

RESOLUTION NO. 2594

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it hereby grants the following easement:

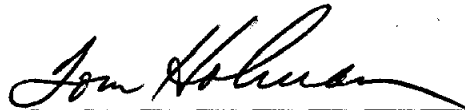
Grantee

Purpose

Oregon State Highway Division


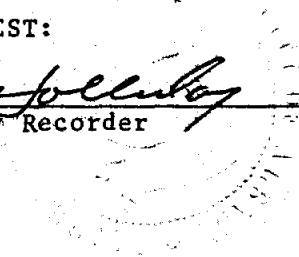
To construct, operate and maintain a storm drain under the Albany-Santiam Canal in Lebanon, Oregon in Sec. 11, T. 125, R. 2 W., W.M.

Dated this 22nd day of January , 1986



\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

**EASEMENTS**

CITY OF ALBANY, Oregon, a municipal corporation, Grantor, hereby grants to the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Highway Division, Grantee, its successors and assigns, a permanent easement for the construction, reconstruction, operation, maintenance, and repair of a storm sewer, and appurtenances thereto, together with rights of ingress and egress thereto, over and across the following described property, to wit:

**PARCEL 1**

A parcel of land lying in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 11, Township 12 South, Range 2 West, W.M., Linn County, Oregon; the said parcel being that portion of said NE $\frac{1}{4}$ NW $\frac{1}{4}$  lying Northerly of Wheeler Street; Southerly of a line at right angles to the "S" center line at Engineer's Station "S" 24+60 and included in a strip of land 20 feet in width, 10 feet on each side of said center line which center line is described as follows:

Beginning at Engineer's center line Station "S" 20+12.15, said station being 1.64 feet South and 1130.20 feet West of the Southwest corner of the James M. Marks D.L.C. No. 44, Township 12 South, Range 2 West, W.M.; thence North 24° 34' 39" East 150.20 feet; thence North 11° 50' 07" East 297.65 feet to Engineer's center line Station "S" 24+60.

EXCEPT therefrom that property described in that deed to the City of Lebanon, recorded August 14, 1973 in MF Volume 69, Page 197 of Linn County Records.

ALSO EXCEPT therefrom that property described in that deed to L. J. Spires, Nikki L. Spires, David J. Hickey and Gay M. Hickey, recorded August 3, 1971 in MF Volume 21, Page 158 of Linn County Records.

Bearings are based on County Survey No. 12714, dated November 28, 1972, Linn County, Oregon.

The parcel of land to which this description applies contains 2,800 square feet, more or less.

IT IS UNDERSTOOD AND AGREED that no building or structure shall be erected upon or over said easement area without written consent of Grantee.

Grantor also grants to Grantee, its successors and assigns, a temporary easement for a work area to be used by Grantee in connection with the construction of said storm sewer, over and across the following described property, to wit:

**PARCEL 2**

A parcel of land lying in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 11, Township 12 South, Range 2 West, W.M., Linn County, Oregon; the said parcel being that portion of said NE $\frac{1}{4}$ NW $\frac{1}{4}$  lying Northerly of Wheeler Street; Southerly of a line at right angles to the "S" center line at Engineer's Station "S" 24+60 and included in a strip of land variable in width, lying on each side of said center line which center line is described in Parcel 1.

The widths in feet of the strip of land above referred to are as follows:

Highway Division  
File 54990  
1R-4-878

Station	to	Station	Width on Easterly Side of Center Line	Width on Westerly Side of Center Line
"S"20+12.15		"S"21+62.35	20	20
"S"21+62.35		"S"24+60	10	20

EXCEPT therefrom Parcel 1.

ALSO EXCEPT therefrom that property described in that deed to the City of Lebanon, recorded August 14, 1973 in MF Volume 69, Page 197 of Linn County Records.

ALSO EXCEPT therefrom that property described in that deed to L. J. Spires, Nikki L. Spires, David J. Hickey and Gay M. Hickey, recorded August 3, 1971 in MF Volume 21, Page 158 of Linn County Records.

The parcel of land to which this description applies contains 2,450 square feet, more or less.

IT IS EXPRESSLY UNDERSTOOD AND AGREED that the temporary easement herein granted shall terminate two (2) years from the date hereof or upon completion of the above-mentioned storm sewer, whichever is sooner.

No monetary consideration is being received by Grantor for this conveyance.

Dated this 24<sup>th</sup> day of January, 1986.

CITY OF ALBANY

By Tom Holman  
Mayor

By Debbie Andrews  
City Recorder

STATE OF OREGON

County of Linn

January 24, 1986 Personally appeared Tom Holman, Mayor  
and D. Gary Holliday who, being sworn, stated that they are the Mayor  
and Recorder of the City of Albany, and that this instrument was voluntarily signed and  
sealed in behalf of said City by motion of said City. Before me:

Debbie Andrews  
Notary Public for Oregon

My Commission expires 7/20/89

SEC. II, T. 12 S., R. 2 W., W.M.

Fd. 1/2" I. Rod (12-6-85)  
N 9965.22  
E 9805.40

WHEELER ST.  
N 89° 55' E  
EQ.  
"S 20° 16' 15"  
"S 20° 12' 15"

L.J. Spires, et al  
MF 21-158

City of Albany  
388-163

CANAL

MARKS  
SLOUGH

Fd. 1/2" I. Rod (12-6-85)  
N 10,130.56  
E 9937.67

Fd. 1/2" I. Rod (12-6-85)  
N 10,263.04  
E 9912.69

City of Lebanon  
MF 69-197

Fd. 1/2" I. Rod (12-6-85)  
N 10,066.62  
E 9985.33

"S 21° 22' 35"  
"S 12° 47' 32" Lt.  
N 10,000.36  
E 10,059.82

24,750± L.T.

SANTIAM

Fd. 1/2" I. Rod (12-6-85)  
N 10,113.28  
E 10,066.35

Fd. 1/2" I. Rod (12-6-85)  
N 10,390.50  
E 10,131.91

Fd. 3/4" I. Rod (12-6-85)  
N 10,025.30  
E 10,113.30

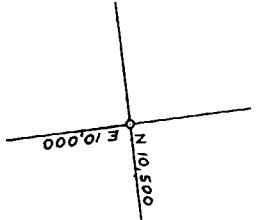
29,000± R.T.

Fd. 1/2" I. Rod (12-6-85)  
N 10,377.12  
E 10,174.99

Fd. 3/8" I. Rod (12-6-85)  
S.W. Corner James Marks  
DLC #44  
N 9995.41  
E 11,127.35

Bearings are based on County  
Survey No. 12714, dated Nov. 21,  
1972, Linn County, Oregon.  
Coordinates are Assumed.

OREGON STATE HIGHWAY DIVISION	
Purpose	Storm Sewer
Section	NCL Lebanon-SPRR Xing
Highway	Santiam
County	Linn
Scale: 1" = 50'	Date: Dec. 1985



At 8:30 O'clock a.m.

ENTERED FEB 5 1986

DEL W. RILEY  
Linn County Clerk

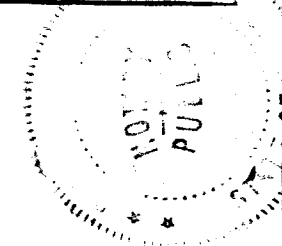
By \_\_\_\_\_, Deputy

City of Albany  
P.O. 470  
Albany, Or 97321

STATE OF OREGON  
County of Linn

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

Volume: MF 403 Page: 363



Resolution No. 2594

Recorded Document Recorder File No. 1766