

RESOLUTION NO. 3832

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Douglas J. Gamet and Nancy S. McLean

Purpose

A permanent public utility easement located in the NE¼ of section 12, T11S, R4W, WB & M, Block 60, City of Albany, Linn County, Oregon.


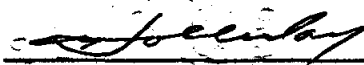
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 13TH DAY OF AUGUST 1997.



Council President

ATTEST:

City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 15th day of July, 1997, by and between Douglas J. Gamet and Nancy S. McLean 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, 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 STRIP OF LAND FOR UTILITY PURPOSES LOCATED IN THE NE ¼ OF S12, T11S, R 4 W, WB & M, BLOCK 60, CITY OF ALBANY, LINN COUNTY, OREGON.

BEGINNING AT THE SOUTHEAST CORNER OF BLOCK 60; THENCE SOUTH 81°45' WEST 62.00 FEET TO THE SOUTHEAST CORNER OF TAX LOT 1001; THENCE NORTH 08°15'00" WEST, 106.6 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 81°45' WEST, 3.89 FEET; THENCE NORTH 08°15' WEST, 0.56 FEET; THENCE SOUTH 81°46'34" WEST, 66.01 FEET; THENCE SOUTH 8°22'22" EAST, 5.56 FEET; THENCE SOUTH 81°46'34" WEST, 70.22 FEET; THENCE SOUTH 08°15' 00" EAST, 5.0 FEET TO THE TRUE POINT OF BEGINNING, SAID CONTAINING 388 SQUARE FEET MORE OR LESS. (BASIS OF BEARINGS AND DISTANCES CS. 19250)

- 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 construction, maintenance, evaluation and/or repair the City shall return the site to original or better condition.

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

- 6. No permanent structure shall be constructed within the limits of this easement.
- 7. With respect to any construction work performed within the limits of this easement related to the sanitary sewer line reconstruction shown on Exhibit "A", the site restoration shall be in accordance with Exhibit "B". The requirements of this paragraph become void at the time the Exhibit "A" work is accepted by the City.

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

GRANTOR:

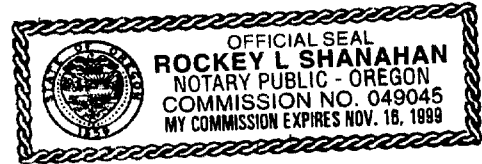
Douglas J. Gamet

By: *Douglas J. Gamet*

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

The foregoing instrument was acknowledged before me this 15th day of July, 1997, by Douglas J. Gamet as his voluntary act and deed.

Rockey L. Shanahan
Notary Public for Oregon



My Commission Expires: 11-16-1999

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

GRANTOR:

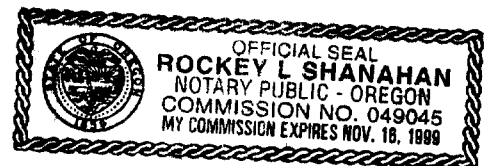
Nancy S. McLean

By: *Nancy S. McLean*

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

The foregoing instrument was acknowledged before me this 15th day of July, 1997, by Nancy S. McLean as her voluntary act and deed.

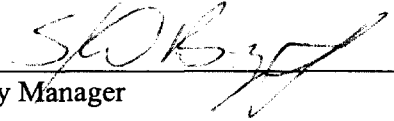
Rockey L. Shanahan
Notary Public for Oregon



My Commission Expires: 11-16-1999


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 3832 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13th day of August, 1997.



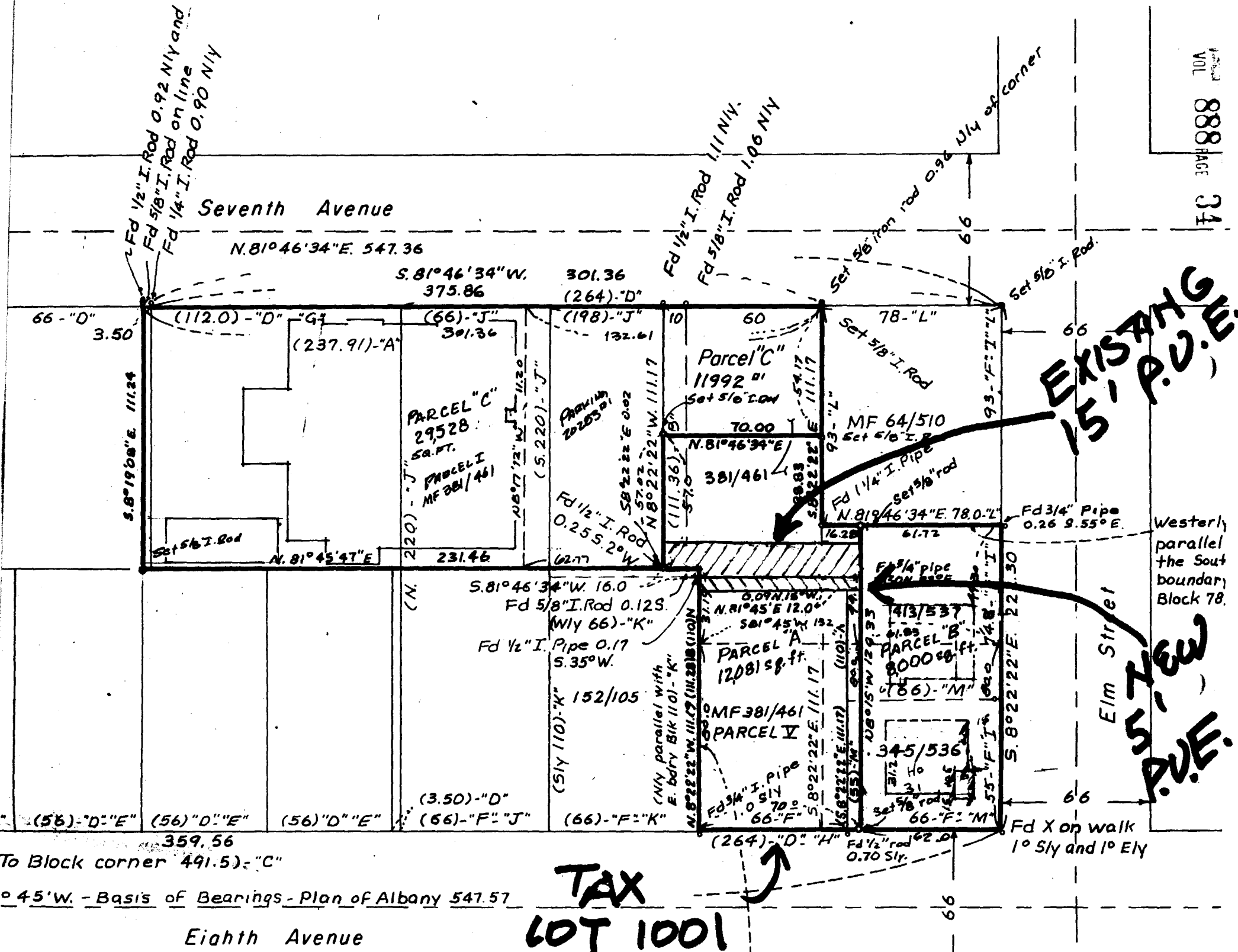
City Manager

ATTEST:



City Recorder

Seventh Avenue



EXISTING
15' P.U.E.

5' NEW
P.U.E.

TAX
LOT 1001

10 45' W. - Basis of Bearings - Plan of Albany 547.57

Eighth Avenue

Westerly parallel the South boundary Block 78.

Elm Street

EXHIBIT "B"
SITE RESTORATION

Landscaping shall be restored by Shadetree Landscape, Inc., as directed by Tom Lundberg, to a condition which is equal to or better than existing, recognizing that the replacement of major trees and shrubs shall be limited in size and availability to local nurseries.

Portland cement concrete pavement shall be replaced in full panel sections to a depth and texture which matches the existing concrete pavement. New panels shall be dowel connected to existing panels, when so directed by Devco Engineering, Inc.

The attached photographs document the present condition of the site within the general limits of the easement.



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

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Aug 19

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Recorded Document Recorder File No. 3010