

RESOLUTION NO. 3469

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

Grantor

Joseph D. Stauffer

Purpose

a permanent public utility easement across that property located at 2005 Perfect Lane SW (for Site Improvement Project No. SI-94-28)

DATED this 8th day of February, 1995.



Mayor

ATTEST:



Deputy City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 6 day of Jan, 199~~9~~⁵, by and between Joseph D. Stauffer, 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 variable-with permanent public utility easement across that parcel conveyed to Joseph D. Stauffer by deed recorded in Volume 148, Page 240, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a 5/8-inch iron rod, said rod being the Northwest corner of the Isaac Hutchins Donation Land Claim No. 85 in the Northwest quarter of Section 13, Township 11 South, Range 4 West of the Willamette Meridian in Linn County, Oregon; thence North 89° 02' 58" West, along the North line of the Jarvis Briggs Donation Land Claim No. 83, said Section, Township, and Range, 25.24 feet to a 5/8-inch iron rod; thence North 10° 48' East 936.02 feet to a point; thence North 41° 17' 58" West 435.05 feet to the TRUE POINT OF BEGINNING; thence North 10° 54' 00" East 31.64 feet to a point; thence North 41° 17' 58" West 69.11 feet to a point; thence South 89° 02' 36" West 39.20 feet to a point; thence South 51° 33' 39" West 20.15 feet to a point; thence South 41° 17' 58" East 134.28 feet to a point; thence North 10° 54' 00" East 31.64 feet to the True Point of Beginning. (Based on C.S. 20551)

Containing 0.122 acre of land, 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.

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

GRANTOR:

Joseph D. Stauffer
Joseph D. Stauffer

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 3469, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8th day of February, 1995.

Steve Bryant
City Manager

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

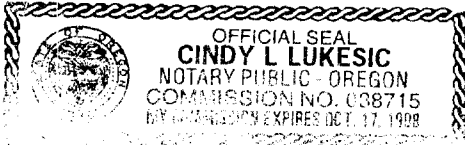
The foregoing instrument was acknowledged before me this 6 day of Jan, 1995 by Joseph D. Stauffer as his/her/their voluntary act and deed.

Cindy L Lukesic
Notary Public for Oregon

My Commission Expires: Oct 17 1998

ATTEST:

Norm C. Withrow
City Recorder - Deputy



CENTERLINE 50' BPA EASEMENT

WILLIAMSON
MF290-878

BROADWAY
TO QUEEN AVE.

TRUE POINT OF
BEGINNING

HAYES AND WEBER
MF643-40
(11-4W-13BA, #5300)

STAUFFER
MF148-240
(11-4W-13BA, #5400)

PARCEL 1, PARTITION
PLAT No. 1993-01
(LINN Co.)

PARCEL 2, PARTITION
PLAT No. 1993-01
(LINN Co.)

435.05'
N 41° 17' 58" W

936.02' N 10° 48' E

25.24' N 89° 02' 58" W

- ① N 10° 54' 00" E, 31.64'
- ② N 41° 17' 58" W, 69.11'
- ③ S 89° 02' 36" W, 39.20'
- ④ S 51° 33' 39" W, 20.15'
- ⑤ S 41° 17' 58" E, 134.28'
- ⑥ N 10° 54' 00" E, 31.64'

NW CORNER
ISAAC HUTCHINS
DLC No 85

NORTH LINE BRIGGS DLC No. 83



SCALE: 1" = 100'

BASIS OF BEARINGS: C.S. 20551

CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION/NOVEMBER 1994

EXHIBIT A: PERMANENT
PUBLIC UTILITY EASEMENT
FROM JOSEPH D. STAUFFER
TO THE CITY OF ALBANY

VOL 0735 PAGE 918

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 Steve Druckenmiller, Deputy

M
R 75
S 70
A
O

MF 735
915

PAGE _____

8:30 O'clock a.m.

FEB 14 1995

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Resolution No. 3469

Recorded Document Recorder File No. 2572