

RESOLUTION NO. 3421

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

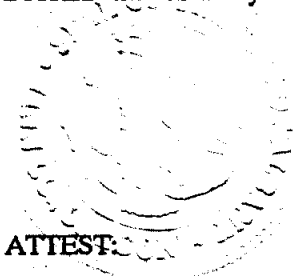
Grantor

Linn County, Oregon

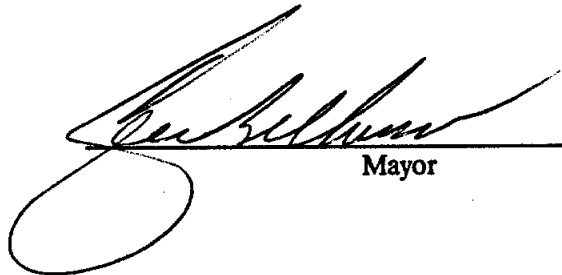
Purpose

a fifteen-foot wide permanent public utility easement  
(for a waterline) across the new fuel facility located at  
3130 Ferry Street SE

DATED this 12th day of October, 1994.



ATTEST:

  
\_\_\_\_\_  
Mayor

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

EASEMENT FOR PUBLIC UTILITIES  
(Pursuant to Linn County Order #94-526)

THIS AGREEMENT, made and entered into this 14<sup>th</sup> day of Sept., 1994, by and between Linn County, Oregon, a Political Subdivision, 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:

A fifteen-foot wide permanent public utility easement across that certain tract of land described in Parcel 1 of Volume 630, Page 233, Linn County Microfilm Deed Records, the centerline of which is more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a point on the west line of Ferry Street which is South 88° 58' West 60.00 feet and North 1° 13' West 381.80 feet from the Northeast Corner of Tract 14 of Bishop Acres in Section 18, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon, said point being South 1° 13' East 7.50 feet from a 1/2-inch iron rod at the Northeast Corner of that certain tract of land described in Parcel 1 of Volume 630, Page 233, Linn County Microfilm Deed Records; and running thence South 88° 58' West, parallel with and 7.50 feet South of the north line of said Parcel 1, 315.00 feet and there terminating.

Containing 0.108 acre of land, 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.

Return to: City of Albany - Recorder  
P.O. Box 490, Albany, OR 97321

~~AFTER RECORDING RETURN TO:~~  
~~Linn County Road Department, c/o Neal Michael~~  
T 11 S, R 3 W, Sec. 18CA, T.L. 2001

CL-S 88° 58' W 315.00'

LINN COUNTY, OREGON  
PARCEL 1, MF630-233

15' PERMANENT  
PUBLIC UTILITY  
EASEMENT

POINT OF  
BEGINNING

ALBANY-SANTIAM CANAL

381.80' N 1° 13' W

NW CORNER  
TRACT 14  
BISHIP ACRES

60.00'  
S 88° 58' W

FERRY STREET



SCALE: 1" = 100'

34th AVENUE

CITY OF ALBANY, OREGON  
PUBLIC WORKS DEPARTMENT  
ENGINEERING/UTILITIES DIVISION/JULY 1994

EXHIBIT A: 15' WIDE  
PERMANENT PUBLIC UTILITY EASEMENT  
CENTERED OVER AN EXISTING WATERLINE  
FROM LINN COUNTY, OREGON  
TO THE CITY OF ALBANY

GRANTOR:

Linn County Board of Commissioners

By: David R. Schmidt  
David R. Schmidt, Chairperson

By: **ABSENT**  
Richard Stach, Commissioner

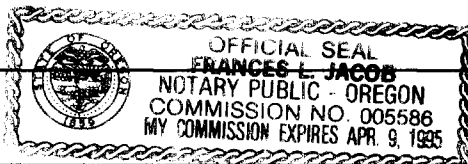
By: Joel Fosdick  
Joel Fosdick, Commissioner

Approved as to Form By: Tom Corr  
Tom Corr, Linn County Legal Counsel

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

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of Sept, 1994, by David R. Schmidt, chairperson of the Linn County Board of Commissioners

Frances L. Jacob  
Notary Public for Oregon



My Commission Expires: 4-9-95

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by Richard Stach, Linn County Commissioner.

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

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

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

The foregoing instrument was acknowledged before me this 14th day of Sept, 1994, by Joel Fosdick, Linn County Commissioner.

*Frances L. Jacob*  
Notary Public for Oregon



My Commission Expires: 4-9-95

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 3421, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12th day of October, 1994.

*Steve Bryant*  
City Manager

ATTEST:

*Moran C. Withrow*  
City Recorder / Deputy



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 *[Signature]* Deputy

10 <sup>30</sup> OCT 17 11 24 AM '94

MF 720  
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Recorded Document Recorder File No. 2511