

RESOLUTION NO. 3058

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

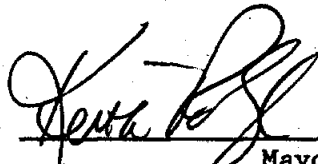
Grantor

Key Commercial and
Investments Co.
Myron and Alta Taylor (owners)

Purpose

20-foot wide and a 14-foot wide permanent public utility easement across that property located at 1195 6th Ave SE, in tax lot 100, 11S-03W-07AA, City of Albany, Linn County, Oregon.

DATED this 8th day of May, 1991.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 25 day of April, 1991, by and between Key Commercial and Investments Co., an Oregon Corporation, 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:

TRACT I

A 20-foot wide permanent utility easement across that property conveyed to Key Commercial and Investments Co., an Oregon Corporation in Volume MF 497, Page 460 Linn County Microfilm Deed Records, 10-feet on either side of a centerline more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the southeast corner of Lot 3, Block 4, The Hackleman Heirs First Addition to the City of Albany, in the Northeast quarter of Section 7, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence on the north right-of-way line of 6th Avenue, South 81° 01' 09" West 279.85 feet, to the TRUE POINT OF BEGINNING; thence along the centerline of a sanitary sewer line, North 09° 02' 10" West 343.08 feet, to the south right-of-way line of the Southern Pacific Railroad, and their terminating.

Containing 6,862 square feet, more or less.

TRACT II

A 14-foot wide permanent utility easement across that property conveyed to Key Commercial and Investments Co., an Oregon Corporation in Volume MF 497, Page 460 Linn County Microfilm Deed Records, 7-feet on either side of a centerline more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the southeast corner of Lot 3, Block 4, The Hackleman Heirs First Addition to the City of Albany, in the Northeast quarter of Section 7, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence on the north right-of-way line of 6th Avenue, South 81° 01' 09" West 279.85 feet; thence North 09° 02' 10" West 7.00 feet; thence South 81° 01' 09" West 10.00 feet, to the TRUE POINT OF BEGINNING; thence parallel to the north right-of-way line of 6th Avenue, South 81° 01' 09" West 264.85 feet, to the east line of Parcel B as shown on County Survey Number 19,407 (minor land partition for The West Company); thence South 59° 01' 09" West 40.00 feet, to a point in the right-of-way of 6th Avenue, and there terminating.

EXCEPT: that portion within the right-of-way of 6th Avenue.

Containing 3,951 square feet, more or less.

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 and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom. Nothing herein shall reduce or limit grantors obligation to pay any costs or assessments which may result from the improvements.
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.

Key Commercial and Investments Co.

By: Myron L Taylor
President

By: Alta M Taylor
Secretary

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

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

The foregoing instrument was acknowledged before me this 24 day of April, 1991, by Myron L. Taylor, president, and by Alta M. Taylor, secretary, of Key Commercial and Investments Co., an Oregon corporation, on behalf of the corporation.

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3058 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8th day of May, 1991.

CITY OF ALBANY, OREGON

Steve Bryant
City Manager

Alta M. Taylor
Notary Public for Oregon
My Commission Expires: 10/9/92

Steve Bryant
City Recorder





1" = 60'

Santiam Road

Southern Pacific Railroad

Key Commercial and Investments Co.
MF 497, Page 460
11S-03W-07AA
Tax Lot 100

20-foot wide permanent utility easement.

Parcel B

N 09° 02' 10" W
343.08'

Parcel C
Information Based on CS 19407

20.00'

Existing Building

14-foot wide permanent utility easement.

T.P.O.B. Tract II

P.O.B. is the SE Cor. of Lot 3, Blk 4, The Hackleman Heirs First Addition

S 59° 01' 09" W

S 81° 01' 09" W
264.85'

S 81° 01' 09" W
279.85'

6th Avenue

14.00'

T.P.O.B. Tract I

CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION

EXHIBIT A

14 and 20-foot wide permanent utility easement from Key Commercial and Investments Co. to the City of Albany

30

~~JUN 26~~ 9 05 AM '91

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 *[Signature]*, Deputy
City of Albany

Volume: MF 567 Page: 309

ATT. NORM

Resolution No. 3058

Recorded Document Recorder File No. 2066