

RESOLUTION NO. 3269

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

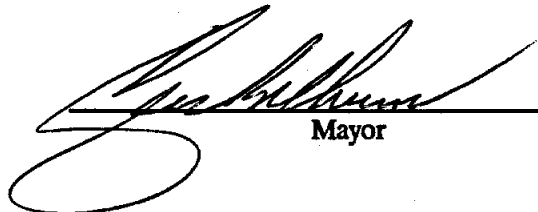
Grantor

Dick C. Kirk, Martin W. Dolan, and Dirk G. Stangier


Purpose

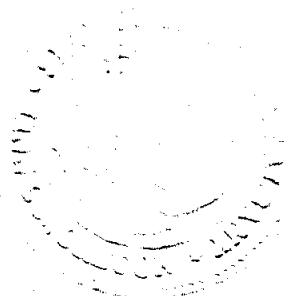
Permanent easement over public utilities constructed to serve the New Heritage Apartments located at 2144 - 2196 SE Geary Street.

DATED this 23 day of June, 1993.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 1 day of June, 1993, by and between Dick C. Kirk, as to an undivided 47.5% interest; Martin W. Dolan, as to an undivided 47.5% interest; and Dirk G. Stangier, as to an undivided 5.0% interest, 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 public utility easement, centered over an existing sanitary sewer line, across that parcel conveyed to Dick C. Kirk, as to an undivided 47.5% interest; Martin W. Dolan, as to an undivided 47.5% interest; and Dirk G. Stangier, as to an undivided 5.0% interest by deed recorded as MF Volume 615, Page 916, Linn County Microfilm Deed Records, being 10 feet on each side of a centerline more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a point on the west line of Geary Street, said point being 90 feet northerly along said west line from the Northeast corner of Alderwood Park Addition, a subdivision of record in the Northwest 1/4 of the Northwest 1/4 of Section 17, Township 11 South, Range 3 West, Willamette Base and Meridian, in the City of Albany, Linn County, Oregon; and running thence westerly, parallel with and 90 feet from the North line of said Alderwood Park Addition 377.5 feet and there terminating.

Containing 7550 square feet, more or less.

**TRACT II:** A five foot north-south by seven foot east-west rectangular permanent public utility easement across that parcel conveyed to Dick C. Kirk, as to an undivided 47.5% interest; Martin W. Dolan, as to an undivided 47.5% interest; and Dirk G. Stangier, as to an undivided 5.0% interest by deed recorded as MF Volume 615, Page 916, Linn County Microfilm Deed Records. Said rectangular easement, around an existing fire hydrant, being more specifically described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a point on the west line of Geary Street, said point being northerly along said west line 265.32 feet from the Initial Point of Alderwood Park Addition; and running thence South 89° 10' West 7 feet along the north line of said Kirk, et al, parcel; thence South 2° 8' East parallel with the west line of Geary Street 5 feet; thence North 89° 10' East 7 feet to the west line of Geary Street; thence northerly on the west line of Geary Street 5 feet to the Point Of Beginning.

Containing 35 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.
- 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.

GRANTOR:

Dick C Kirk  
Dick C. Kirk

Martin W Dolan  
Martin W. Dolan

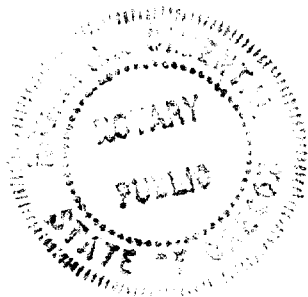
Dirk G. Stangier  
Dirk G. Stangier

STATE OF OREGON )  
County of ~~Linn~~ Marion ss.  
City of ~~Albany~~ St. Paul

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of June, 1993, by grantor(s)\* as ~~his/her~~ their voluntary act and deed. \* Dick C. Kirk and Martin W. Dolan

Rosalinda Simental  
Notary Public for Oregon

My Commission Expires: 6-7-94



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

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by grantor(s) as his/her/their voluntary act and deed.

\_\_\_\_\_  
Notary Public for Oregon

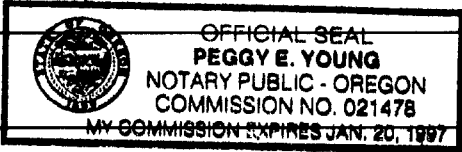
My Commission Expires: \_\_\_\_\_

STATE OF OREGON )  
County of ~~Linn~~ Marion ) ss.  
City of ~~Albany~~ Salem )

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of June, 1993, by grantor(s) \* as his/her/their voluntary act and deed. \*Dirk G. Stangier

Peggy E. Young  
\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires: 1-20-97



CITY OF ALBANY:

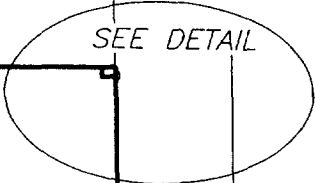
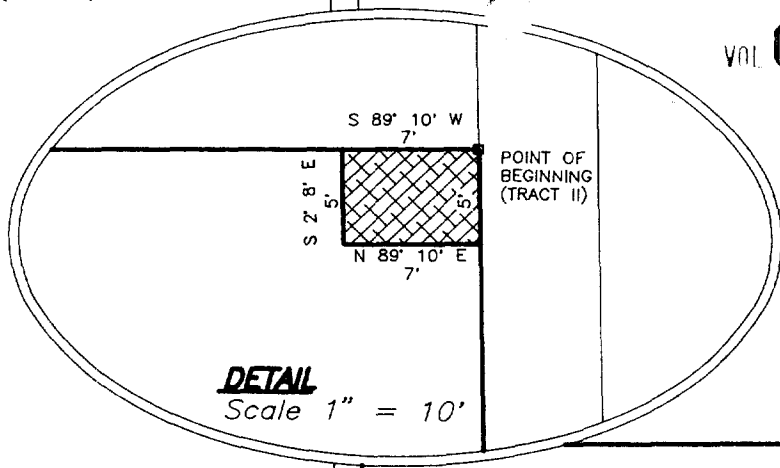
STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3269, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 23<sup>rd</sup> day of June, 1993.

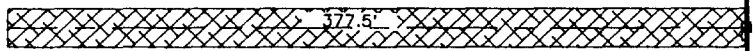
Steve Bryant  
\_\_\_\_\_  
\* City Manager

ATTEST:

Norm C. Withrow  
\_\_\_\_\_  
\* City Recorder



KIRK, ET AL  
MF 615-916



POINT OF BEGINNING (TRACT I)

Initial Corner  
Alderwood Park  
Addition

S 89° 17' 15" W

ALDERWOOD

PARK

23rd COURT

ADDITION

GEARY STREET

MEADOWWOOD ADDITION

MORNINGSIDE TRACTS

24th STREET

BOWMAN & DALY  
ADDN  
MORNINGSIDE

CITY OF ALBANY, OREGON  
PUBLIC WORKS DEPARTMENT  
ENGINEERING/UTILITIES DIVISION/MARCH 1993

**EXHIBIT A:**  
Public Utility Easements at  
New Heritage Apartments from  
Kirk, Dolan, and Strangier to  
the City of Albany

STATE OF OREGON  
County of Linn

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

STEVE DRUCKENMILLER  
Linn County Clerk

By SW, Deputy

M 20  
R 20  
S 70  
A      
O    

MF 648

PAGE 523

Jul 14 10 52 AM '93 30

Resolution No. 3269

Recorded Document Recorder File No. 2324