

RESOLUTION NO. 3731

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Charles R. Means and Margaret C. Means

Purpose

A permanent public utility easement located in a portion of Parcel 2 of PARTITION PLAT NO. 1995-34, a partition of record in Linn County, Oregon.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 8TH DAY OF JANUARY 1997.



Mayor

ATTEST:




City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 20TH day of DEC., 1996, by and between Charles R. Means and Margaret C. Means, 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:

An easement for public utility purposes located in a portion of Parcel 2 of PARTITION PLAT NO. 1995-34, a partition of record in Linn County, Oregon that is more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at the northwest corner of Parcel 1 of Partition Plat No. 1996-71 as recorded in said county, which point being North 88° 58' 16" East 685.15 feet and North 01° 11' 22" West 4119.39 feet from the southwest corner of the Hiram N. Smead Donation Land Claim No. 53 in Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence South 89° 45' 49" East, along the north line of said Parcel 1, a distance of 165.00 feet to a 5/8 inch rod; thence North 01° 09' 15" West 7.50 feet to a point that is 7.50 feet northerly (when measured perpendicularly) from the said north line of Parcel 1; thence North 89° 45' 49" West, parallel with and 7.5 feet from said north line of Parcel 1, a distance of 165.00 feet to the west line of said Parcel 2; thence South 01° 09' 15" East 7.50 feet to the Point of Beginning.

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.

Easement for Public Utility
Means to City
Page 1 of 2

- 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:

Charles R Means
 Charles R. Means
Margaret C. Means
 Margaret C. Means

CITY OF ALBANY:

STATE OF OREGON)
 County of Linn) ss.
 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 3731, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8th day of January, 1997.

The foregoing instrument was acknowledged before me this 20th day of DEC., 1996, by Charles R. Means and Margaret C. Means as his/her/their voluntary act and deed.

Steve Bryant
 City Manager

Susan C Creel
 Notary Public for Oregon
 My Commission Expires: 6-21-2000

ATTEST:

[Signature]
 City Recorder

MEANS.GPS



MEANS TRACT
(MF VOL. 792-882)

58°20'17"E 682.50' (58°22'E 682.45') (6)

452.49' 119.89' 200.00'

GORDON TRACT
(MF VOL. 753-650)

N01°10'03"W 137.57'
128.00'

128.00'
(128.00') (6)

NE CORNER OF PARCEL 2
OF PARTITION PLAT 1995-34

N01°09'15"W 13.00' 58°20'17"E 452.52'

287.42' 9.57' 198.14'
184.59'

58°45'49"E 472.01'

487.38'

58°45'49"E 682.39' (58°46'20"E 682.22') (5)

58°45'49"E 472.76'

S01°09'15"E 37.01'

SUBJECT PROPERTY

7.5' P.U.E.

165.00'

(PARCEL 1 OF PARTITION PLAT "1996-71")

CASEY SANFORD TRACT
(MF VOL. 825-624)

EXHIBIT "A"
PUBLIC UTILITY EASEMENT
MEANS TO CITY
DECEMBER 5, 1996

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 RV, Deputy

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MF 846

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Recorded Document Recorder File No. 2885