

RESOLUTION NO. 2728

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

Grantor

Linn County

Purpose

to accept an easement from Linn County, Oregon for the purpose of maintaining and repairing a public waterline on the Linn County Jail site for the benefit of the Albany City Police Station.

DATED this 28th day of October, 1987.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 28 day of October, 1987, by and between Linn County, a political subdivision of the State of Oregon, herein Grantor, and the City of Albany, an Oregon 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 a right of entry, as herein limited upon the real property hereinafter described, or such other real property as may, according to the terms of this agreement, be substituted for the purposes herein described by Grantor, its heirs, successors and assigns. The easement herein granted is conveyed for the purpose of maintaining and repairing a public waterline used to convey a public utility service 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 waterline and the further right to remove trees, bushes, undergrowth and other obstructions interfering with the location and maintenance of the said public utility, provided that these rights are exercised only following consultation with the Grantor, to insure the action in no way interferes with Grantor's use of the property as part of the Linn County Jail.

This agreement is subject to the following terms and conditions.

1. The right-of-way hereby granted covers a strip of land 15 feet in width over and across land the centerline of which is more particularly described in Exhibit "A" attached hereto.

Grantor reserves the right to relocate the waterline subject to this easement if the same is necessary for the operation or expansion of its jail operation, in the event that the Grantor exercises this option it agrees to record an amendment to this easement legally describing the new location of the waterline which will serve to grant the City the same rights therein as established by this agreement, in consideration of this agreement the City agrees to release that portion of the property subject to the easement for the Grantor provides a replacement.

2. This easement and rights appurtenant hereto shall be permanent and applicable to the subject property for so long as it shall be used for the purpose herein set forth.
3. The true, actual and total compensation to be paid by the City to the Grantors, in exchange for the easement rights herein described and granted in consideration of the mutual agreements herein set forth.
4. The Grantors do hereby covenant with the City that it is lawfully seized and possessed of the real property above described and that it has a good and lawful right to convey it or any part thereof and that it will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Except in an emergency prior to performing any maintenance, the City agrees to notify the Linn County Sheriff and arrange its activities in a manner which will not interfere with the operation of the jail facility, upon performing any maintenance the City shall return the site to its original or better condition.


In emergency situations the City shall notify and coordinate with the Jail Commander in undertaking its activities.

Subject to the aforestated provisions for relocation, no building shall be constructed within this easement.

IN WITNESS WHEREOF the parties have officially approved the foregoing and acknowledged the same by the signatures set forth below.

GRANTOR:


LINN COUNTY BOARD OF COMMISSIONERS



 Vernon Schrock, Chairman



 Richard Stach, Commissioner



 Larry J. Johnson, Commissioner

This easement is authorized by Order of the Board of Commissioners No. 87-329, dated June 17, 1987, and recorded in the Commissioners Journal at Volume 110, Page 489.

Accepted by City of Albany this 28 day of October, 1987.



 Mayor

APPROVED


August 31, 1987

Waterline Easement

A 15 foot of even width waterline easement being 7.50 feet on each side of the following described centerline:

Beginning at a point on the easterly right-of-way line of Jackson Street in the City of Albany, Oregon, said point being South 9°18' West, 52.73 feet and North 9°05' West, 766.29 feet from the Initial Point of the Winona Park Subdivision in Albany, Linn County, Oregon; running thence North 81°00' East, 294.83 feet; thence South 9°05' East, 185.17 feet; thence South 54°05' East, 58.00 feet; thence South 9°05' East, 212.00 feet, thence South 35°55' West, 29.72 feet; thence South 9°05' East, 11.67 feet to point which is South 9°05' East, 471.29 feet and North 80°55' East 341.83 feet from the point of beginning.

AND ALSO a 9 foot of even width waterline easement being 4.50 feet on each side of the following described centerline: Beginning at a point which is South 9°18' West, 52.73 feet and North 9°05' West, 766.29 feet and North 81°00' East, 5.00 feet from the initial point of the WINONA PARK SUBDIVISION in Albany, Linn County, Oregon; running thence South 9°05' East, 20.00 feet.

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DEC 8 11 37 AM '87

STATE OF OREGON
County of Linn

STEVE DRUCKENMILLER
Linn County Clerk

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

By A.T.C., Deputy
Fruin - Clerks Office

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Recorded Document Recorder File No. 0575