

RESOLUTION NO. 3857

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Hopton Technologies, Inc.

Purpose


A permanent public utilities easement, 15 feet in even width, described in ATTACHMENT "A" and shown in ATTACHMENT "B".

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

DATED THIS 10TH DAY OF SEPTEMBER 1997.


Mayor

ATTEST:

City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 20th day of August, 1997, by and between Hopton Technologies Inc., 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 15 foot wide water easement, for the purpose of installing and maintaining a domestic water line, the south line of which is described in Attachment A and shown in Attachment 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, receipt of which is acknowledged by the Grantor, 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:

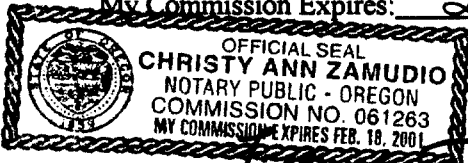
Hopton Technologies Inc.

By: [Signature]
Verson Pandian, President

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

The foregoing instrument was acknowledged before me this 20th day of August, 1997, by Verson Pandian, president, of Hopton Technologies, an Oregon corporation, on behalf of the corporation.

Christy Ann Zamudio
Notary Public for Oregon
My Commission Expires: 2/18/01

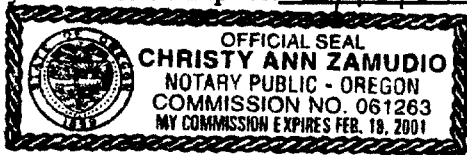


By: Jill L. Pandian
Jill Pandian, Secretary

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

The foregoing instrument was acknowledged before me this 20th day of August, 1997, by Jill Pandian, secretary, of Hopton Technologies, an Oregon corporation, on behalf of the corporation.

Christy Ann Zamudio
Notary Public for Oregon
My Commission Expires: 2/18/01



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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 3857 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10th day of September, 1997.

[Signature]
City Manager

ATTEST:

[Signature]
City Recorder

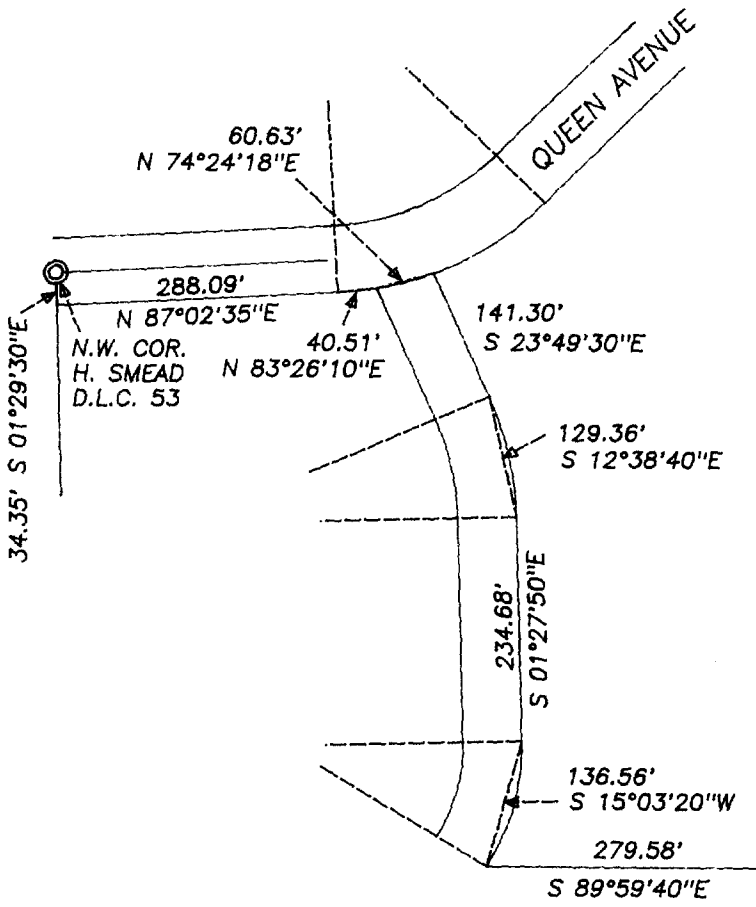
ATTACHMENT A

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an easement for the purpose of installing and maintaining a domestic water line, being 15 feet in width, the south line of which is described as follows: Beginning at the southeast corner of that parcel conveyed to Hopton Technologies by deed recorded in MF Volume 474, Page 293, Linn County Microfilm Records; which point is 34.35 feet South $1^{\circ}29'30''$ East, 288.09 feet North $87^{\circ}02'35''$ East, 40.51 feet North $83^{\circ}26'10''$ East, 60.63 feet North $74^{\circ}24'18''$ East, 141.30 feet South $23^{\circ}49'30''$ East, 129.36 feet South $12^{\circ}38'40''$ East, 234.68 feet South $1^{\circ}27'50''$ East, 136.56 feet South $15^{\circ}03'20''$ West, 279.58 feet South $89^{\circ}59'40''$ East, and 625.00 feet South $1^{\circ}13'$ East of the northwest corner of the Hiram N. Smead Donation Land Claim No. 53, Township 11 South, Range 3 West of the Willamette Base and Meridian, Linn County, Oregon; thence North $89^{\circ}59'40''$ West along the south line of said parcel 66.5 feet and there terminating.

EASEMENT OR PUBLIC UTILITIES
HOPTON TECHNOLOGIES INC.
ALBANY - AUGUST 1997

ATTACHMENT "B"



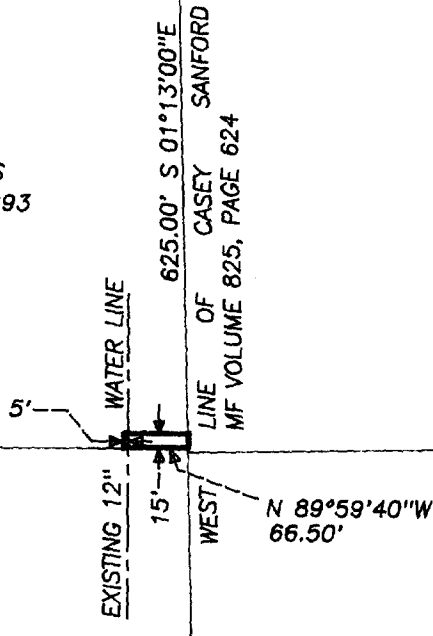
REGISTERED
PROFESSIONAL
LAND SURVEYOR

David Moore

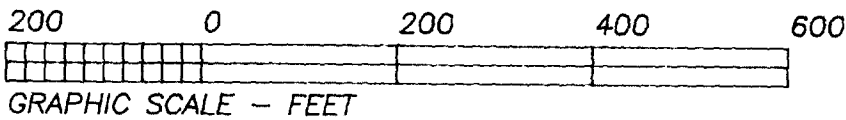
OREGON
JUNE 30, 1997
DAVID MOORE
2835LS

expires 12/31/98

HOPTON TECHNOLOGIES
MF VOLUME 474, PAGE 293



SOUTH MARION STREET



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

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A
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PAGE 765

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Recorded Document Recorder File No. 3029