

RESOLUTION NO. 3486

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

Grantor

A. G. C. International Operating Engineers Local 701
Pension Trust Fund

and

Oregon Cascades West Council of Governments

Purpose

a permanent public utility easement (for a future bus
shelter) across property located at 1400 Queen Ave. SE

DATED this 8th day of March, 1995.

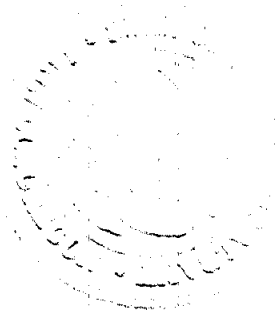


Mayor

ATTEST:



Deputy City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 4th day of January, 1995, by and between A. G. C. - International Operating Engineers Local 701 Pension Trust Fund (hereinafter "A. G. C.") AND Oregon Cascades West Council of Governments, 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:

An easement for a bus shelter lying within Parcel II as conveyed to A. G. C. - International Operating Engineers Local 701 Pension Trust Fund by deed recorded in Volume 574, Page 772, Linn County Microfilm Deed Records, lying in the southwest 1/4 of Section 8, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon, 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 at the most northerly-northeast corner of said Parcel II, which is at the intersection of the southerly right-of-ways for Queen Avenue and Oak Street, and lies 718.10 feet South 89° 03' 20" West and 35.00 feet South 0° 56' 40" East from the southwest corner of the Abram Hackleman Donation Land Claim No. 62, said Township and Range; thence leaving said right-of-way intersection South 0° 56' 40" East 10.00 feet; thence South 89° 03' 20" West 20.00 feet; thence North 0° 56' 40" West 10.00 feet to the north line of said Parcel II; thence along said north line North 89° 03' 20" East 20.00 feet to the Point of Beginning.

Containing 200 square feet 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.

RECEIVED DEC 28 1994

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

GRANTOR:

"A. G. C."

By: Linda B Folkestad
Linda Folkestad, Vice President/Real Estate
Capital Consultants, Inc., in its capacity as Agent and Investment Advisor

Oregon Cascades West Council of Governments

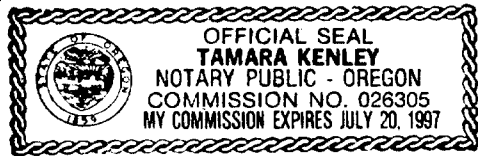
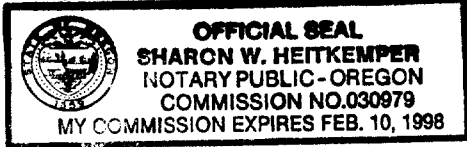
By: Charlotte C de Vries
~~Charlotte de Vries~~ C. de Vries

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

The foregoing instrument was acknowledged before me this January 4th day of January, 19 95, by Linda Folkestad, of "A. G. C.", on behalf of the union.

Sharon W. Heitkemper
Notary Public for Oregon

My Commission Expires: February 10, 1998



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

The foregoing instrument was acknowledged before me this 29 day of December, 19 94, by Charlotte deVries of Oregon Cascades West Council of Governments, on behalf of the council.

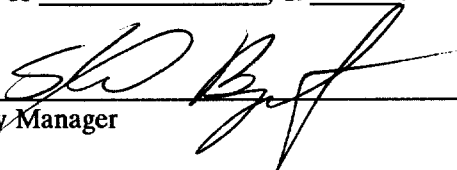
Tamara Kenley
Notary Public for Oregon

My Commission Expires: July 20, 1997

CITY OF ALBANY:

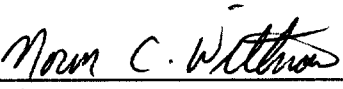
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3486 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8th day of March, 19 95.



City Manager

ATTEST:



City Recorder



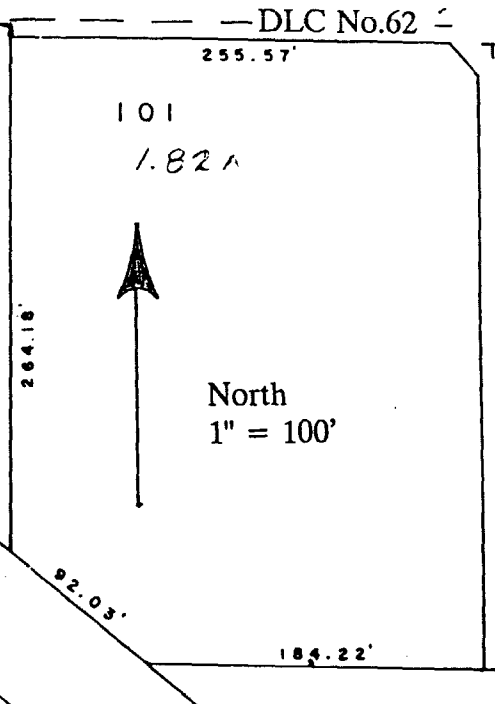
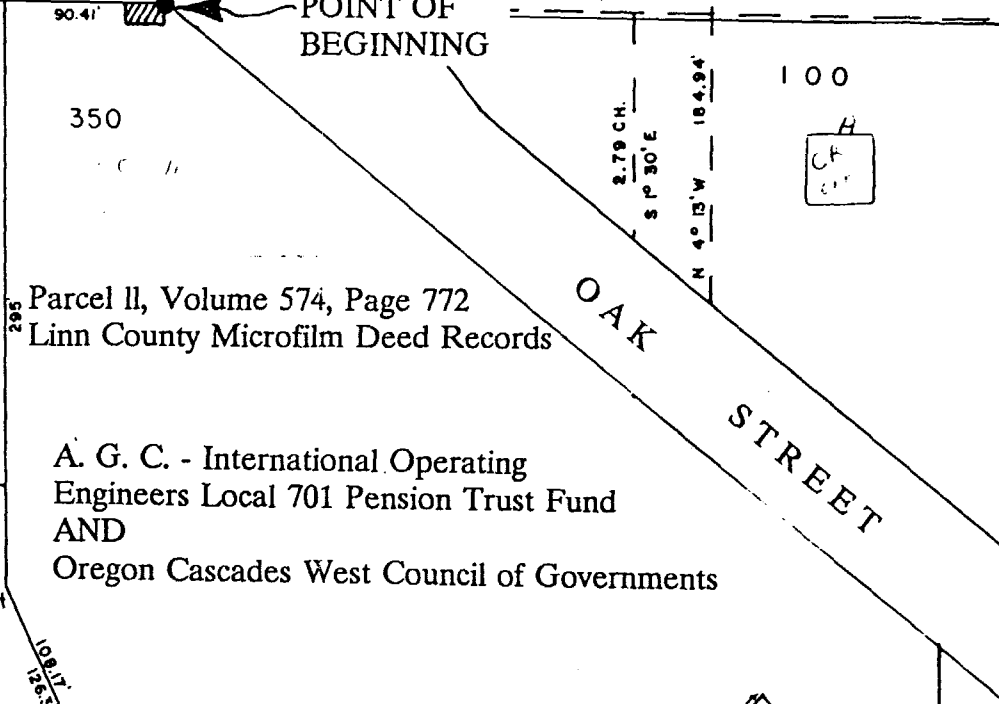
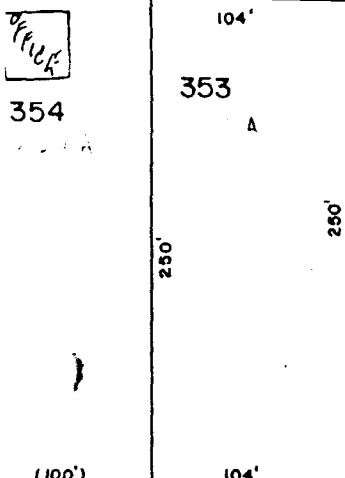
See Map II 3W 7DA

SW 1/4 SW 1/4 Sec. 8 T. 11 S. R. 3 W. W.M.

718:10 feet South 89° 03' 20" West
— QUEEN AVENUE —

35.00 feet South 0° 56' 40" East

SW Cor
— DLC No.62 —



Parcel II, Volume 574, Page 772
Linn County Microfilm Deed Records

A. G. C. - International Operating
Engineers Local 701 Pension Trust Fund
AND
Oregon Cascades West Council of Governments

North
1" = 100'

VOL 0739 PAGE 399

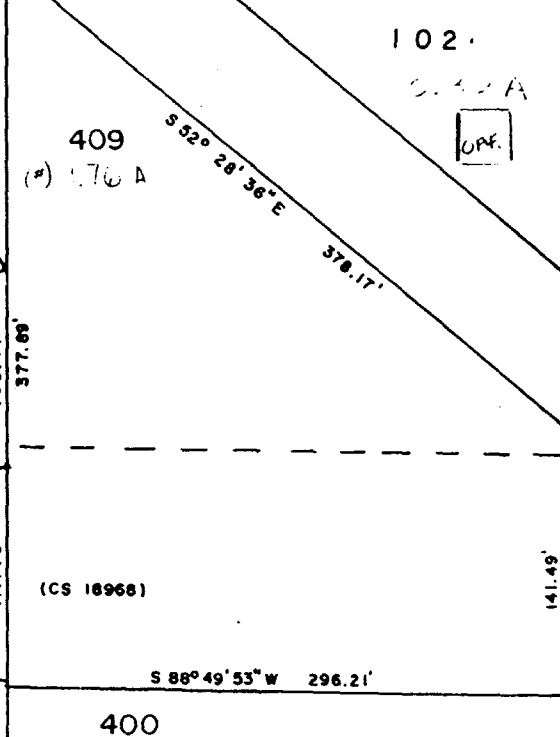
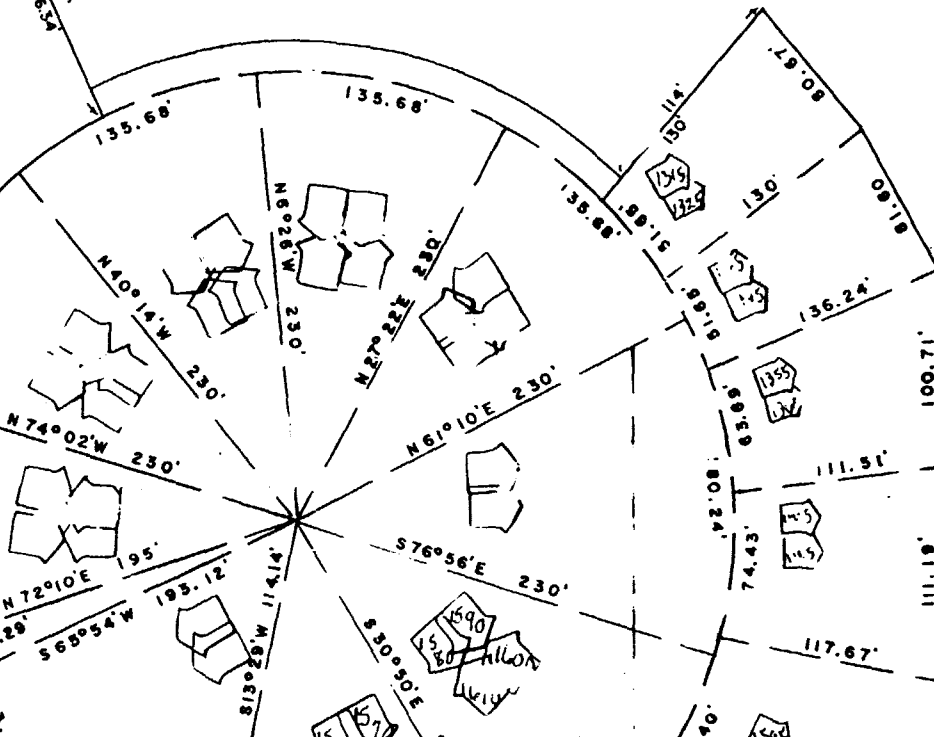
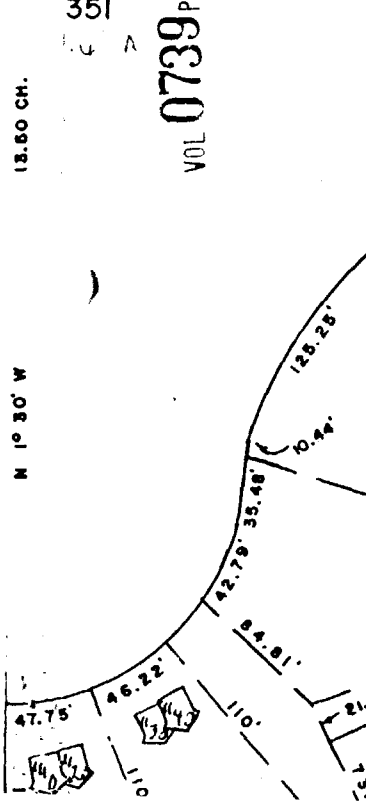
13.80 CH.

N 1° 30' W

47.75'

110'

110'



SOUTH GEARY STREET

Exhibit A:

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

M
R 30
S 10
A
O

8:30 O'clock a.m.

30

MAR 14 1995

MF 739

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Resolution No. 3486

Recorded Document Recorder File No. 2594