

RESOLUTION NO. 3815

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

STATE OF OREGON, acting by and through its
OREGON YOUTH AUTHORITY

Purpose

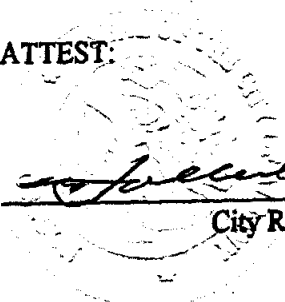
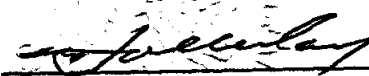
A permanent public utility easement across that property
conveyed to Grantor by deed recorded in MF 785, Page
652, Linn County Deed Records.

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

DATED THIS 9TH DAY OF JULY 1997.


Mayor

ATTEST:

City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 5th day of June, 1997, by and between the STATE OF OREGON, acting by and through its OREGON YOUTH AUTHORITY, 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, undergrowth, 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 portion of that property conveyed to the STATE OF OREGON, OREGON YOUTH AUTHORITY, in MF 785, Page 652, Linn County deed Records, described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at a 5/8" iron rod at the northeast corner of Parcel I of said property described in said Volume 684, Page 200 and as shown on County Survey 16812, said 5/8" iron rod lying on the west line of that property conveyed to the STATE OF OREGON, OREGON YOUTH AUTHORITY, in MF 785, Page 652, Linn County Deed Records; thence southerly along said west S 0°53'46"E, 45.16 feet to the True Point of Beginning; thence S 85°02'15"E, 50.97 feet; thence South, 20.08 feet; thence S 85°02'15"E, 40 feet; thence South, 20.8 feet; thence S 85°02'15"E, 307.47 feet; thence North, 40.15 feet; thence S 85°02'15"E, 45.17 feet; thence South, 40.15 feet; thence S 85°02'15"E, 431.93 feet to the west line of Lochner Road; thence S 0°51'19"E, 30.16 feet; thence N 85°02'15"W, 352.62 feet; thence South, 361.66 feet; thence West, 30 feet; thence North, 364.26 feet; thence N 85°02'15"W, 49.65 feet; thence South, 130.36 feet; thence West, 45 feet; thence North, 134.19 feet; thence N 85°02'15"W, 347.47 feet; thence South, 112.45 feet; thence East, 98.68 feet; thence South, 15 feet; thence West, 98.68 feet; thence South, 422.13 feet; thence East, 91.78 feet; thence North, 30.15 feet; thence East, 15 feet; thence South, 30.15 feet; thence East, 12.50 feet; thence South, 30 feet; thence West, 159.83 feet to a point on said west line; thence northerly along said west line, N 0°53'46"W, 654.33 feet to the True 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, receipt of which is acknowledged by the Grantor, 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 undersigned Grantors, State of Oregon, acting by and through its Oregon Youth Authority, have hereunto fixed their hands and seals the day and year above written.

GRANTOR(S):

CITY OF ALBANY:

State of Oregon, Oregon Youth Authority
 Name
 By: R. Hill
 Rick Hill, Director

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

By: Maynard Hammer
 Maynard Hammer, Section Manager
 Department of Administrative Services

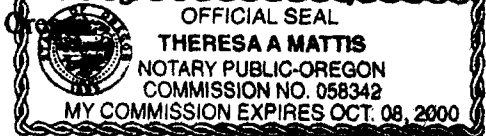
I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3815 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9 day of July, 1997.

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

Steve Bryant
 City Manager

ATTEST:

The foregoing instrument was acknowledged before me this 3rd day of June, 1997, by Rick Hill, Director of the Oregon Youth Authority, on behalf of the State of



[Signature]
 City Recorder

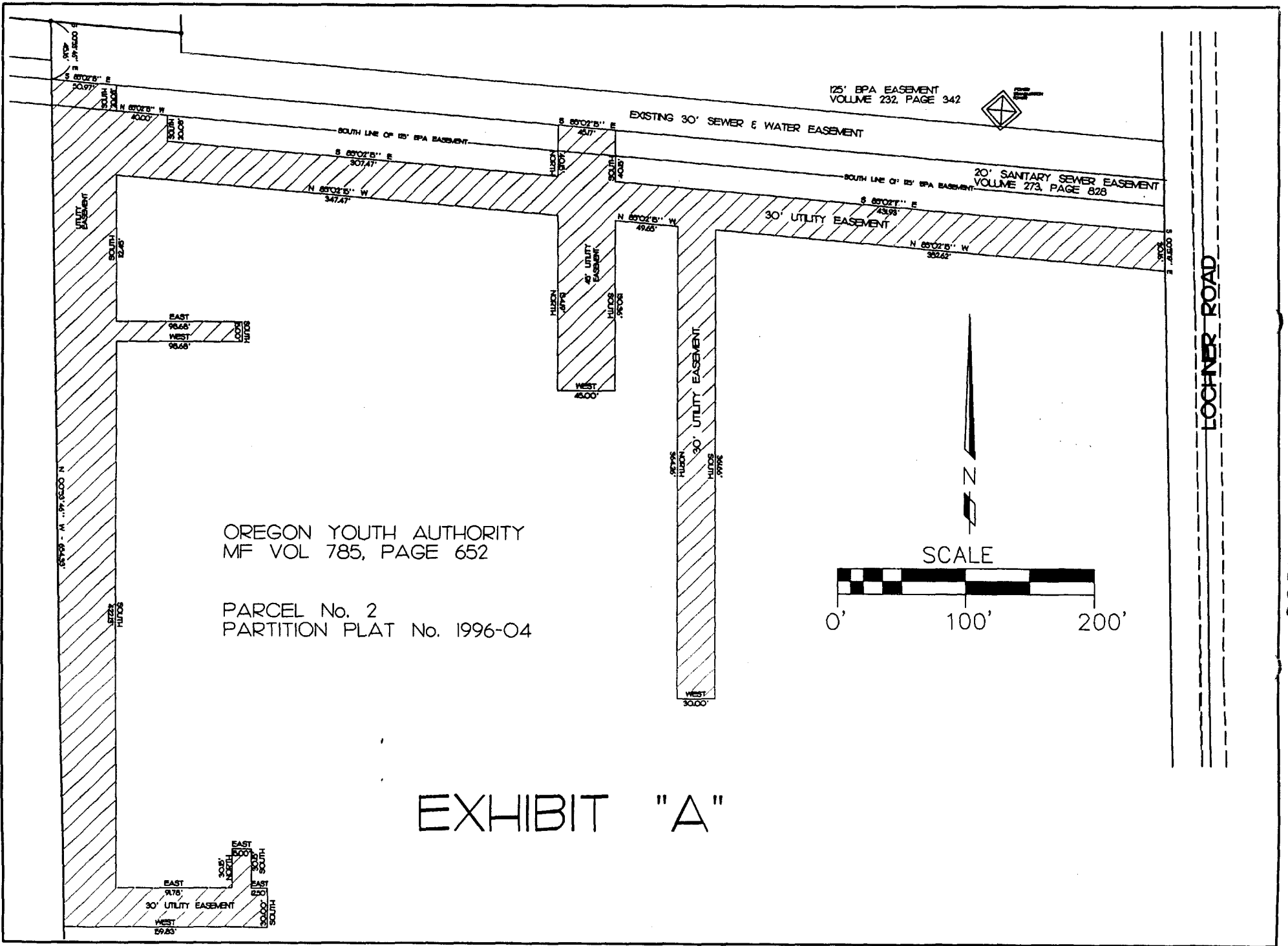
Notary Public for Oregon
 My Commission Expires: Oct. 8, 2000

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

The foregoing instrument was acknowledged before me this 5th day of June, 1997, by Maynard Hammer, Section Manager, Department of Administrative Services, on behalf of the State of Oregon.

[Signature]
 Notary Public for Oregon
 My Commission Expires: 7/14/97





OREGON YOUTH AUTHORITY
MF VOL 785, PAGE 652

PARCEL No. 2
PARTITION PLAT No. 1996-04

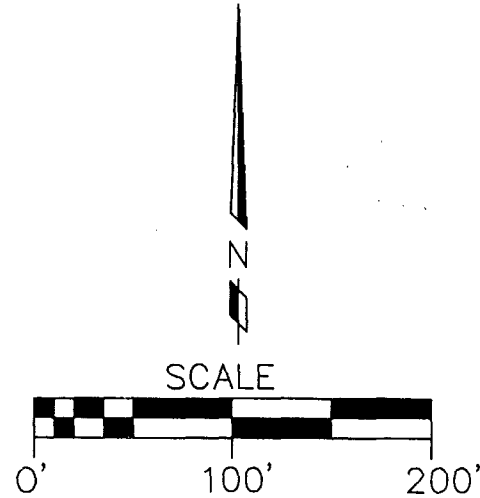


EXHIBIT "A"

LOCHNER ROAD

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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R 15
S 10
A
O

Aug 1 1 05 PM '97 ²⁵

MF 884

PAGE 597

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Recorded Document Recorder File No. 2992