

RESOLUTION NO. 2653

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following easement:

Grantor

Willamette Industries, Inc.

Purpose

to maintain and repair a waterline, with fire hydrant and any other public utilities in a portion of Tax Lots 602 and 713 in the southeast quarter of Section 5, Township 11, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon.

DATED this 5th day of November, 1986.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
  
\_\_\_\_\_  
City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 17th day of October, 1986, by and between Willamette Industries, Inc., 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, 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:  
10-foot easement as described by the attached description on 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 maintenance and repair purposes.
3. The true, actual, and total compensation to be paid by the City to the Grantors, in exchange for the easement rights herein described and granted is:
  - a. The approval of occupancy of Willamette Industries' new engineering building.
4. The City hereby covenants with the Grantors that the compensation agreed upon herein shall be paid to the Grantors within a period of thirty (30) days from the date of this instrument.
5. 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.
6. Upon performing any maintenance, the City shall return the site to original or better condition.
7. No permanent structure shall be constructed on this easement.

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the

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

WILLAMETTE INDUSTRIES, INC.

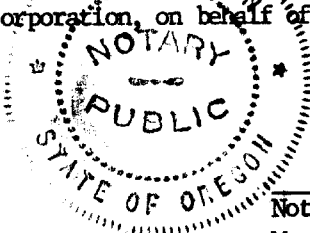
Marvin W. Coats  
Marvin W. Coats  
Vice President

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

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

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of October, 1986, by MARVIN W. COATS, President, and by \_\_\_\_\_, secretary, of Willamette Industries, Inc., an Oregon corporation, on behalf of the corporation.

I, William B. Barrons, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2653 do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof this 6<sup>th</sup> day of November, 1986.



J. C. [Signature]  
Notary Public for Oregon  
My Commission Expires: 3/30/90

CITY OF ALBANY, OREGON

William B. Barrons  
City Manager

[Signature]  
City Recorder

EXHIBIT A

PUBLIC UTILITY EASEMENT DESCRIPTION

A 10 FOOT PUBLIC UTILITY EASEMENT AND RIGHT OF WAY DESCRIBED AS FOLLOWS:

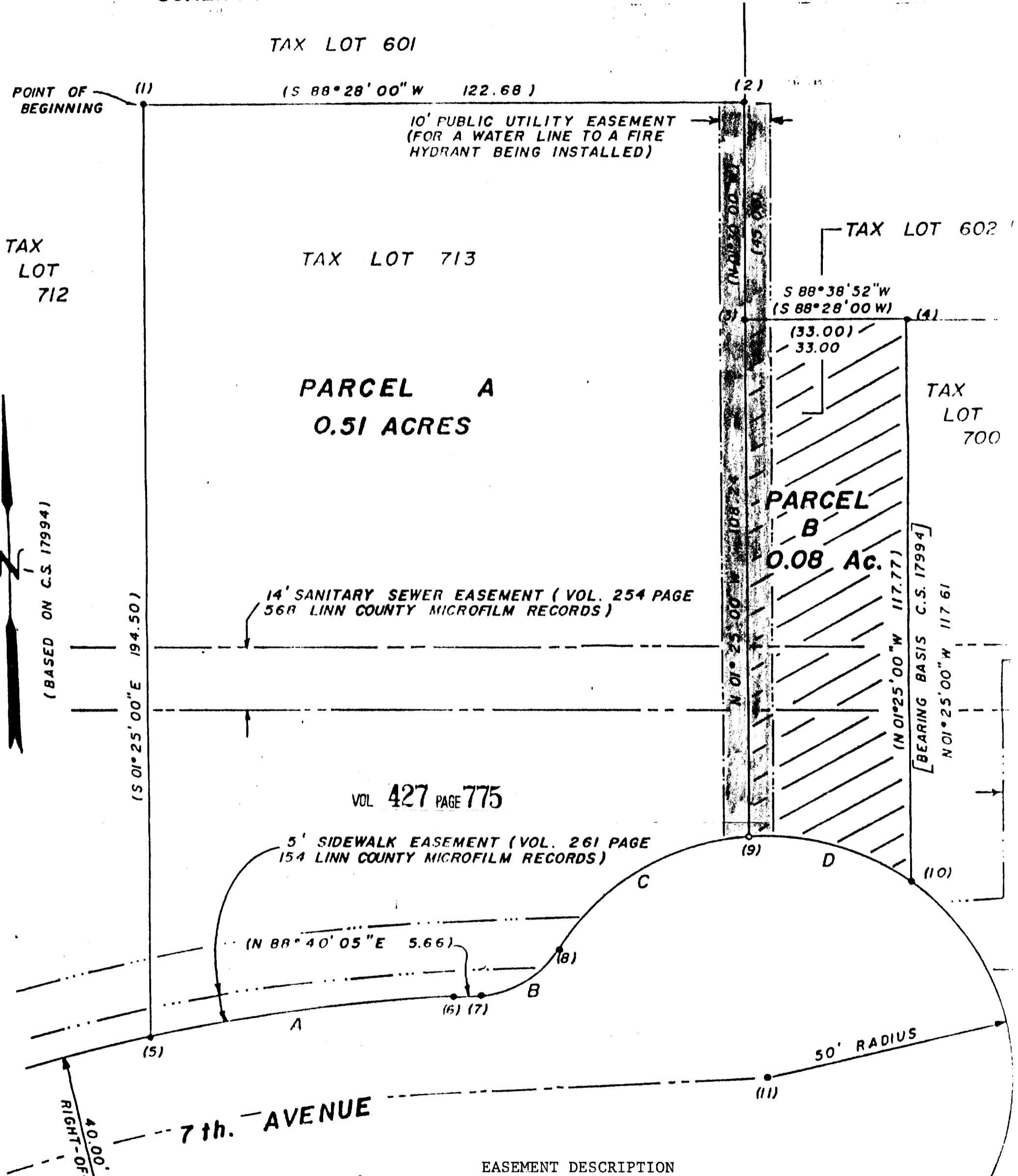
BEGINNING AT A 5/8" IRON ROD ON THE NORTHERLY RIGHT OF WAY OF EAST SEVENTH AVENUE. SAID POINT BEING N 05°34'04" W 50.00 FEET FROM A P.K. NAIL AT THE CENTER OF A 50 FOOT RADIUS CUL-DE-SAC IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF ALBANY, LINN COUNTY, OREGON. THENCE 5.0 FEET EITHER SIDE ALONG THE FOLLOWING TWO COURSES: N 01°25'00" W 108.24 FEET; N 01°30'00" W 45.00 FEET.

# WILLAMETTE INDUSTRIES, INC.

## S.E. 1/4 SEC. 5, T.11S., R.3W., W.M. ALBANY, LINN COUNTY, OREGON

SCALE: 1" = 100'

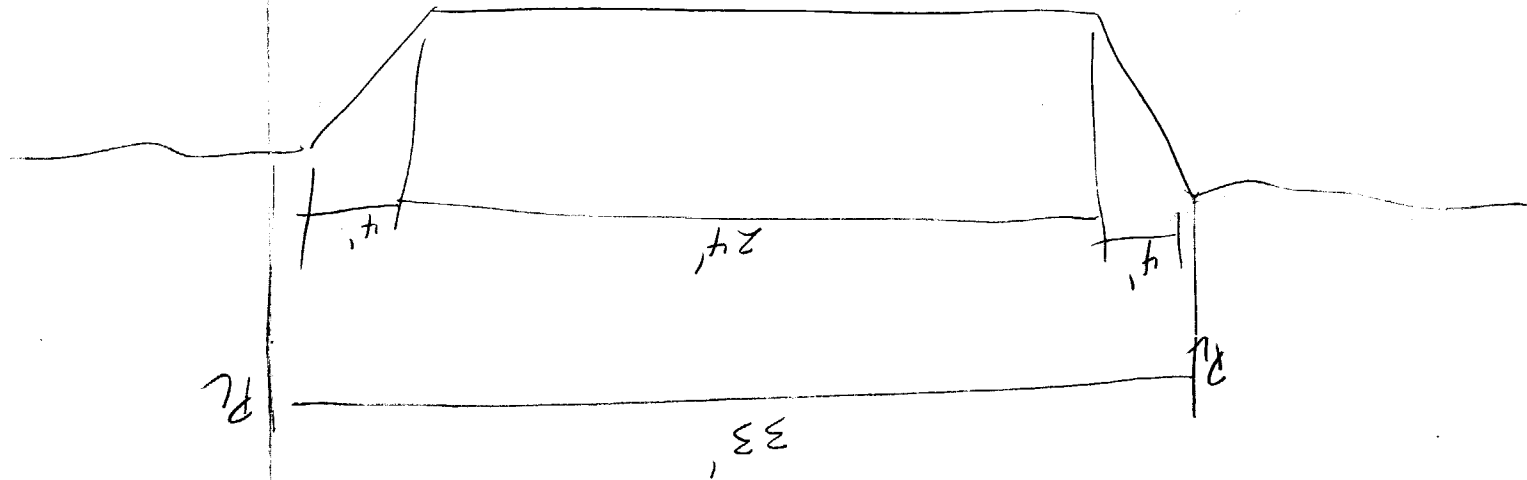
OCTOBER 6, 1986



### EASEMENT DESCRIPTION

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ENTERED NOV 19 1986

At 8:30 O'clock a.m.

**DEL W. RILEY**  
Linn County Clerk

STATE OF OREGON  
County of Linn

I hereby certify that the attached was  
received and duly recorded by me in  
Linn County records:

Volume: MF 427 Page: 772

By [Signature], Deputy

City of Albany  
P.O. Box 490  
Albany, OR 97321

Resolution No. 2653

Recorded Document Recorder File No. 1365