



RESOLUTION NO. 6992

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT

Grantor

Greater Albany Public School District

Purpose

Accepting two, 10-foot-wide Franchised Public Utility Easements, as part of LA-02-17, a Property Line Adjustment for the Greater Albany Public School District.

11S03W18BA 00700

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

DATED AND EFFECTIVE THIS 28TH DAY OF OCTOBER 2020.



Mayor

ATTEST:




City Clerk

EASEMENT FOR FRANCHISED PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 14th day of October, 2020, by and between **Greater Albany Public School District**, 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 and Utility Companies with Franchise Agreements with the City, 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 franchised utilities 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 and Exhibit C.
2. The permanent easement described herein grants to the City and its franchised utility companies, and to their 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 Utility Company performing the maintenance shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

GRANTOR:


Greater Albany Public School District

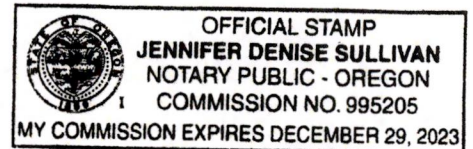


Russell Allen, Executive Director for Business and Operations

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

The foregoing instrument was acknowledged before me this 14 day of October, 2020, by Russell Allen, Executive Director for Business and Operations, Greater Albany Public School District.



Notary Public for the state of Oregon
My Commission Expires: 12-29-2023



CITY OF ALBANY:

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

I, Peter Troedsson, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 6942, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 30th day of October 2020.



City Manager

ATTEST:



City Clerk



EXHIBIT "A"
PUBLIC UTILITY EASEMENT DEDICATION

TWO 10 FOOT EVEN WIDTH STRIPS IN THE HIRAM N. SMEAD DONATION LAND CLAIM NO. 53, IN THE NORTHWEST AND NORTHEAST QUARTERS OF SECTION 18, TOWNSHIP 11 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, CITY OF ALBANY, LINN COUNTY, OREGON AS SHOWN ON "EXHIBIT B" AND BOUND BY 28 AND 38 FOOT OFFSETS LEFT AND RIGHT OF THE CENTERLINE DESCRIBED AS FOLLOWS;

BEGINNING AT A 5/8 INCH IRON ROD MARKING THE EXISTING CENTERLINE OF LYON STREET BETWEEN LOTS 9 AND 10 OF FOXWOOD SUBDIVISION (C.S. 23884); THENCE NORTH 01°17'50" WEST 4.31 FEET; THENCE ALONG THE ARC OF A 200.00 FOOT RADIUS CURVE TO THE RIGHT FOR 125.31 FEET, (CHORD BEARS NORTH 16°39'05" EAST 123.27 FEET); THENCE NORTH 34°36'00" EAST 35.17 FEET; THENCE ALONG THE ARC OF A 200.00 FOOT RADIUS CURVE TO THE RIGHT FOR 31.18 FEET, CHORD BEARS NORTH 39°03'56" EAST 31.14 FEET); THENCE NORTH 43°31'52" EAST 157.77 FEET; THENCE ALONG THE ARC OF A 200.00 FOOT RADIUS CURVE TO THE LEFT FOR 156.03 FEET, (CHORD BEARS NORTH 21°10'51" EAST 152.11 FEET); THENCE NORTH 01°10'10" WEST 72.18 FEET TO THE TERMINUS POINT OF THE CENTERLINE.

THE ABOVE DESCRIBED RIGHT-OF-WAY AREA TO BE DEDICATED IS 0.75 ACRES

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Kyle W. Latimer

OREGON
JUNE 12, 2013
KYLE W. LATIMER
80442

EXPIRES 12-31-2020

Udell Engineering & Land Surveying, LLC
63 East Ash Street, Lebanon, OR 97355
Ph: 541-451-5125 • Fax: 541-451-1366

S88°59'39"W 331.63'

EXHIBIT "B"

LEGEND

Δ	DELTA
C.S.	COUNTY SURVEY
IR	IRON ROD
L	LENGTH
LC	LONG CHORD
R/W	RIGHT OF WAY
R	RADIUS

N1°10'10"W 72.18'
56.00' RIGHT-OF-WAY
DEDICATION TO
THE CITY OF ALBANY
0.75 ACRES (32,589 SQUARE FEET)

Δ=44°42'03"
R=200.00'
L=156.03'
LC=N21°10'51"E 152.11'

10.00' PUBLIC UTILITY
EASEMENT

Δ=8°55'52"
R=200.00'
L=31.18'
LC=N39°03'56"E 31.14'

N34°36'00"E 35.17'

10.00' PUBLIC UTILITY
EASEMENT

N43°31'52"E 157.77'

Δ=35°53'50"
R=200.00'
L=125.31'
LC=N16°39'05"E 123.27'

POINT OF BEGINNING
5/8" IR
C.S. 23384

N1°17'50"W 4.31'



SCALE: 1" = 60'



LOT 10

LYON ST.
(56') R/W

LOT 9

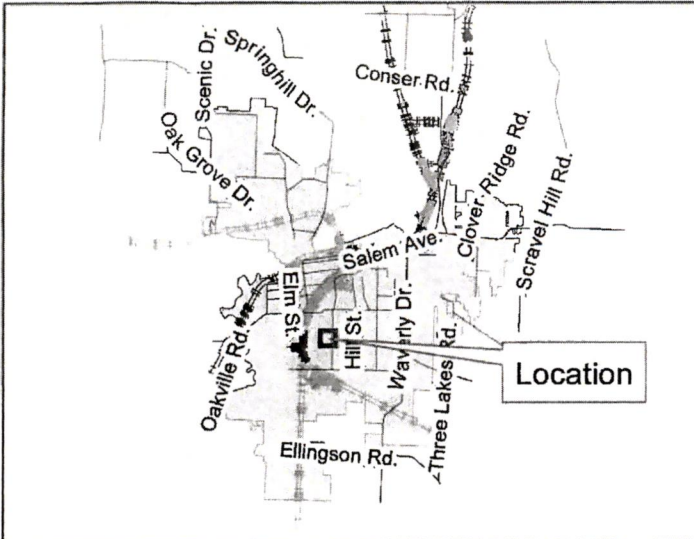
LOT 8
FOXWOOD SUBDIVISION

LOT 7

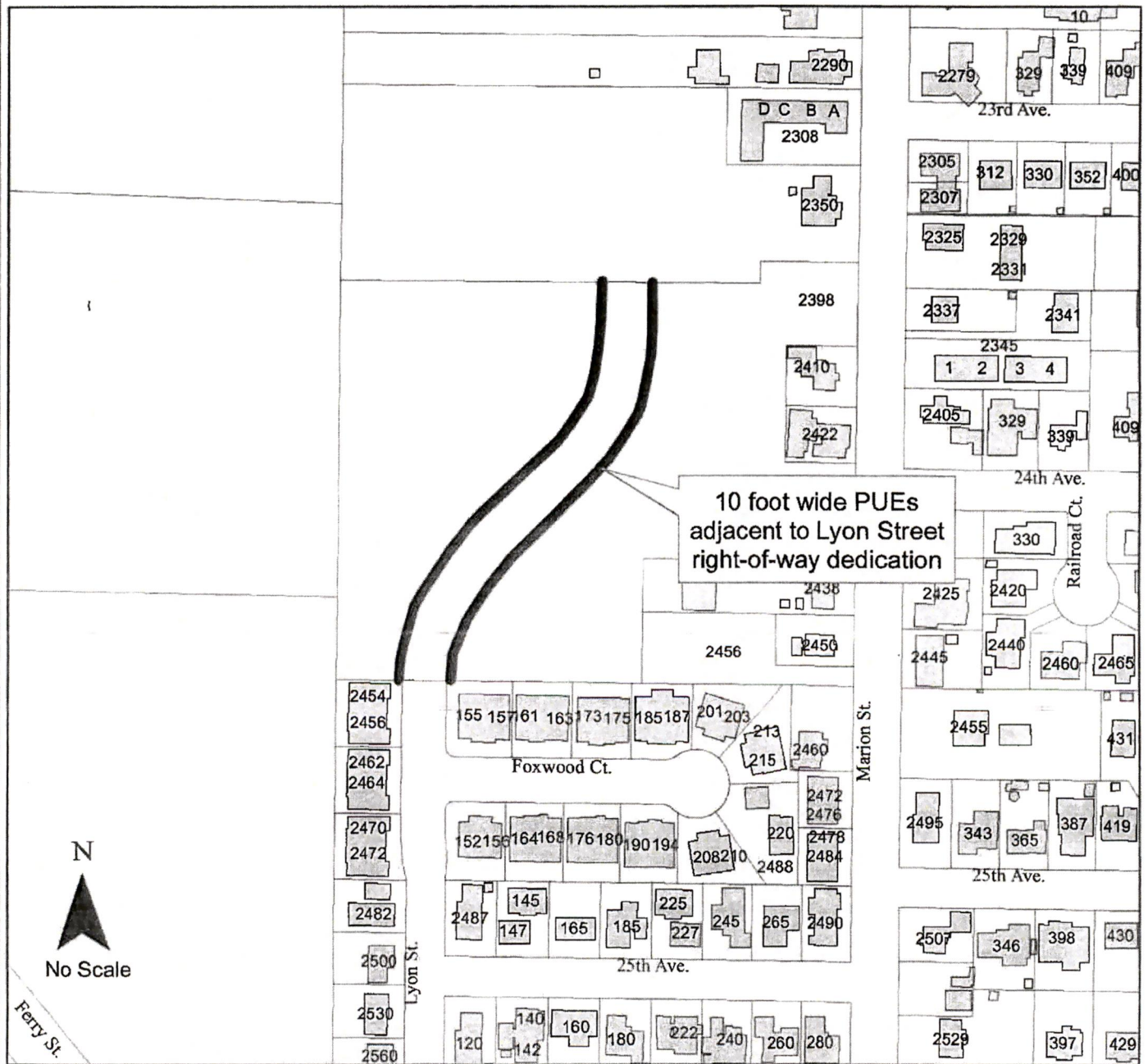
EXHIBIT C

11S03W18BA- 00700

Two 10 foot wide Public Utility Easements adjacent to Lyon Street, part of LA-02-17, a Property Line Adjustment for Greater Albany Public Schools



Geographic Information Services



Ferry St.