

RESOLUTION NO. 3784

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Linn County

Purpose

A permanent public waterline easement fifteen feet in even width located in that tract conveyed to Linn County by deed recorded in Volume MF 421, Page 810 of the Linn County Deed Records on September 17, 1986.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 14TH DAY OF MAY 1997.

  
Mayor

ATTEST:

  
  
City Recorder

## EASEMENT FOR PUBLIC UTILITIES

(Pursuant to Order No. 97-180)

THIS AGREEMENT, made and entered into this 14 day of May, 1997, by and between LINN COUNTY, a political subdivision of the State of Oregon, 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:

See legal description on attached Exhibit "A" and map on attached Exhibit "B"

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 officially approved the foregoing and acknowledged the same by the signatures set forth below.

GRANTORS:

Linn County Board of Commissioners

*David R. Schmidt*  
\_\_\_\_\_  
David R. Schmidt

*Catherine Skiens*  
\_\_\_\_\_  
Catherine Skiens

*Larry J. Johnson*  
\_\_\_\_\_  
Larry J. Johnson

CITY OF ALBANY:

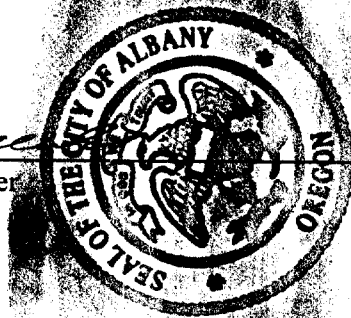
STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3784 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14 day of May, 1997.

*Steve Bryant*  
\_\_\_\_\_  
City Manager

ATTEST:

*Sheila*  
\_\_\_\_\_  
City Recorder

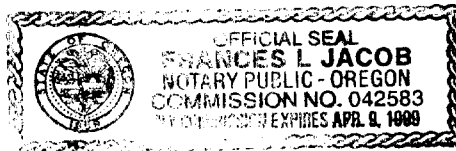


This easement is authorized by Order of the Board of Commissioners No. 97-180, dated April 30, 1997, and recorded in the Commissioners Journal at Volume 242, Page 243.

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

The foregoing instrument was acknowledged before me this 30th day of April, 1997, by David R. Schmidt, Catherine Skiens, and Larry J. Johnson on behalf of Linn County, a political subdivision.

*Francis L. Jacob*  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 4-9-99



APPROVED AS TO FORM:

*Thomas N. Corr*  
\_\_\_\_\_

Thomas N. Corr  
Linn County Legal Counsel

EXHIBIT "A"  
(Waterline Easement)

A 15.00 foot wide strip of land for public utility easement purposes located in that tract conveyed to Linn County by deed recorded in Volume MF 421, Page 810 of the Linn County Deed Records on September 17, 1986, the centerline of said 15.00 foot wide strip of land being an existing waterline and more particularly described as follows:

Commencing at the INITIAL POINT of "WINONA PARK SUBDIVISION", a subdivision of record in Linn County, Oregon; thence South 09°18' West 52.73 feet to the intersection of the north right-of-way line of East 13th Street with the easterly right-of-way line of Jackson Street (both rights-of-way being 66.00 feet wide); thence North 09°05' West, along said easterly right-of-way line, 766.29 feet; thence North 81°00' East 290.91 feet to the TRUE POINT OF BEGINNING of the hereinafter described 15.00 foot wide strip of land for public utility purposes; thence North 80°05'43" East 102.86 feet; thence South 54°02'27" East 163.30 feet; thence South 09°03'19" East 110.49 feet; thence South 80°22'57" West 173.26 feet to the terminus of the herein described 15.00 foot strip of land for public utility purposes.

The Basis of Bearings of the above described property is the said easterly right-of-way line of Jackson Street as shown on County Survey No. 19093.

April 17, 1997  
LINN COUNTY EASEMENTS  
WATERLINE EASEMENT  
JRB:ls (96-72-E)  
File Ref: nlm\legal\9672E#2.DES

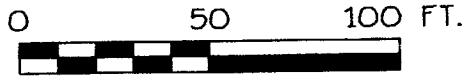
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jack R. Burrell*

OREGON  
JACK R. BURRELL  
1630

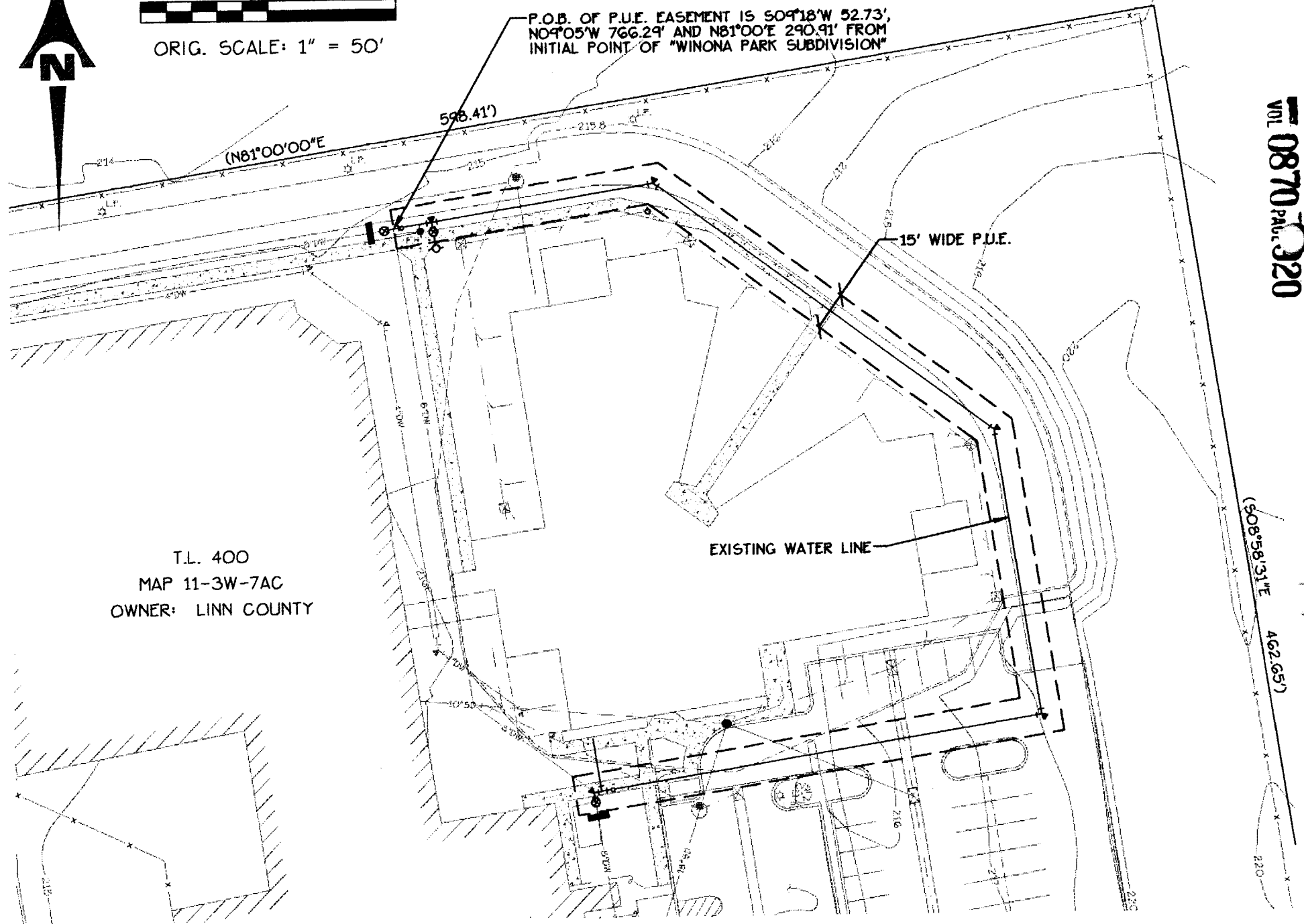
EXPIRATION DATE: 12/31/97

# EXHIBIT "B"



ORIG. SCALE: 1" = 50'

P.O.B. OF P.U.E. EASEMENT IS  $S09^{\circ}18'W$  52.73',  
 $N09^{\circ}05'W$  766.29' AND  $N81^{\circ}00'E$  290.91' FROM  
INITIAL POINT OF "WINONA PARK SUBDIVISION"



T.L. 400  
MAP 11-3W-7AC  
OWNER: LINN COUNTY

VOL 0870 PA. 020

(S08°56'31"E 462.65')

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 PA, Deputy

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MAY 22 2 25 PM '97

MF 870  
PAGE 917

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Recorded Document Recorder File No. 2967