalk constructed under Site Improvement Permit No. SI-91-6

DATED this 20 day of July, 1994.



Mayor

ATTEST:



City Recorder



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EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 21st day of June, 1994, by and between Mennonite Home of Albany, 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 15.00 foot strip of land of even width for waterline and sidewalk purposes located in the Jordan S. Robinson Donation Land Claim No. 55 in Section 20, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon that is more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a 5/8 inch iron rod at the most northeasterly corner of that "Roadway Dedication Tract" shown on Linn County Survey No. 20067 and dedicated to the public by deed recorded in MF 568, Page 869 of the Linn County Microfilm Deed Records on July 12, 1991, said beginning point lies on the southerly right-of-way line of the Southern Pacific Railroad; running thence South 50° 01' 22" West along said Roadway tract, 269.40 feet to a point on the southeasterly line of that waterline easement described as "Lateral B" in MF 482, Page 810 of the Linn County Microfilm Deed Records and recorded on September 29, 1988; thence South 39° 58' 38" East along the southerly line of said waterline easement, 15.00 feet; thence North 50° 01' 22" East parallel with the southeasterly line of said Roadway Tract, 276.56 feet to a point on the southerly right-of-way line of said Southern Pacific Railroad; thence North 65° 30' 17" West, 16.62 feet to the Point Of Beginning.

Containing 4095 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:

Mennonite Home of Albany, Inc.

By: Lester Kroff
President

By: Thelma B. King
Secretary

CITY OF ALBANY:

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 3385 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 20th day of July, 19 94.

Steve Bryant
City Manager

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

The foregoing instrument was acknowledged before me this 20th day of June, 1994, by Marvin D. Kauffman, president, and by Thelma King, secretary, of Mennonite Home of Albany, Inc., an Oregon corporation, on behalf of the corporation.

Chester W Patterson
Notary Public for Oregon

My Commission Expires: 1/21/96

ATTEST:

Norm Withrow
City Recorder - deputy



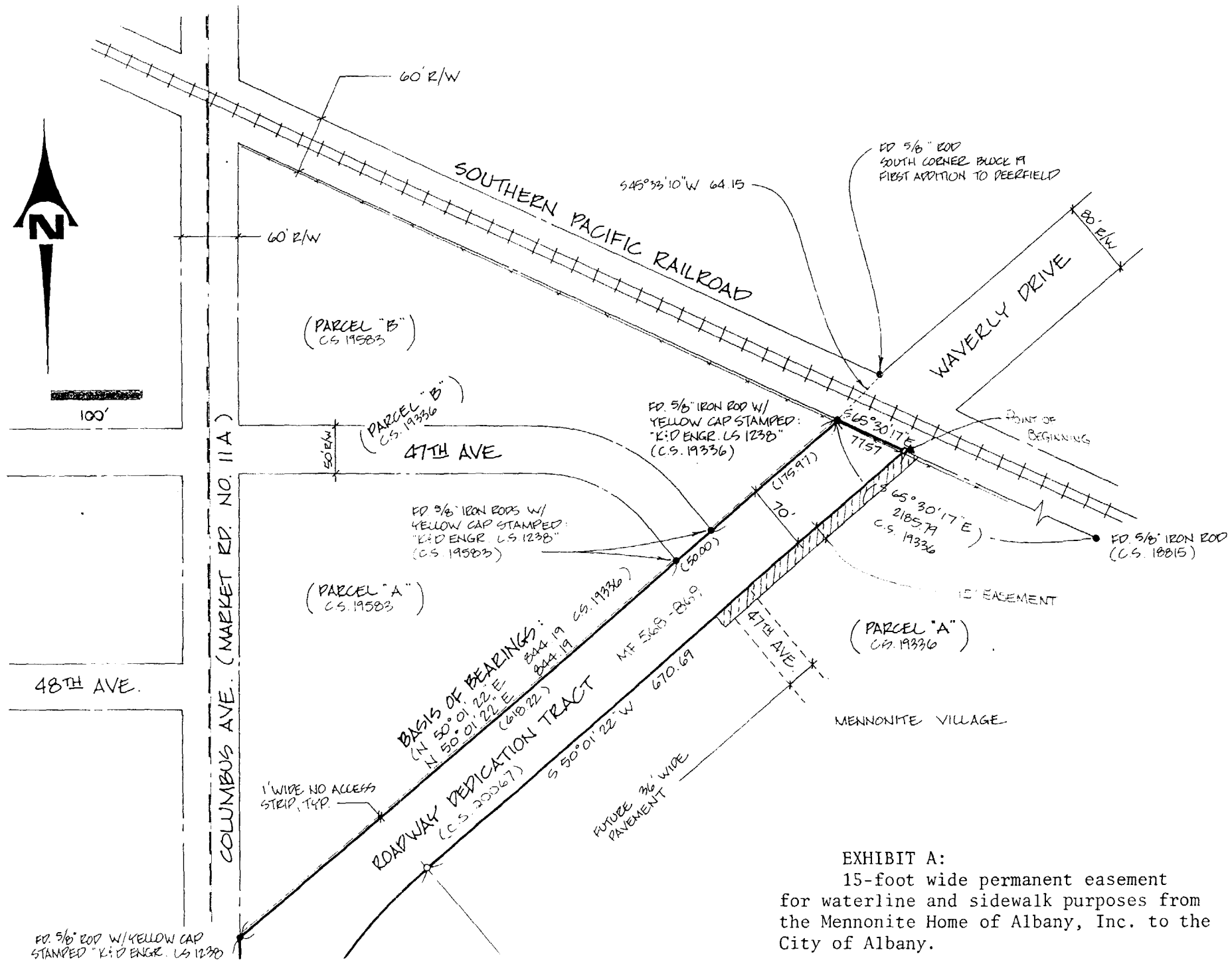
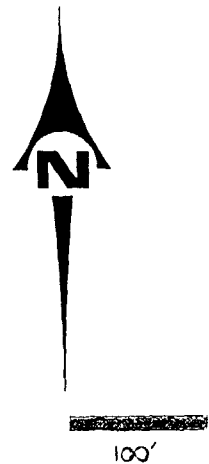


EXHIBIT A:
 15-foot wide permanent easement
 for waterline and sidewalk purposes from
 the Mennonite Home of Albany, Inc. to the
 City of Albany.

STATE OF OREGON
County of Linn

M 15 Jul 22 3 42 PM '94
R 10
S 10

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

STEVE DRUCKENMILLER
Linn County Clerk

MF 706
PAGE 903

By [Signature], Deputy

Resolution No. 3385

Recorded Document Recorder File No. 2481