

RESOLUTION NO. 3661

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

Grantor

K. Clair Anderson, David F. Fitchett and James H. Jordan, as trustees of the Mid-Valley Orthopedic Clinic, P.C. Profit Sharing Trust

Purpose

A permanent utility easement, 15.0 feet in even width across that property in Linn County Deed Records, Volume 120, Page 175.

DATED THIS 26TH DAY OF JUNE 1996.



Mayor

ATTEST:




City Recorder

MID-VALL.WPD

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 29th day of May, 1996, by and between **K. Clair Anderson, David F. Fitchett and James H. Jordan**, as trustees of the **Mid-Valley Orthopedic Clinic, P.C. Profit Sharing Trust** 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 utility's 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, undergrowth, 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 permanent utility easement across that property conveyed to the **K. Clair Anderson, David F. Fitchett and James H. Jordan**, as trustees of the **Mid-Valley Orthopedic Clinic, P.C. Profit Sharing Trust** in Volume 120, Page 175, Linn County Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at a 5/8" iron rod at the Northwest corner of that parcel described in deed recorded in Book 53, Page 289, Linn County Microfilm Records, said point is 295.6 feet North 89° 34' West from a 5/8" iron rod, said rod being the northeast corner of said parcel, said rod is 39.08 feet North 89° 34' West and 1,481.28 feet North 0° 55' west of the Northwest corner of the Truett David donation Land Claim No. 38, Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon; thence South 0° 22' 30" West along the West line of said parcel 230.00 feet; thence South 89° 34' East 15 feet; thence North 0° 22' 30" West 230.00 thence North 89° 34' West 15 feet to the point of beginning

Containing 0.08 acres of land, more or less. The basis of bearings of the above described parcel is Linn County survey No. 13952.

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:

[Signature]
K. Clair Anderson


[Signature]
David F. Fitchett

[Signature]
James H. Jordan

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

The foregoing instrument was acknowledged before me this 29th day of July, 1998, by K. Clair Anderson, David F. Fitchett and James H. Jordan, as trustees of the Mid-Valley Orthopedic Clinic, P.C. Profit Sharing Trust as his/her/their voluntary act and deed.

[Signature]
K. Clair Anderson

 OFFICIAL SEAL
SUZANNE CLARK
NOTARY PUBLIC - OREGON
COMMISSION NO. 053929
MY COMMISSION EXPIRES MAY 8, 2000

My Commission Expires: May 8, 2000
Suzanne Clark

[Signature]
James H. Jordan

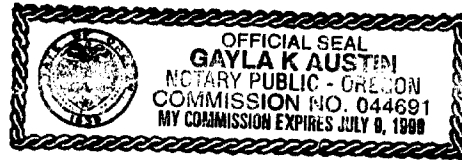
[Signature]
Notary Public for Oregon

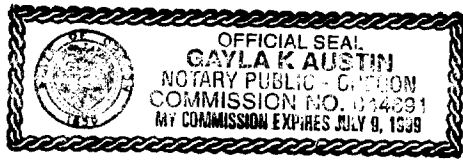
My Commission Expires: 7/9/99

[Signature]
David F. Fitchett

[Signature]
Notary Public for Oregon

My Commission Expires: 7/9/99

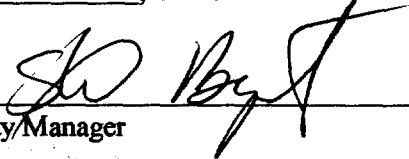
 OFFICIAL SEAL
GAYLA K AUSTIN
NOTARY PUBLIC - OREGON
COMMISSION NO. 044691
MY COMMISSION EXPIRES JULY 9, 1999

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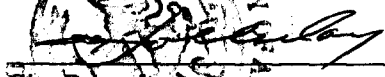
CITY OF ALBANY:

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

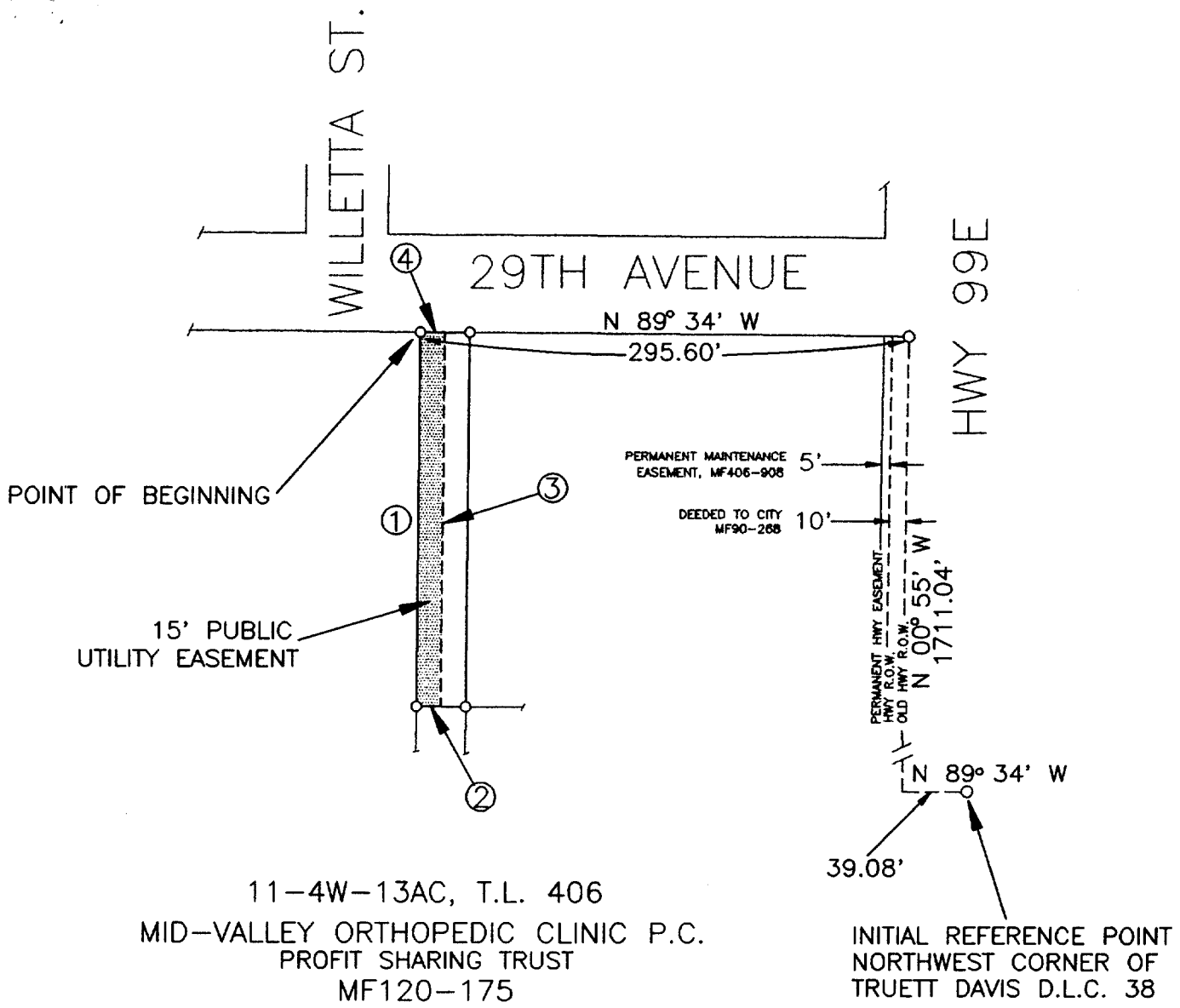
I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3661, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27th day of June, 1996.



City Manager

ATTEST
SEAL OF THE CITY OF ALBANY



City Recorder



11-4W-13AC, T.L. 406
 MID-VALLEY ORTHOPEDIC CLINIC P.C.
 PROFIT SHARING TRUST
 MF120-175

INITIAL REFERENCE POINT
 NORTHWEST CORNER OF
 TRUETT DAVIS D.L.C. 38



SCALE: 1" = 100'
 BASIS OF BEARINGS = C.S. 13952

- ① S 0° 22' 30" W, 230.00'
- ② S 89° 34' E, 15.00'
- ③ N 0° 22' 30" E, 230.00'
- ④ N 89° 34' W, 15.00'

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 RV, Deputy

M
 R 20
 S 16
 A
 O
 MF 813
 PAGE 339

30
 Jul 8 2 40 PM '96

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

EXHIBIT A:
 15' PUBLIC UTILITY EASEMENT
 FROM MID-VALLEY ORTHOPEDIC CLINIC
 TO THE CITY OF ALBANY, OREGON

Resolution No. 3661

Recorded Document Recorder File No. 2795