

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Allan Stuart Enterprises LLC

Purpose

Two public utility easements deeded to the City of Albany as described in the attached legal description labeled Exhibit A and as shown on the attached map labeled Exhibit B.

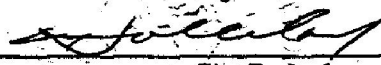
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 16TH DAY OF DECEMBER 1998.

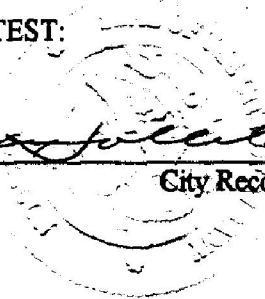


Mayor

ATTEST:



City Recorder



11/12/98 THU 12:08 FAX 1 541 917 7573

CITY OF ALBANY

008

VOL 997 PAGE 832

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 23rd day of November, 1998, by and between Allan Stuart Enterprises LLC, An Oregon Limited Liability Company, 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 permanent public storm drain easement as described in the attached legal description labeled Exhibit A and as shown on the attached map labeled Exhibit B.
 - A permanent public water line easement as described in the attached legal description labeled Exhibit A and as shown on the attached map labeled Exhibit B.
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.

Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

EXHIBIT "A"

Public Storm Drain Easement

A 15.00 foot wide easement for public storm drain purposes located in Lot 1 of "FARWEST INDUSTRIAL PLAT", a subdivision of record in Linn County, Oregon, the centerline of which is more particularly described as follows:

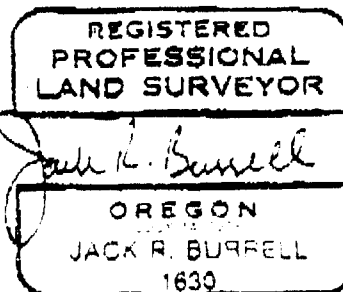
Beginning at a point on the east line of said Lot 1 which is South 00°03'00" West 26.00 feet from the northeast corner of said Lot 1; thence South 87°37'59" West 336.89 feet to a point on the west line of said Lot 1, which point being the end of the herein described easement and also being South 00°19'19" East 37.83 feet from the northwest corner of said Lot 1. The east and west lines of said lot being the east and west termini, respectively, of herein described easement.

Public Waterline Easement

An easement for public waterline purposes located in Lot 2 of "FARWEST INDUSTRIAL PLAT", a subdivision of record in Linn County, Oregon, said easement being more particularly described as follows:

Beginning at the southeast corner of said Lot 2; thence North 89°56'29" West, along the south line of said Lot 2, a distance of 266.00 feet; thence North 00°03'31" East 64.89 feet; thence South 89°56'29" East 16.00 feet; thence South 00°03'31" West 56.89 feet to a point that is 8.00 feet northerly, when measured perpendicularly, from the said south line of Lot 2; thence South 89°56'29" East, parallel with said south line, 250.00 feet to the east line of said Lot 2; thence South 00°03'00" West 8.00 feet to the Point of Beginning.

November 10, 1998
LOT 1 & 2 EXHIBIT "A"
(98-118) JRB:nm
File: nmlegal\98-118 exh a.doc



EXPIRATION DATE: 12/31/99

11-12-98 THU 12:00 FAX 1 541 917 7573

CITY OF ALBANY

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IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

GRANTOR:

CITY OF ALBANY:

By: [Signature]
Title: [Signature]

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

By: _____
Title _____

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4050, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 17 day of December 1998.

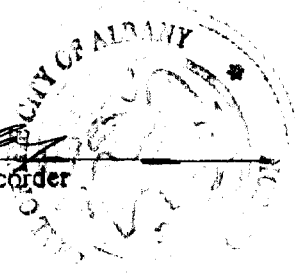
STATE OF OREGON)
County of Benton)
City of Corvallis)

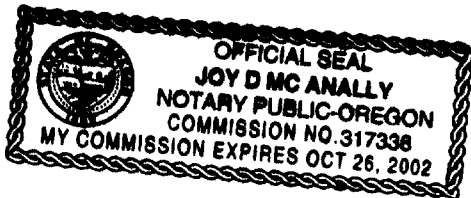
The foregoing instrument was acknowledged before me this 23 day of November by Allan Stuart, Title member, and _____, Title _____, of Allan Stuart Enterprises LLC, An Oregon Limited Liability Company, an Oregon corporation, on behalf of the corporation.

[Signature]
City Manager

ATTEST:

[Signature]
Notary Public for Oregon
My Commission Expires: 10-26-2002

[Signature]
City Recorder




11/12/98 THU 12:10 FAX 1 541 917 7573

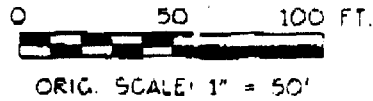
CITY OF ALBANY

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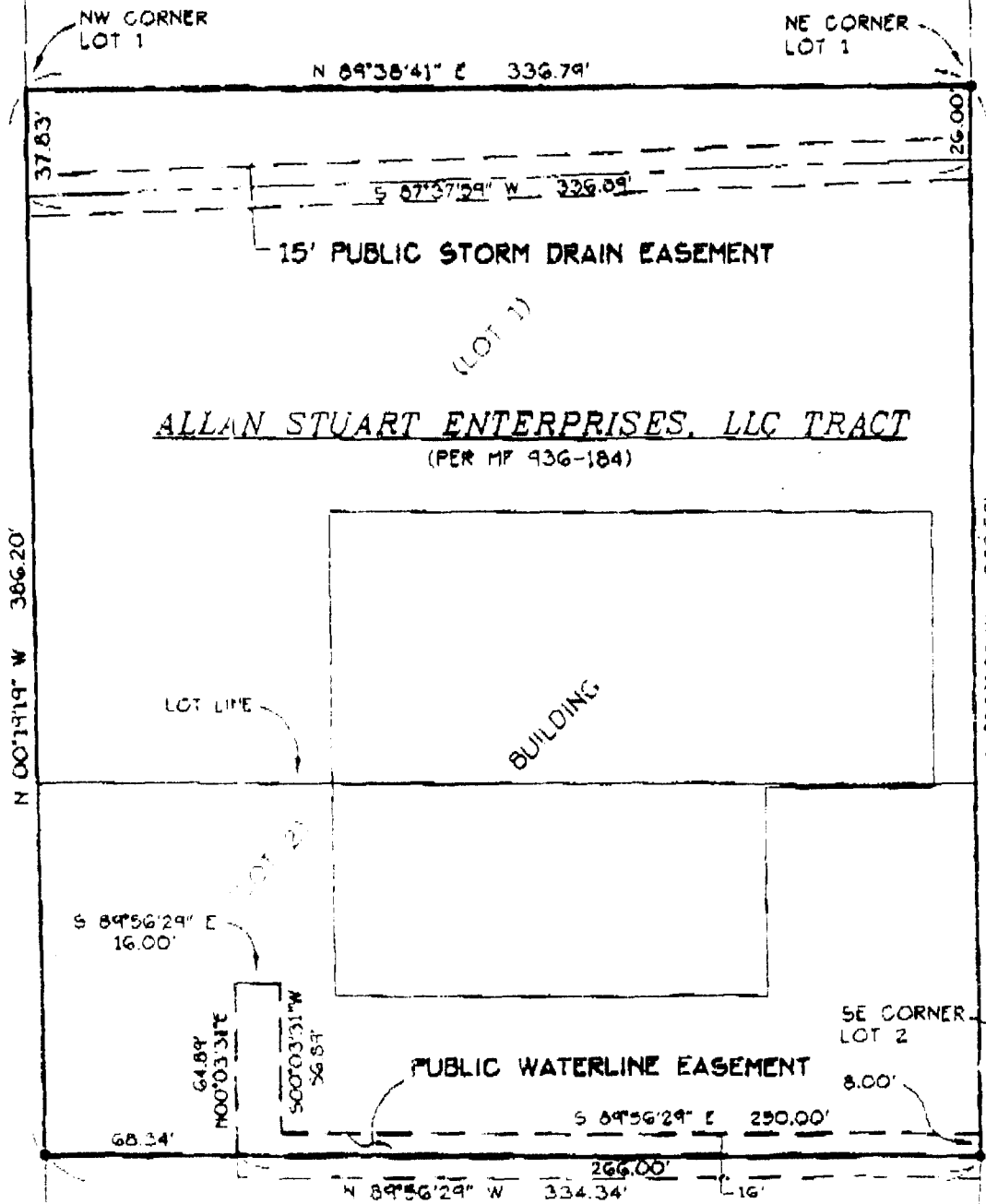
EXHIBIT "B"

PUBLIC UTILITY EASEMENTS FOR ALLANN BROS. COFFEE CO.

LOCATED IN
LOTS 1 AND 2 OF "FARWEST INDUSTRIAL
PLAT", A SUBDIVISION OF RECORD
SEC. 9, T. 11 S., R. 3 W., W.M.
ALBANY, LINN COUNTY, OREGON



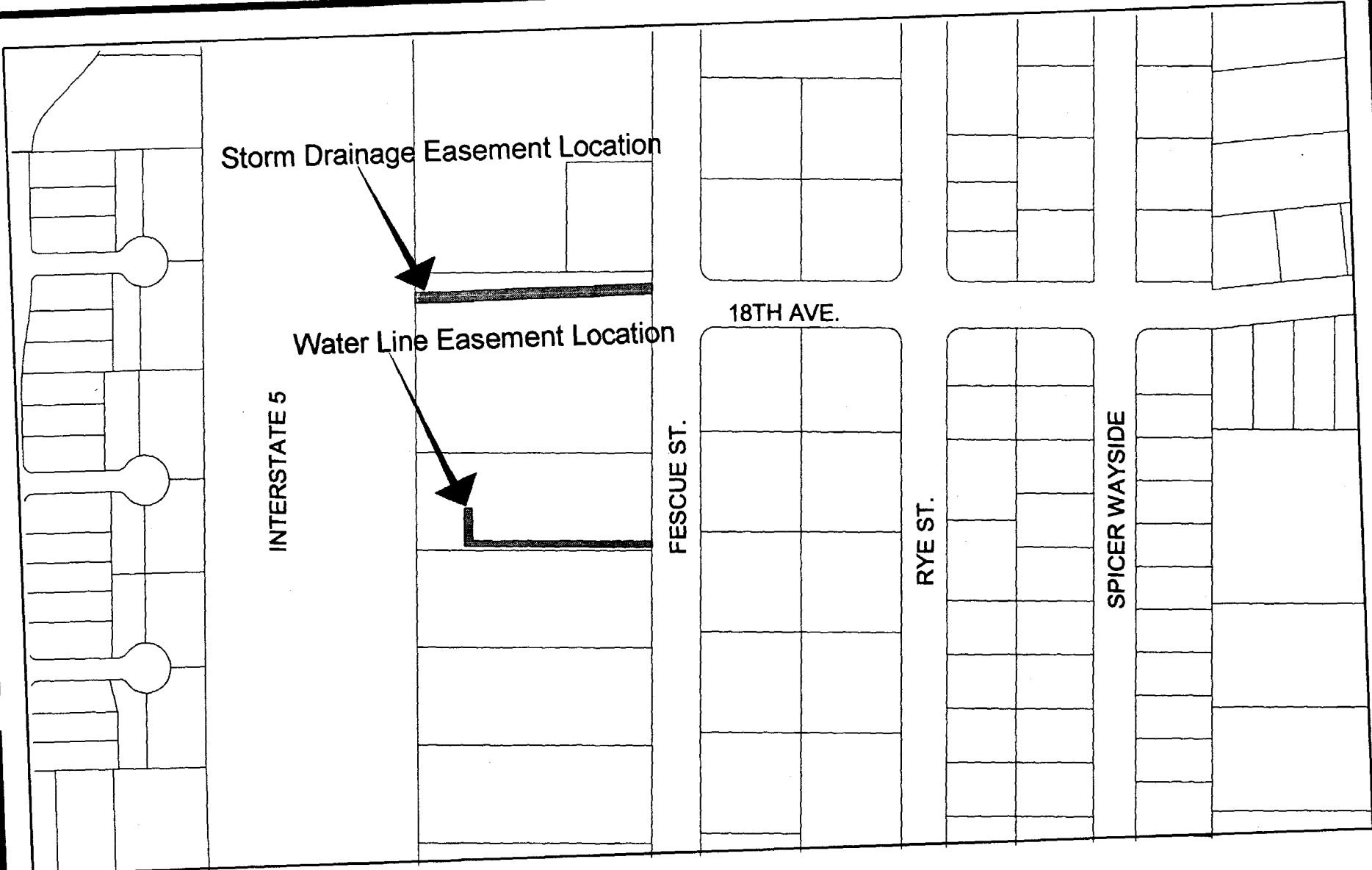
NOVEMBER 10, 1998



Public Utility easement by and between Allan Stuart Enterprises LLC and the City of Albany
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LEGEND:

- FOUND MONUMENTS PER C.S.
- () DENOTES RECORD DATA PER C.S.



Vicinity Map

NOT TO SCALE



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 , Deputy

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R 25
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Dec 23 9 34 AM '98

Resolution No. 4050

Recorded Document Recorder File No. 3316