

RESOLUTION NO. 3466

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

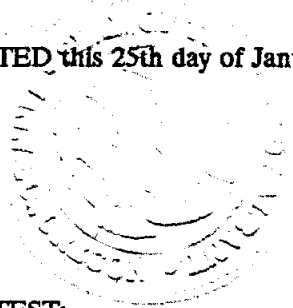
Grantor

W. Scott Serrill and Mary Serrill

Purpose

a permanent public utility easement across property located at 1306 SW 36th Avenue

DATED this 25th day of January, 1995.



Charles A. Moran
Mayor

ATTEST:

Norm C. Withrow
Deputy City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 22 day of DEC., 1994, by and between W. Scott Serrill and Mary Serrill, 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, over an existing storm drain, across a portion of that tract conveyed to A. Eugene and Janet A. Carlson by deed recorded in Volume 10, Page 728, Linn County Microfilm Deed Records, in the South 1/2 of Section 13, Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon; said easement being 7 feet wide on the westerly side and 8 feet wide on the easterly side of the following described line and as shown on the attached map labeled Exhibit A:

Beginning at a 3/4-inch iron pipe on the easterly line of said Carlson tract, lying North 0° 42' 25" East 35.00 feet and North 89° 17' 35" West 108.59 feet from a 1/2-inch iron rod at the Northwest corner of Tract 16, Calapooia Acres; thence along said Carlson boundary South 43° 08' 00" West 5.84 feet to the TRUE POINT OF BEGINNING of this easement line; thence leaving said Carlson boundary South 60° 29' 53" West 141.78 feet to the terminus on the centerline of Oak Creek at a point lying North 58° 15' 00" West 43.16 feet from the most southeasterly corner of said Carlson tract. The sidelines of this easement are to be shortened or lengthened to end in the property boundaries as shown in Exhibit A.

Containing 0.049 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.

GRANTOR:

W. Scott Serrill

W. Scott Serrill

Mary Serrill

Mary Serrill

CITY OF ALBANY:

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

The foregoing instrument was acknowledged before me this 22nd day of Dec, 1994 by W. Scott Serrill and Mary Serrill as their voluntary act and deed.

Louise E. Claassen
Notary Public for Oregon

My Commission Expires: 5/31/95

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 3466, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 25th day of January, 1995.

Steve Bryant
City Manager

ATTEST:

Norm C. Withrow
City Recorder (Deputy)

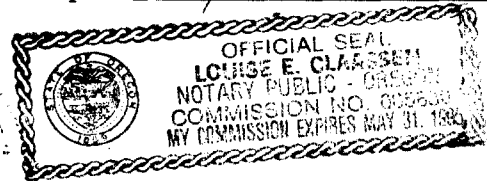
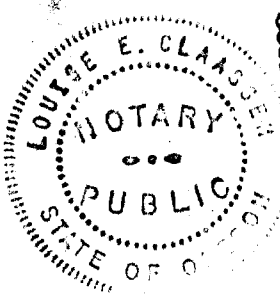


EXHIBIT A: EASEMENT FROM SERRILL TO CITY OF ALBANY

JAN 30 1995

8:30 O'clock a.m.

M
R 15
S 10
A
O

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

STATE OF OREGON
County of Linn

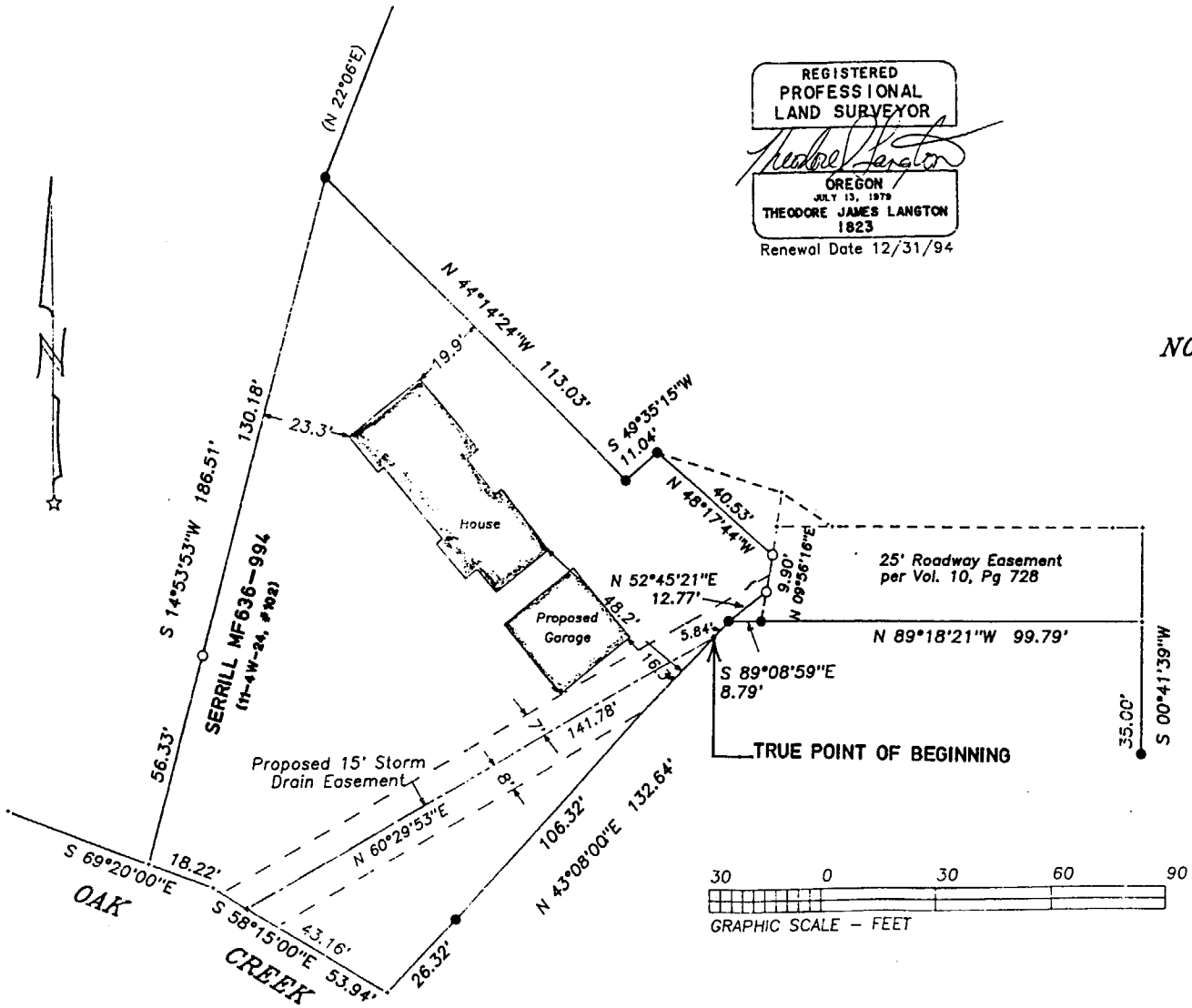
STEVE DRUCKENMILLER
Linn County Clerk
MF 734
By *PR*, Deputy
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FOUNDATION SURVEY
for
SCOTT SERRILL
on
RESULTANT TL 102,
MAP 11-4W-24
SW 1/4 SECTION 13,
T 11 S, R 4 W, W.M.
LINN COUNTY, OREGON

AUGUST 19, 1994

NORTHSTAR SURVEYING, INC.
720 N.W. 4th Street
Corvallis, Oregon 97330
Phone: 503-757-9050

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Theodore Langton
OREGON
JULY 13, 1979
THEODORE JAMES LANGTON
1823
Renewal Date 12/31/94



36th AVENUE

I hereby certify that I find the improvements to be as shown and that there are no apparent encroachments or visible easements other than as shown.

NOTE: Boundary data is record from CS 21000.

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Recorded Document Recorder File No. 2575