

RESOLUTION NO. 3619

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

Grantor


Greater Albany Public School District 8J, an Oregon  
School District

Purpose

A utility easement 30.00 feet in even width and a construction easement 50.00 feet in even width across that property described in Volume 173, Page 211, Linn County Deed Records.

DATED THIS 10TH DAY OF APRIL 1996.

ATTEST:



*[Signature]*

City Recorder

*[Signature]*  
\_\_\_\_\_  
Mayor

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 4<sup>th</sup> day of March, 1996, by and between **Greater Albany Public School District 8J, an Oregon School District**, 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 30.00 foot wide Public Utility Easement and a 50.00 foot wide Construction Easement, the centerline of which is more particularly described as follows:

Beginning at a point on the North line of a tract of land conveyed to Richard J. Cushing and Irma I. Cushing, by deed described in Volume 173, Page 211, Linn County Deed Records, said point being 515.50 feet North 01°42'51" West and 35.01 feet South 89°57'59" West and 364.34 feet North 01°44'09" West and 619.11 feet South 89°56'22" West from the Southeast corner of the Leander C. Burkhardt Donation Land Claim No. 50, in Section 11, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; thence South 0°02'01" East 130.18 feet to the True Point of Beginning of the herein described centerline; thence South 89°56'22" West, along the said centerline, 76.89 feet to an angle in said centerline; thence North 77°38'42" West 486.20 feet to the point on the East line of an existing Sanitary sewer easement, described in Volume MF68, Page 932, Linn County Deed Records, said point also being situated 25.08 feet South of the point of intersection of the centerline of 20th Avenue and the North line of a tract of land described on Volume MF122, Page 648, Linn County Deed Records, and the terminus of the herein described centerline. (See attached Exhibit "A")

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:

Greater Albany Public School District 8J, an Oregon School District

By: Timothy Carman  
Timothy Carman, Clerk

By: Thomas G. Gaulke  
Thomas G. Gaulke, Deputy Clerk

CITY OF ALBANY:

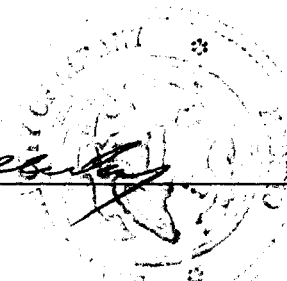
STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3619 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 11th day of April, 1996.

Steve Bryant  
City Manager

ATTEST:

[Signature]  
City Recorder



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

The foregoing instrument was acknowledged before me this 4th day of March, 1996, by Timothy Carman, clerk, and by Thomas G. Gaulke, deputy clerk, of Greater Albany Public School District 8J, an Oregon School District, on behalf of the school district.

Kathie J. Edblom  
Notary Public for Oregon

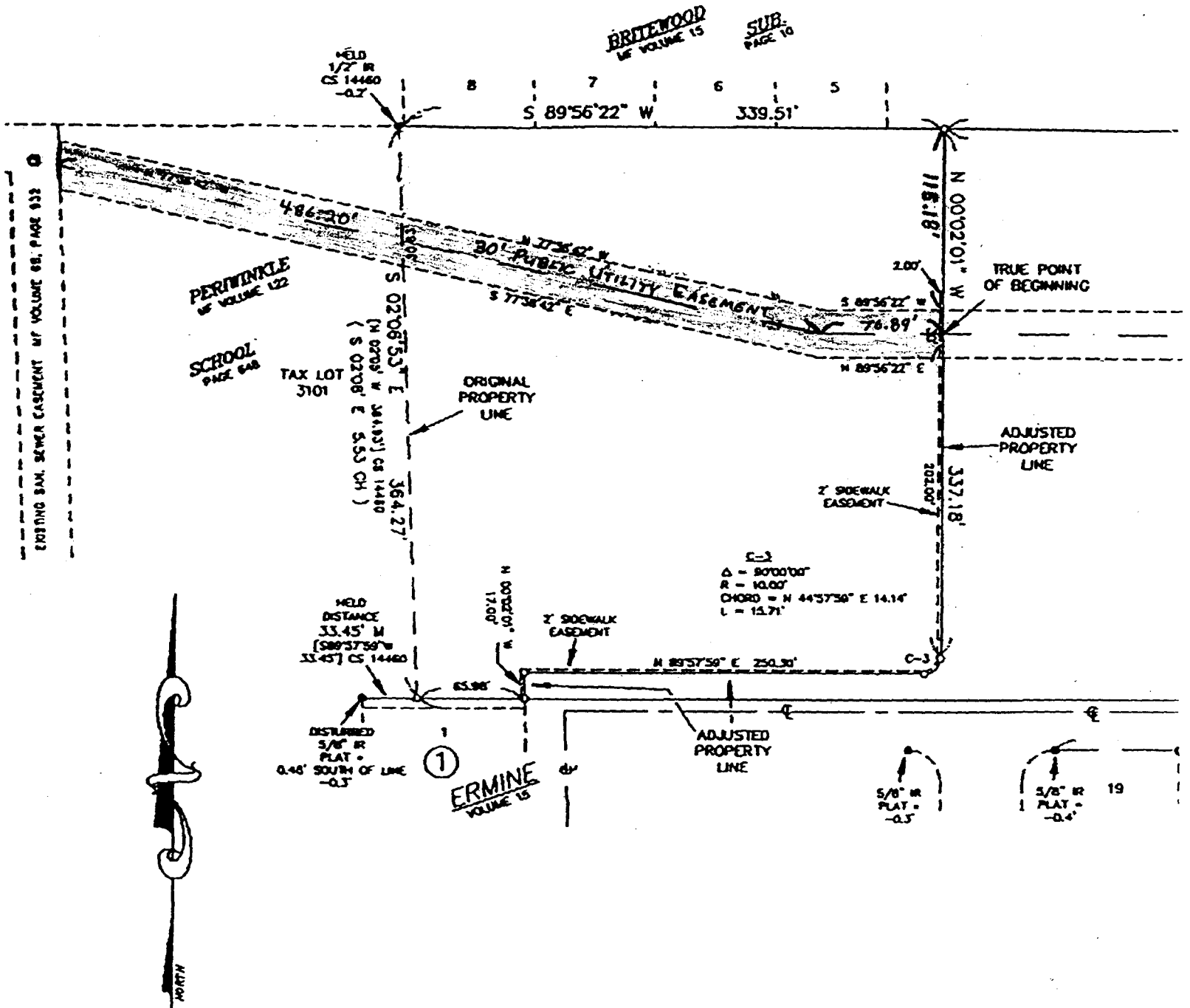
My Commission Expires: December 13, 1998

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File: M1-04-95



EXHIBIT "A"



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 21, Deputy

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MF 802  
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Recorded Document Recorder File No. 2749