

RESOLUTION NO. 3821

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

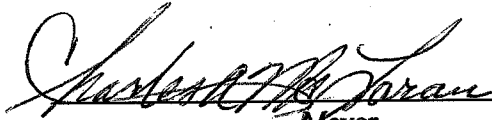
Timothy D. Bartel and Joyce M. Bartel

Purpose

A permanent public utility easement across the corner of the property at the southwest corner of the intersection of SE Queen Avenue and SE Geary Street, Albany, described in Attachment A.

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

DATED THIS 23RD DAY OF JULY 1997.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 11th day of July, 1997, by and between Timothy D. Bartel and Joyce M. Bartel, 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 parcel of land being a portion of Quarter Section 24, Township 11 South, Range 3 West, Willamette Meridian, Map 8CC, Lot 101, at the Northeast Corner of C.D. Burkhart Donation Land Claim No. 52, Linn County, Oregon, described as follows and as shown on the attached map labeled "Exhibit A".

Beginning at the bolt (C.S. 570), at the NE Corner of C.D. Burkhart DLC No. 52, thence 51.98' West bearing S 88° 53' W, thence 40' South, bearing S 1° 38' E, to the NE Corner of said Lot 101, thence 21.34' Southeast, bearing S 46° 12' 30" E, thence 7.34' South, bearing S 1° 38' E, thence 4' West, bearing S 88° 22' W, thence 27.54' Northwest bearing N 46° 12' 30" W, thence 3' North, bearing N 1° 38' W, thence 8.33' East, bearing N 88° 53' E, to the point of beginning.

Containing 222.67 Square Feet.

The basis of bearings is County Survey 11751.

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 \$350.00, 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 Grantors have hereunto fixed their hands and seals the day and year above written.

GRANTORS:

Timothy D. Bartel

Timothy D. Bartel

Joyce M. Bartel

Joyce M. Bartel

STATE OF OREGON)

County of Linn) ss.

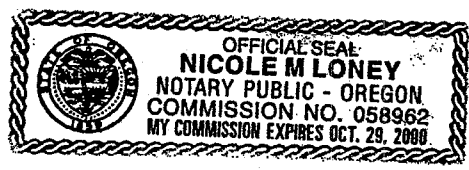
City of Albany)

The foregoing instrument was acknowledged before me this 11th day of JULY, 1997, by Timothy D. Bartel and Joyce M. Bartel as his/her/their voluntary act and deed.

Nicole M. Loney

Notary Public for Oregon

My Commission Expires: 10-29-00



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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 3821, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 23rd day of July, 1997.

Steve Bryant
City Manager

ATTEST:

[Signature]
City Recorder

QUEEN
ENUE

N 88° 53' 00" E 599.93

N.E. Corner
C.D. Burkhart
P.L.C. No. 52
Fd. Belt

(N 88° 53' 00" E 255.57)
(N 88° 52' 56" E 255.60)
S 88° 52' 56" W 233.63

(17" W 119.35'
39" W 115.35')

109±

EASEMENT

(N 1° 38' 00" W 269.18;
N 1° 38' 00" W 269.26)
264.26
(264.18)

EXISTING BUILDING

Deed to City 95 Per
Vol. 99, Pg 765
(S 1° 38' 00" E 305.00)
S 1° 38' 00" E 305.00

37'
7'
320.00
320.00

(S 1° 38' 00" E 320.00)
(S 1° 38' 00" E 320.00)

GEARY STREET

S 52° 28' 08" E
(S 52° 28' 30" E)

Fd 5/8" rod w/ Yellow Plastic Cap marked:
"Kraus and Dalke LS 1167 ; LS 1238"
as per C.S. 18472

117±

72±

92.04 (92.03)
393.11
393.06

Fd 1/2" rod
as per C.S. 11751

S 88° 20' 33" W 184.23
(S 88° 22' 00" W 184.22)

7.00
(7.00)

OAK STREET

S 52° 28' 08" E
(S 52° 28' 30" E)

30'

237.61
237.58

S 1° 38' 00" E (150.14)
(150.02)

on County Survey No. C.S. 15192 performed by
Inc. in February 1977.

based on TICOR TITLE INSURANCE Report No.
as of September 6, 1988.

ed for Periwinkle Creek purposes as per Volume
of Microfilm Records of Linn County, Oregon has
alls within description. The documents call
foot wide easement 15 feet on each side of
lso Storm Drain Culvert as located on-site only
s within easement.

is Easement recorded in Book 146, Page 75 of
his refers to two (2) poles and two (2) anchors

EXHIBIT A

1" = 50'

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 RW, Deputy

M
R 15
S 10
A
O

MF 884

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AUG 1 1 05 PM '97

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Recorded Document Recorder File No. 2995