

RESOLUTION NO. 3430

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

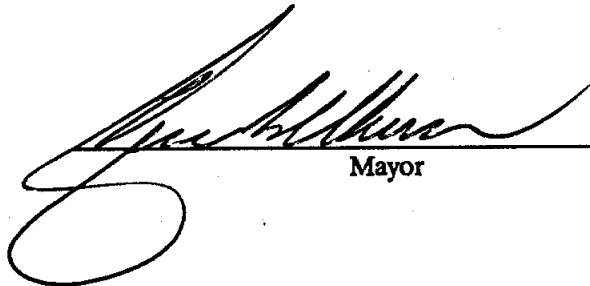
Grantor

Jerry L. Coe and Penny A. Coe

Purpose

a permanent public utility easement (for a sanitary sewer to be constructed under SI-94-18) located at 4682 SW Pacific Blvd.

DATED this 26th day of October, 1994.



Mayor

ATTEST:



Deputy City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 7th day of Oct, 1994, by and between Jerry L. Coe and Penny A. Coe, 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 permanent public utility easement across a portion of that parcel conveyed to Grantor be deed recorded in Volume 176, Page 41, Linn County Microfilm Deed Records, said easement being more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a point on the westerly right-of-way of Pacific Highway U. S. 99 E, said point being 29.1 feet North 89° 38' West, 48.3 feet South 0° 37' East, and 185.2 feet South 0° 33' East from the northeast corner of the Robert E. Harmon Donation Land Claim No. 77 in Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon; and running thence North 0° 33' West along said westerly right-of-way, 30.0 feet, to the southeast corner of that parcel conveyed to Duane Sellon by deed recorded in Volume 625, Page 470, said deed records; thence North 89° 37' 32" West, on the south line of said Sellon parcel (MF625-470), 30.0 feet; Thence South 0° 33' East 30.0 feet; Thence South 89° 37' 32" East 30.0 feet to the Point of Beginning.

EXCEPTING THEREFROM portions lying within that certain easement granted to the City of Albany and recorded in Volume 5, Page 302, Linn County Microfilm Deed Records.

Containing 300 square feet 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

GRANTOR:

Jerry L. Coe
Jerry L. Coe

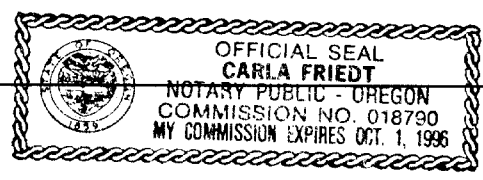
Penny A. Coe
Penny A. Coe

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

The foregoing instrument was acknowledged before me this 7th day of October, 1994, by Jerry L. Coe as his voluntary act and deed.

Carla Friedt
Notary Public for Oregon

My Commission Expires: 10-1-96

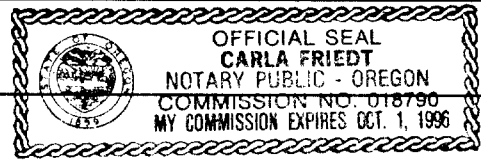


STATE OF OREGON)
County of Linn) ss.
City of Albany)

The foregoing instrument was acknowledged before me this 4th day of October, 1994, by Penny A. Coe as her voluntary act and deed.

Carla Friedt
Notary Public for Oregon

My Commission Expires: 10-1-96



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 3430, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27th day of October, 1994.

Steve Bryant
City Manager

ATTEST:

Norm C. Withrow
City Recorder - Deputy



NE CORNER
ROBERT E.
HARMON
DLC No. 77

U.S. HIGHWAY 99 E

POINT OF
BEGINNING

DLC LINE

WEST LINE (US HWY 99E)
R = 19,058.60'
DELTA = 0° 35'
L = 194.04'
T = 97.02'
C = 194.04'

11-4W-24, T.L 701

R = 19,058.60' (19,060')

30' WIDE
PUBLIC UTILITY
EASEMENT

SELLON
MF625-470

11-4W-24AD, T.L 103

N 89° 38' W, 360'± (Centerline MF5-302)

11-4W-24AD, T.L 109

COE
MF176-41

11-4W-24AD, T.L 100

SCALE: 1" = 100'

- ① 29.1' N 89° 38' W
- ② 48.3' S 0° 37' E
- ③ 185.2' S 0° 33' E
- ④ N 0° 33' W 30.0'
- ⑤ N 89° 37' 32" W 30.0'
- ⑥ S 0° 33' E 30.0'
- ⑦ S 89° 37' 32" E 30.0'

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

EXHIBIT A:
30' PUBLIC UTILITY EASEMENT
FROM JERRY L. COE AND PENNY A. COE
TO THE CITY OF ALBANY, OREGON

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 , Deputy

M 15
R 10
S 10
A
O

MF 723
PAGE 288

8:30 O'clock a.m. ²⁵
NOV 01 1994

Resolution No. 3430

Recorded Document Recorder File No. 2535