

RESOLUTION NO. 4129

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

William S. Wilt

Purpose

A 37.5-foot wide permanent easement for a public water line and a public sanitary sewer line, more particularly described in attached EXHIBIT "A" and shown in attached EXHIBIT "B".

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

DATED THIS 9TH DAY OF JUNE 1999.



Mayor

ATTEST:



City Recorder *Clrk*



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 26 day of MAY, 1999, by and between William S. Wilt, hereinafter called Grantor, 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 grantor has this day bargained and sold and by these presents does 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 37.5-foot wide public utility easement for a waterline and sanitary sewer within Edgewood Manufactured Home Park, Expansion I, more particularly described in attached EXHIBIT "A" and shown in 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, 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 Grantor does 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 Grantor has hereunto fixed his hand and seal the day and year above written.

GRANTOR:

William S. Wilt
William S. Wilt

CITY OF ALBANY:

STATE OF OREGON)
County of Linn) ss.
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 4129 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9th day of June, 1999.

The foregoing instrument was acknowledged before me this 25th day of May 1999, by William S. Wilt as his voluntary act and deed.

Steve Bryant
City Manager

C. Marie Redner
Notary Public for Oregon
My Commission Expires July 29, 2000

ATTEST:

Betty Langwell
City Recorder



EXHIBIT 'A'

PUBLIC UTILITY AND MAINTENANCE
EASEMENT DESCRIPTION

located in

SOUTHWEST ¼, SECTION 16, TOWNSHIP 11 SOUTH, RANGE 3 WEST, W.M.,
CITY OF ALBANY, LINN COUNTY, OREGON

BEGINNING AT A POINT ON THE EAST LINE OF EDGEWOOD ESTATES, A SUBDIVISION OF RECORD, LINN COUNTY PLAT RECORDS, SAID POINT BEING THE NORTHEAST CORNER OF LOT 1, BLOCK 6 OF SAID EDGEWOOD ESTATES; THENCE SOUTH $81^{\circ}27'31''$ EAST 60.87 FEET; THENCE ALONG THE ARC OF A 330.00 FOOT RADIUS CURVE TO THE LEFT (LONG CHORD BEARS SOUTH $85^{\circ}34'53''$ EAST) A DISTANCE OF 44.92 FEET; THENCE SOUTH $89^{\circ}28'51''$ EAST 45.74 FEET TO A POINT ON THE WEST RIGHT OF WAY BOUNDARY OF SOUTH MOUNTAIN VIEW DRIVE; THENCE NORTH $01^{\circ}03'31''$ WEST 37.51 FEET ALONG SAID RIGHT OF WAY BOUNDARY TO A POINT; THENCE NORTH $89^{\circ}28'51''$ WEST 44.71 FEET; THENCE ALONG THE ARC OF A 292.50 FOOT RADIUS CURVE TO THE RIGHT (LONG CHORD BEARS NORTH $85^{\circ}34'53''$ WEST) A DISTANCE OF 39.81 FEET; THENCE NORTH $81^{\circ}27'31''$ WEST 65.74 FEET TO A POINT ON THE EAST BOUNDARY OF EDGEWOOD ESTATES; THENCE ALONG SAID BOUNDARY SOUTH $00^{\circ}33'12''$ WEST 38.14 FEET TO THE POINT OF BEGINNING, AS SHOWN ON THE ATTACHED EXHIBIT MAP 'B'.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE SOUTH LINE OF THE PARCEL SURVEY IN COUNTY SURVEY 22012.

FILE
CG ON SERV 1 (J)
TEXT
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BRKSDUTLESMNT
5/11/99

STATE OF OREGON
County of Linn

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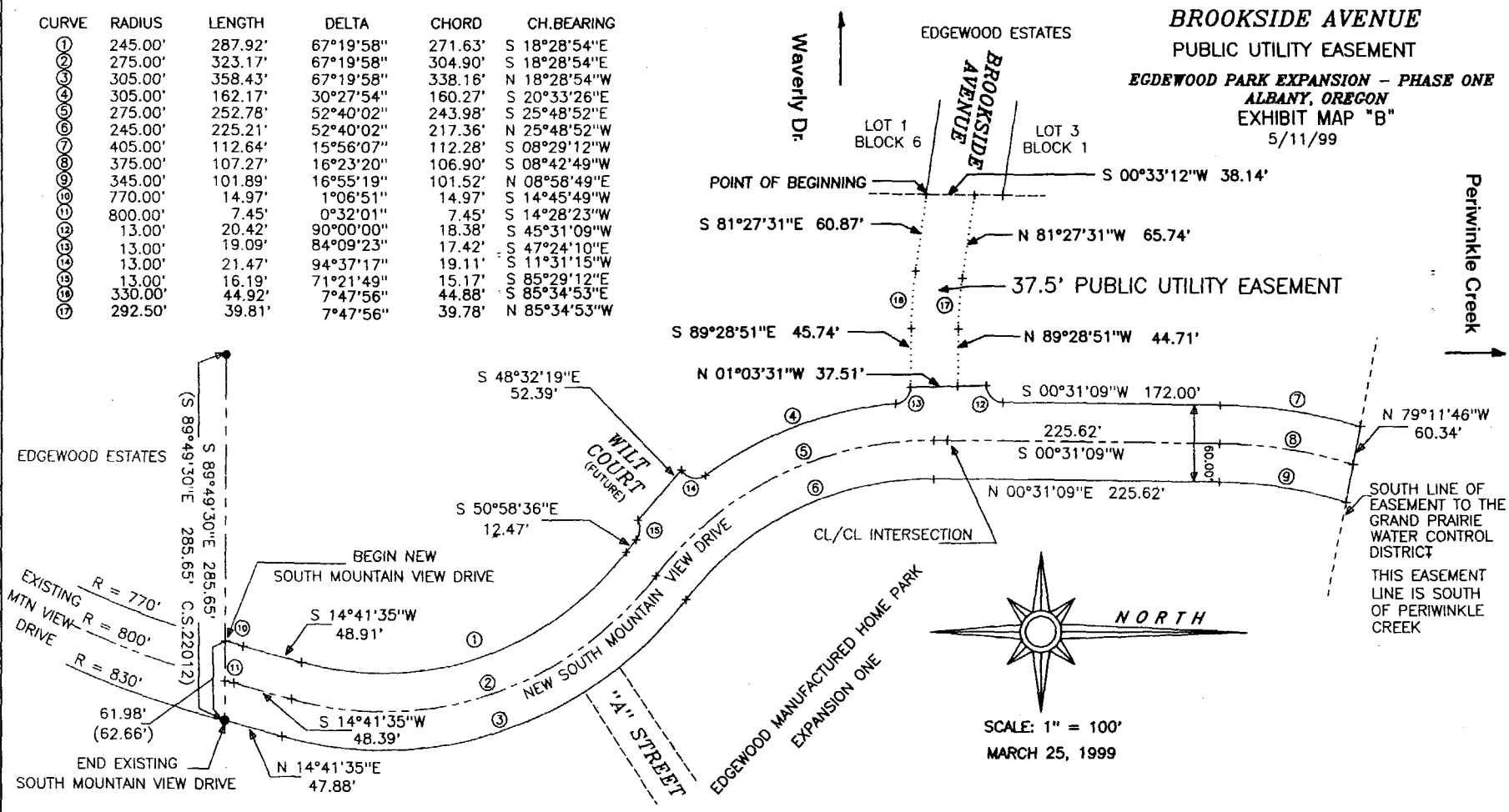
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Jun 17 3 02 PM '99

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk MF 1042

By PA, Deputy PAGE 600

CURVE	RADIUS	LENGTH	DELTA	CHORD	CH. BEARING
①	245.00'	287.92'	67°19'58"	271.63'	S 18°28'54"E
②	275.00'	323.17'	67°19'58"	304.90'	S 18°28'54"E
③	305.00'	358.43'	67°19'58"	338.16'	N 18°28'54"W
④	305.00'	162.17'	30°27'54"	160.27'	S 20°33'26"E
⑤	275.00'	252.78'	52°40'02"	243.98'	S 25°48'52"E
⑥	245.00'	225.21'	52°40'02"	217.36'	N 25°48'52"W
⑦	405.00'	112.64'	15°56'07"	112.28'	S 08°29'12"W
⑧	375.00'	107.27'	16°23'20"	106.90'	S 08°42'49"W
⑨	345.00'	101.89'	16°55'19"	101.52'	N 08°58'49"E
⑩	770.00'	14.97'	1°06'51"	14.97'	S 14°45'49"W
⑪	800.00'	7.45'	0°32'01"	7.45'	S 14°28'23"W
⑫	13.00'	20.42'	90°00'00"	18.38'	S 45°31'09"W
⑬	13.00'	19.09'	84°09'23"	17.42'	S 47°24'10"E
⑭	13.00'	21.47'	94°37'17"	19.11'	S 11°31'15"W
⑮	330.00'	16.19'	71°21'49"	15.17'	S 85°29'12"E
⑯	330.00'	44.92'	7°47'56"	44.88'	S 85°34'53"E
⑰	292.50'	39.81'	7°47'56"	39.78'	N 85°34'53"W



BROOKSIDE AVENUE
PUBLIC UTILITY EASEMENT

EDGEWOOD PARK EXPANSION - PHASE ONE
ALBANY, OREGON
EXHIBIT MAP "B"
5/11/99

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97-35-CRD
97-35-ROW(20)

Resolution No. 4129

Recorded Document Recorder File No. 3403