

RESOLUTION NO. 4882

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Paula Vosgien

Purpose

Two permanent public utility easements and a temporary easement more particularly shown on attached EXHIBIT B and described in attached EXHIBIT A.

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

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 10TH DAY OF SEPTEMBER 2003.



Mayor

ATTEST:



City Recorder

PIPELINE EASEMENTS FOR PUBLIC UTILITIES
AND
A TEMPORARY EASEMENT

THIS AGREEMENT, made and entered into this 6th day of AUGUST, 2003, by and between **Paula Vosgien**, hereinafter called Grantor, 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 grantor has this day bargained and sold and by these presents does 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:

Two permanent pipeline public utility easements and a temporary easement more particularly shown in attached EXHIBIT B and described in 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, 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 Grantor does 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: City Records
PO Box 490
Albany, OR 97324

IN WITNESS WHEREOF, the Grantor has hereunto fixed his hand and seal the day and year above written.

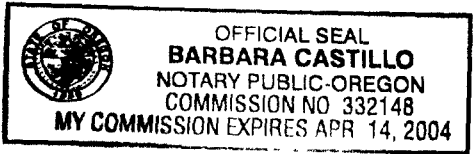
GRANTORS:

Paula Vosgien
Paula Vosgien

Barbara Castillo
Notary Public for Oregon
My Commission Expires: 4-14-04

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

The foregoing instrument was acknowledged before me this 6th day of August, 2003, by **Paula Vosgien** as her voluntary act and deed.



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 4882, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10 day of September 2003.

Steve Bryant
City Manager

ATTEST:

[Signature]
City Recorder

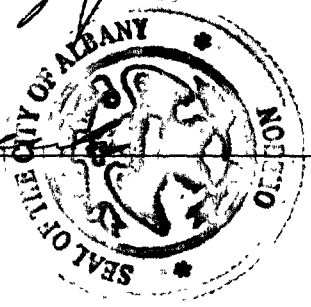


EXHIBIT A

PIPELINE EASEMENTS FOR PUBLIC UTILITIES

EASEMENT 1

Beginning at a point on the east right of way line of Linn County Road No. 33 said point also being the NW corner of that property described in Linn County Deed Records Vol. 52 Page 905; thence North 85 deg. 25 min. 20 sec. East, 30 feet; thence South 1 deg. 25 min. 20 sec West, 150 feet; thence South 85 deg. 25 min. 20 sec. West, 10 feet more or less to the easterly right of way line of Linn County Road No. 33; thence northerly along said right of way line 150 feet more or less to the Point of Beginning.

**PIPELINE EASEMENTS FOR PUBLIC UTILITIES
AND A TEMPORARY EASEMENT**

EASEMENT 2

Beginning at a point on the east right of way line of Linn County Road No. 33 said point also being the NW corner of that property described in Linn County Deed Records Vol. 52 Page 905; thence North 85 deg. 25 min. 20 sec. East, 383.51 feet to the True Point of Beginning; thence North 1 deg. 12 min. 30 sec. East 287.16 feet to an iron rod at the most northwesterly corner of said property; thence along the property line North 89 deg. 56 min east, 20 feet; thence South 1 deg. 12 min. 30 sec. West, 287.16 feet; thence South 89 deg. 56 min. West, 20 feet to the point of Beginning.

Also a 30 foot wide temporary construction easement that lies east of and parallel to the above described easement.

EXHIBIT B

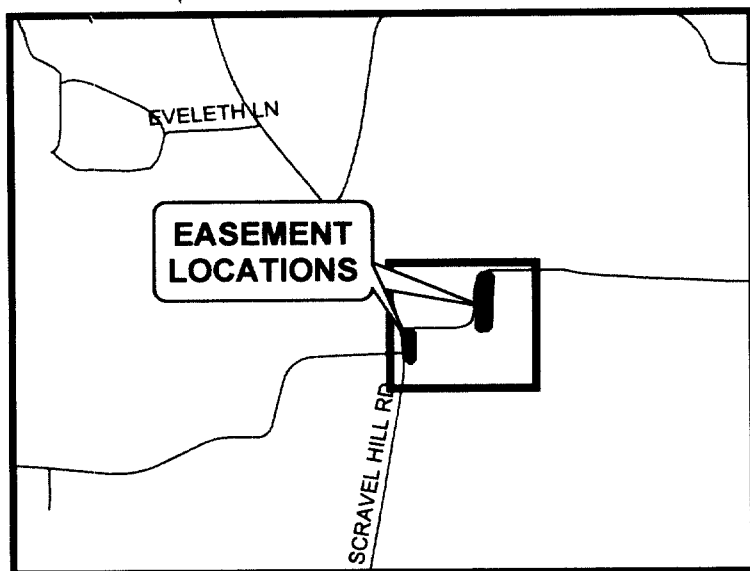
Paula Vosgien

10S03W23 00805
38133 Scrael Hill
City of Albany, Linn Co., OR

Easement 1
Pipeline Public Utility Easement

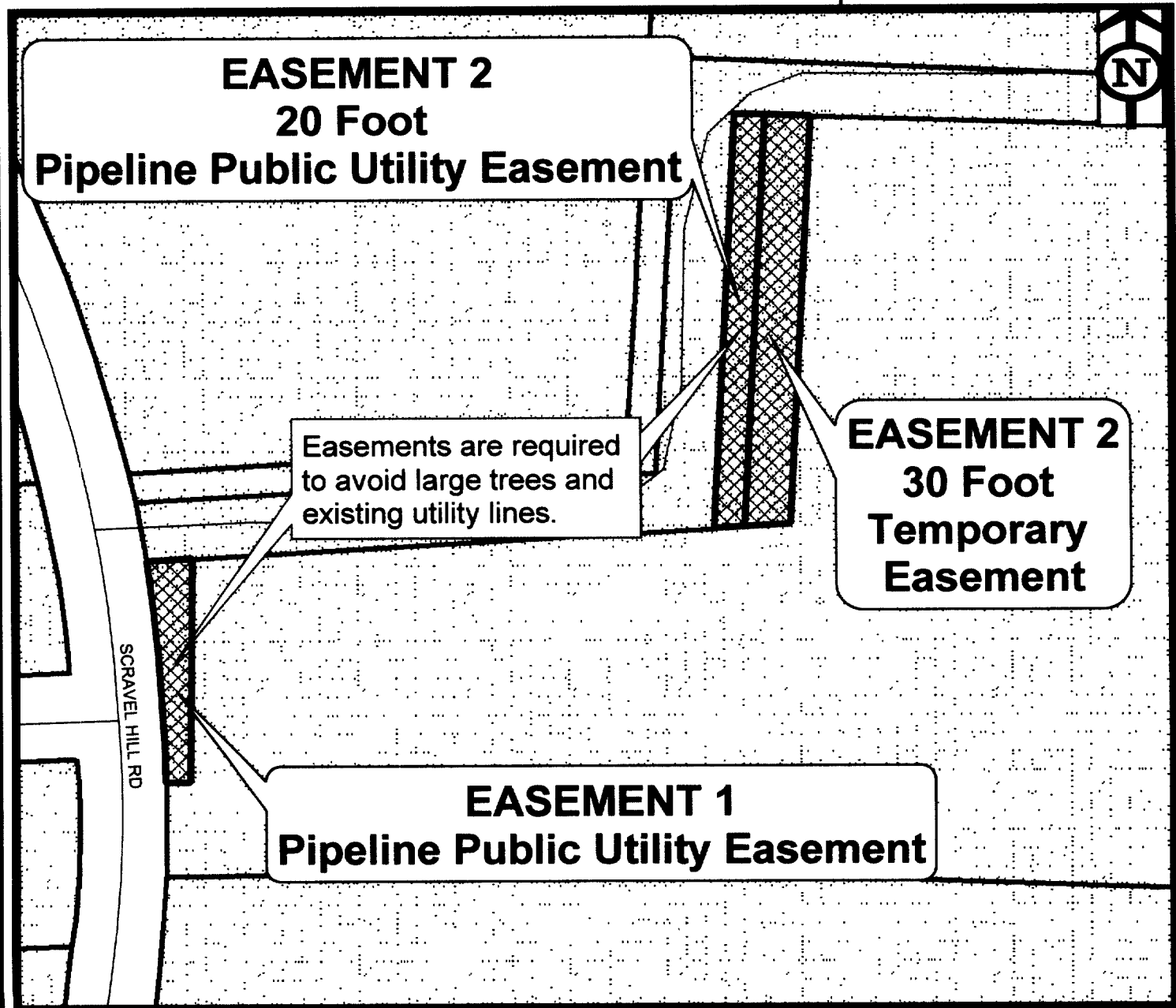
Easement 2
20 FT Pipeline Public Utility Easement
30 FT Temporary Easement

Albany - Millersburg
Joint Water Facility



VICINITY MAP

1 inch equals 100 feet



EASEMENT 2
20 Foot
Pipeline Public Utility Easement

Easements are required to avoid large trees and existing utility lines.

EASEMENT 2
30 Foot
Temporary
Easement

EASEMENT 1
Pipeline Public Utility Easement

SCRABEL HILL RD



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

M
R 20
S 10
A 11
O 5

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2003 SEP 30 P 2: 26

MF 1495

By sw Deputy PAGE 528

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Recorded Document Recorder File 4319