

RESOLUTION NO. 4918

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Coastal Farm Real Estate, Inc.

Purpose

A permanent public utility easement more particularly shown in 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 DECEMBER 2003.



Council President

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 13th day of November, 2003, by and between **Coastal Farm Real Estate, Inc.**, 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 storm drainage 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 utility 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.

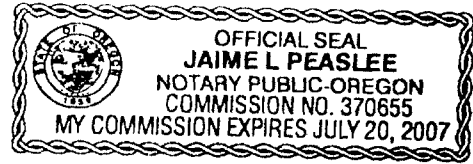
Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

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

GRANTOR:

Coastal Farm Real Estate, Inc.

[Signature]
Bruce Wheeler, President



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

The instrument was acknowledged before me this
13th day of November, 2003, by
Bruce Wheeler as a President of **Coastal
Farm Real Estate, Inc.**

Jaime L Peaslee
Notary Public for Oregon
My Commission Expires: 7-20-07

CITY OF ALBANY:

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

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4918 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 10 day of December, 2003.

[Signature]
City Manager

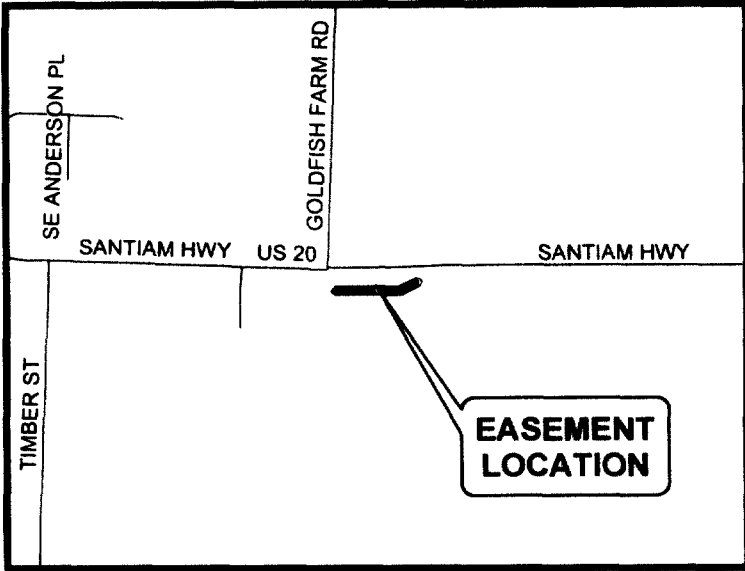
ATTEST:

[Signature]
City Recorder

May 12, 2003

**10.00 foot Public Utility Easement
for
Coastal Farm / Albany**

Beginning at the Northwest Corner of Lot 1 of COASTAL FARM SUBDIVISION, as platted and recorded in the official records of Linn County, Oregon; run thence along the Southerly right of way of U. S. Highway 20 along the arc of a 7729.44 foot radius curve to the left, the long chord of which bears North 87° 56' 01" East 175.78 feet; thence leaving said right of way South 89° 31' 41" East 170.62 feet; thence North 62° 44' 00" East 68.01 feet to a point on said Southerly right of way; thence along said right of way North 87° 37' 30" East 17.06; thence leaving said right of way and run along the Easterly boundary of said Plat South 0° 05' 17" East 3.07 feet; thence leaving said Plat boundary South 62° 44' 00" West 85.27 feet; thence North 89° 31' 41" West 172.53 feet; thence along the arc of a 7739.44 foot radius curve to the right, the long chord of which bears South 87° 56' 01" West 176.25 feet to a point on the Easterly right of way of Goldfish Farm Road; thence along said right of way North 10.00 feet to the Place of Beginning, in Albany, Linn County, Oregon.

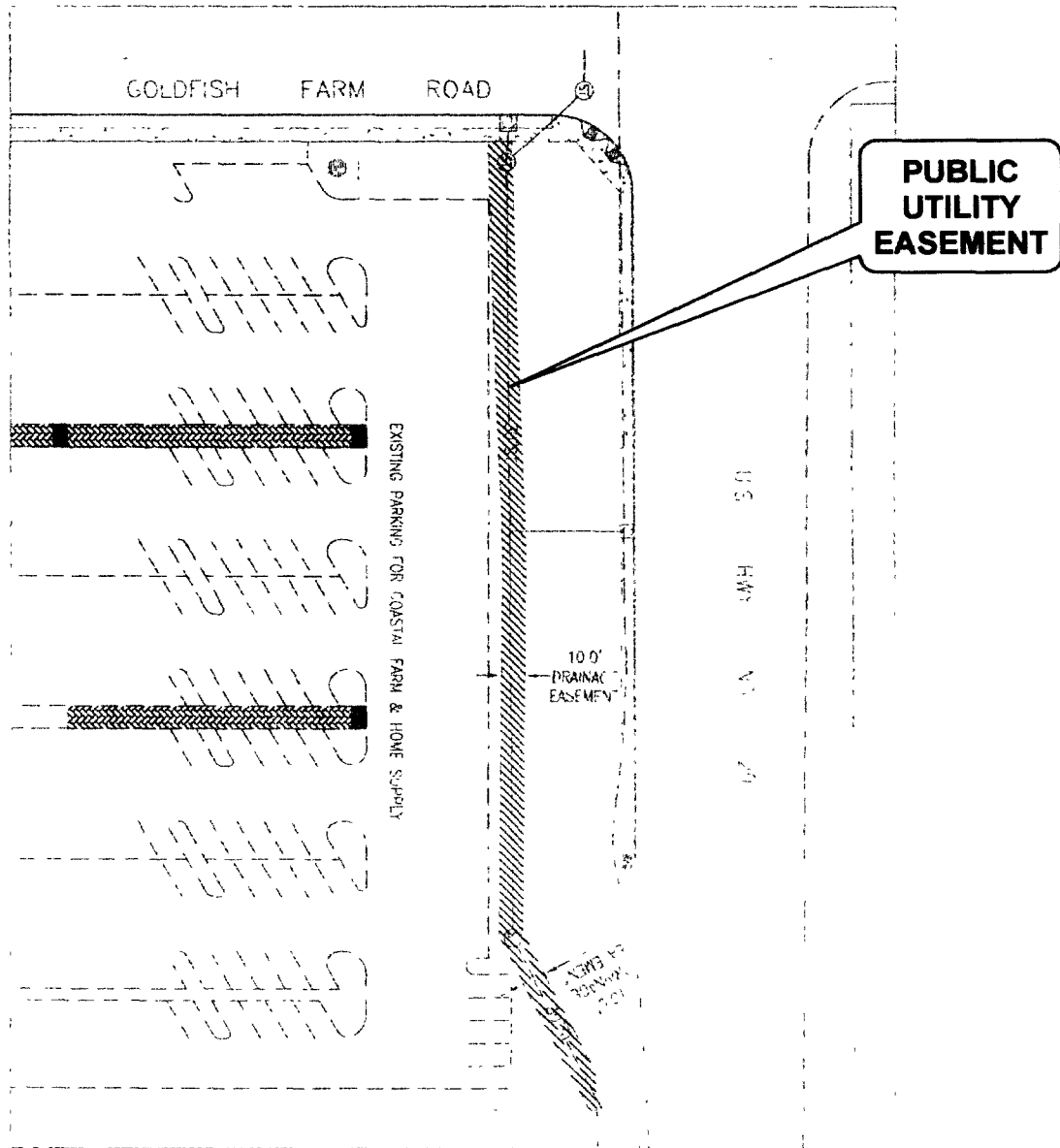


Coastal Farm Real Estate Inc

11S03W09D 00100
1355 Goldfish Farm Road SE
City of Albany
Linn Co., OR

10-foot wide
Drainage Easement

VICINITY MAP



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

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By [Signature] Deputy PAGE 200

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Recorded Document Recorder File 4353