

RESOLUTION NO. 2847

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

Grantor

Valley Park Associates, a Washington  
General Partnership

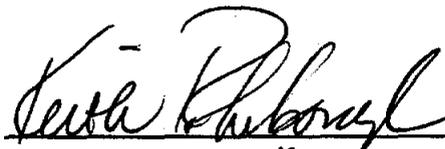
Freedom Federal Savings and Loan, an  
Oregon Corporation

Purpose

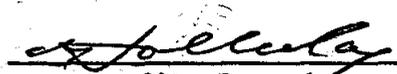
A permanent utility easement along  
the west right-of-way of South  
Columbus Street, north of Grand  
Prairie Road, in Section 17, Township  
11 South, Range 3 West, Willamette  
Meridian, City of Albany, Linn  
County, Oregon.

A permanent utility easement along  
the west right-of-way of South  
Columbus Street, north of Grand  
Prairie Road, in Section 17, Township  
11 South, Range 3 West, Willamette  
Meridian, City of Albany, Linn  
County, Oregon.

DATED this 25th day of January, 1989.

  
\_\_\_\_\_  
Mayor

ATTEST:-

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

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 13 day of December, 1988, by and between Valley Park Associates, a Washington general partnership, 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 utility easement more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

All that portion of that parcel conveyed to Valley Park Associates, a Washington general partnership by deed recorded in MF Volume 475, Page 68, Linn County Microfilm Records which lies within the boundaries of the following described parcel: Beginning at a 5/8 inch iron rod at the southeast corner of Parcel B as shown on County Survey Number 18489, dated July 19, 1984, and titled "The Village at Valley Park", which point is 415 feet South 89° 51' 14" East, 20.51 feet South 11° 55' 59" West, 931.53 feet South 89° 51' 14" East, and 869.60 feet South 11° 55' 59" West of the northwest corner of the John Burkhart Donation Land Claim Number 51, Section 17, Township 11 South, Range 3 West of the Willamette Base and Meridian, Linn County, Oregon; thence North 11° 55' 59" East along the east line of said Parcel B, 333.41 feet; thence North 78° 04' 01" West, 12.37 feet; thence South 11° 55' 59" West parallel with the east line of said Parcel B, 15 feet; thence South 78° 04' 01" East, 7.37 feet; thence South 11° 55' 59" West parallel with the east line of said Parcel B, 291.05 feet; thence North 78° 04' 01" West, 2.26 feet; thence South 11° 55' 59" West parallel with the east line of said Parcel B, 15 feet; thence South 78° 04' 01" East, 2.26 feet; thence South 11° 55' 59" West parallel with the east line of said Parcel B, 11.29 feet to the South line of said Parcel B; thence South 65° 58' 43" East, 5.11 feet to the point of beginning.

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, main-

tenance, evaluation and/or repair purposes.

- 3. The easement granted is in consideration of \$1.00 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.

Valley Park Associates

By:

John K. Whitney  
John K. Whitney, General Partner

STATE OF WASHINGTON)  
County of Pierce ) ss.  
City of Tacoma )

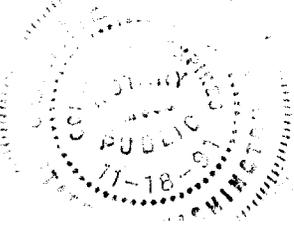
STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of Dec, 1988, by, John K. Whitney, general partner, of Valley Park Associates, a Washington general partnership, on behalf of the partnership.

I, William B. Barrons, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 2847 do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof this 26<sup>th</sup> day of January, 1989.

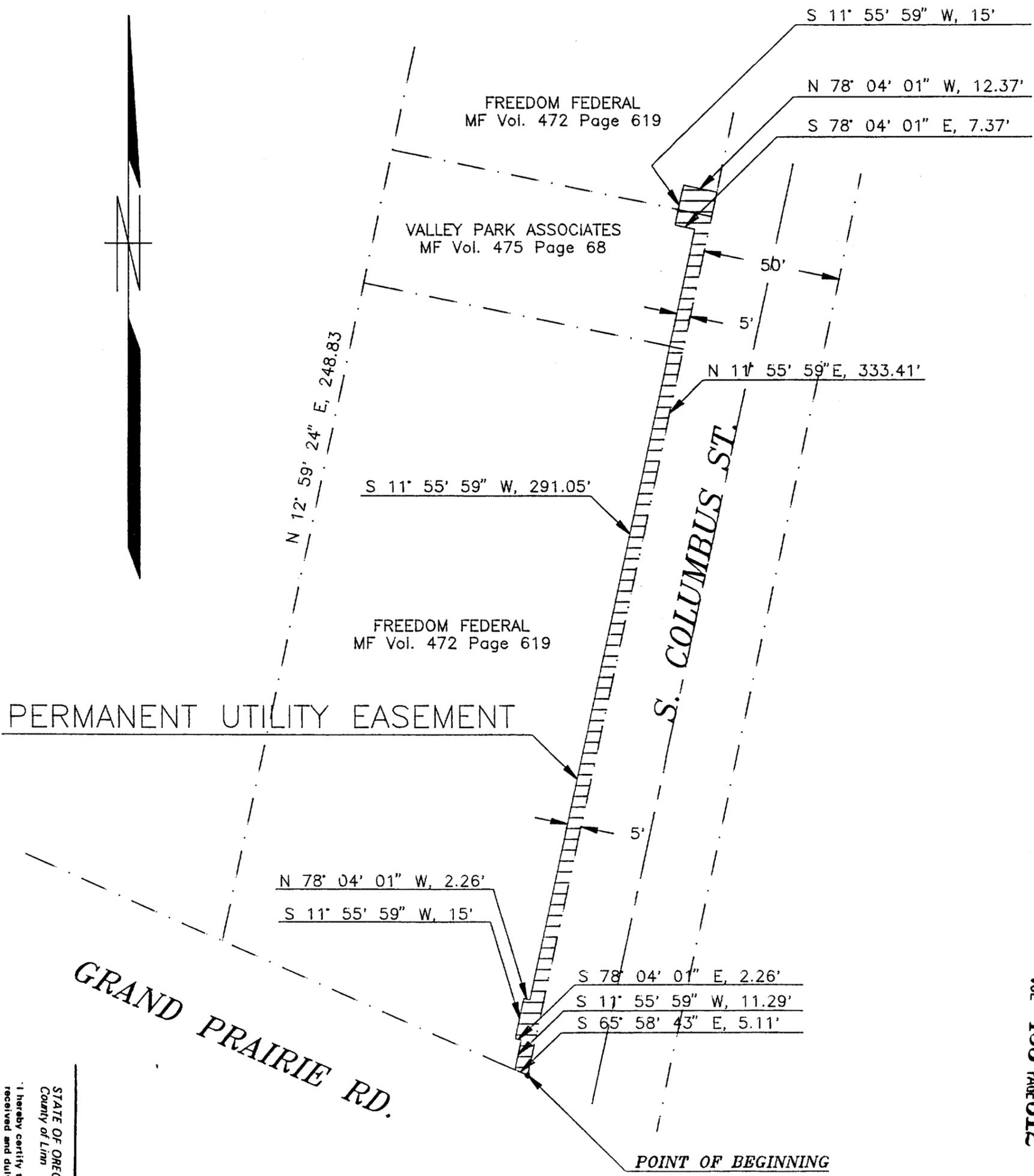
CITY OF ALBANY, OREGON

William B. Barrons  
City Manager



Jeanne S. Ater  
Notary Public for Washington  
My Commission Expires 1-18-91

[Signature]  
City Recorder



PERMANENT UTILITY EASEMENT

GRAND PRAIRIE RD.

POINT OF BEGINNING

EXHIBIT 'A'

PERMANENT UTILITY EASEMENT VALLEY PARK ASSOCIATES TO CITY OF ALBANY
CITY OF ALBANY, OREGON PUBLIC WORKS DEPARTMENT ENGINEERING/UTILITIES DIVISION

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 493 Page: 509

FEB 17 1 02 PM '89

STEVE DRUCKENMILL

City of Albany  
 Linn County Clerk

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 20<sup>th</sup> day of December, 1988, by and between Freedom Federal Savings and Loan Association, 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 utility easement more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

All that portion of that parcel conveyed to Freedom Federal Savings and Loan Association by deed recorded in MF Volume 475, Page 68, Linn County Microfilm Records which lies within the boundaries of the following described parcel: Beginning at a 5/8 inch iron rod at the southeast corner of Parcel B as shown on County Survey Number 18489, dated July 19, 1984, and titled "The Village at Valley Park", which point is 415 feet South 89° 51' 14" East, 20.51 feet South 11° 55' 59" West, 931.53 feet South 89° 51' 14" East, and 869.60 feet South 11° 55' 59" West of the northwest corner of the John Burkhart Donation Land Claim Number 51, Section 17, Township 11 South, Range 3 West of the Willamette Base and Meridian, Linn County, Oregon; thence North 11° 55' 59" East along the east line of said Parcel B, 333.41 feet; thence North 78° 04' 01" West, 12.37 feet; thence South 11° 55' 59" West parallel with the east line of said Parcel B, 15 feet; thence South 78° 04' 01" East, 7.37 feet; thence South 11° 55' 59" West parallel with the east line of said Parcel B, 291.05 feet; thence North 78° 04' 01" West, 2.26 feet; thence South 11° 55' 59" West parallel with the east line of said Parcel B, 15 feet; thence South 78° 04' 01" East, 2.26 feet; thence South 11° 55' 59" West parallel with the east line of said Parcel B, 11.29 feet to the South line of said Parcel B; thence South 65° 58' 43" East, 5.11 feet to the point of beginning.

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 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.~~ PB  
CB
- 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.

Freedom Federal Savings and Loan

By: [Signature]

By: [Signature]

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

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

The foregoing instrument was acknowledged before me this 20 day of December, 1988, by Rod Brenneman, and by \_\_\_\_\_, of Freedom Federal Savings and Loan Association, 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 2847 do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof this 26<sup>th</sup> day of January, 1989

[Signature]  
Notary Public for Oregon  
My Commission Expires: 9/24/90

CITY OF ALBANY, OREGON

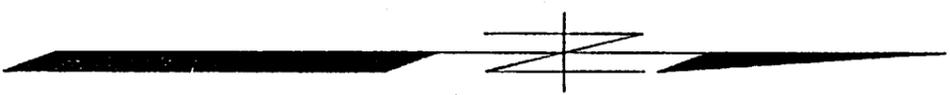
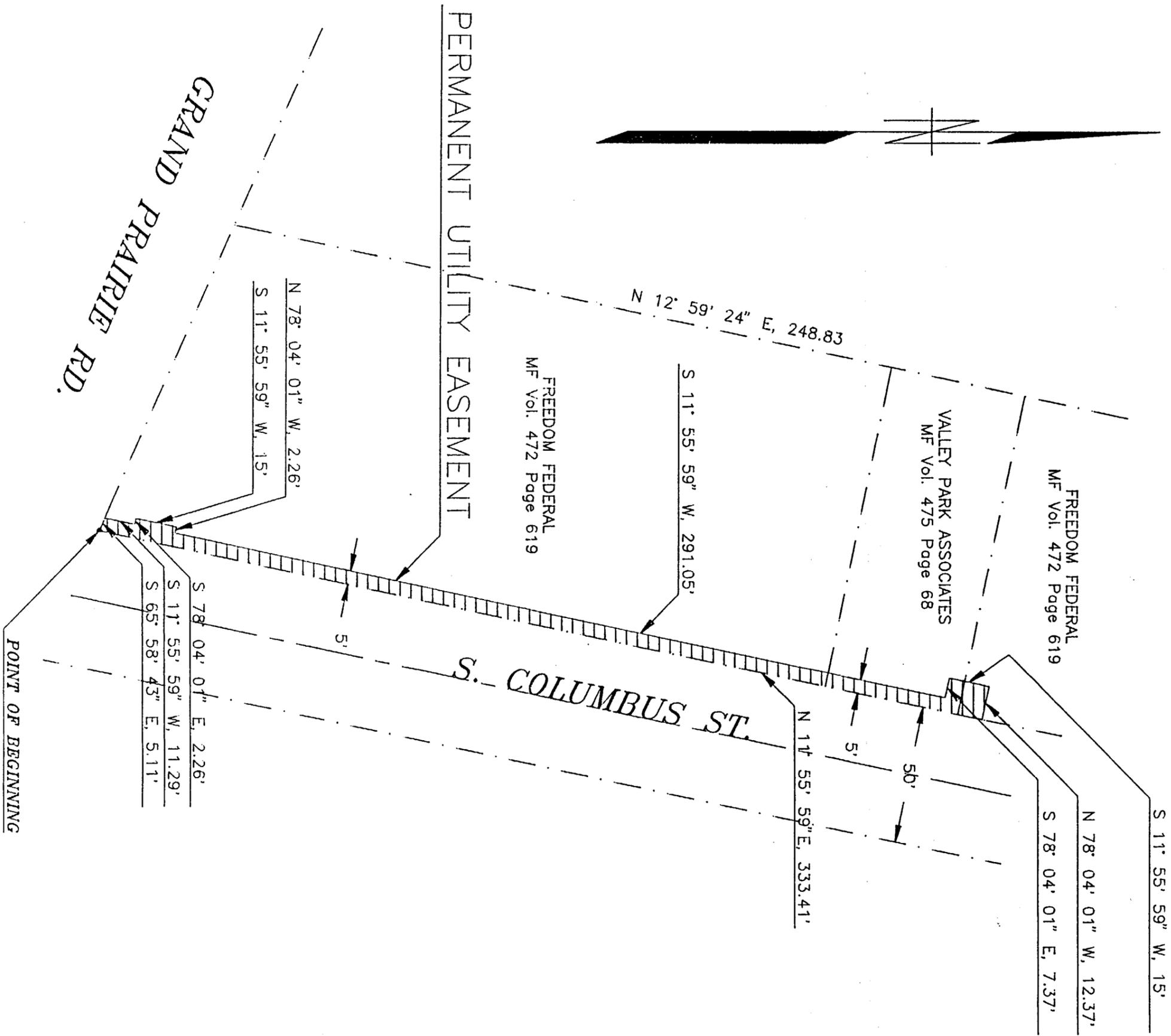
[Signature]  
City Manager

[Signature]  
City Recorder

STATE OF OREGON )  
County of Linn ) ss.

The foregoing instrument was acknowledged before me this 29th day of December, 1988, by CARLEEN KLEIN, of Freedom Federal Savings and Loan Association, an Oregon corporation, on behalf of the corporation. Before me:

[Signature]  
Notary Public for Oregon  
My Commission Expires: 4/12/90



**EXHIBIT 'A'**

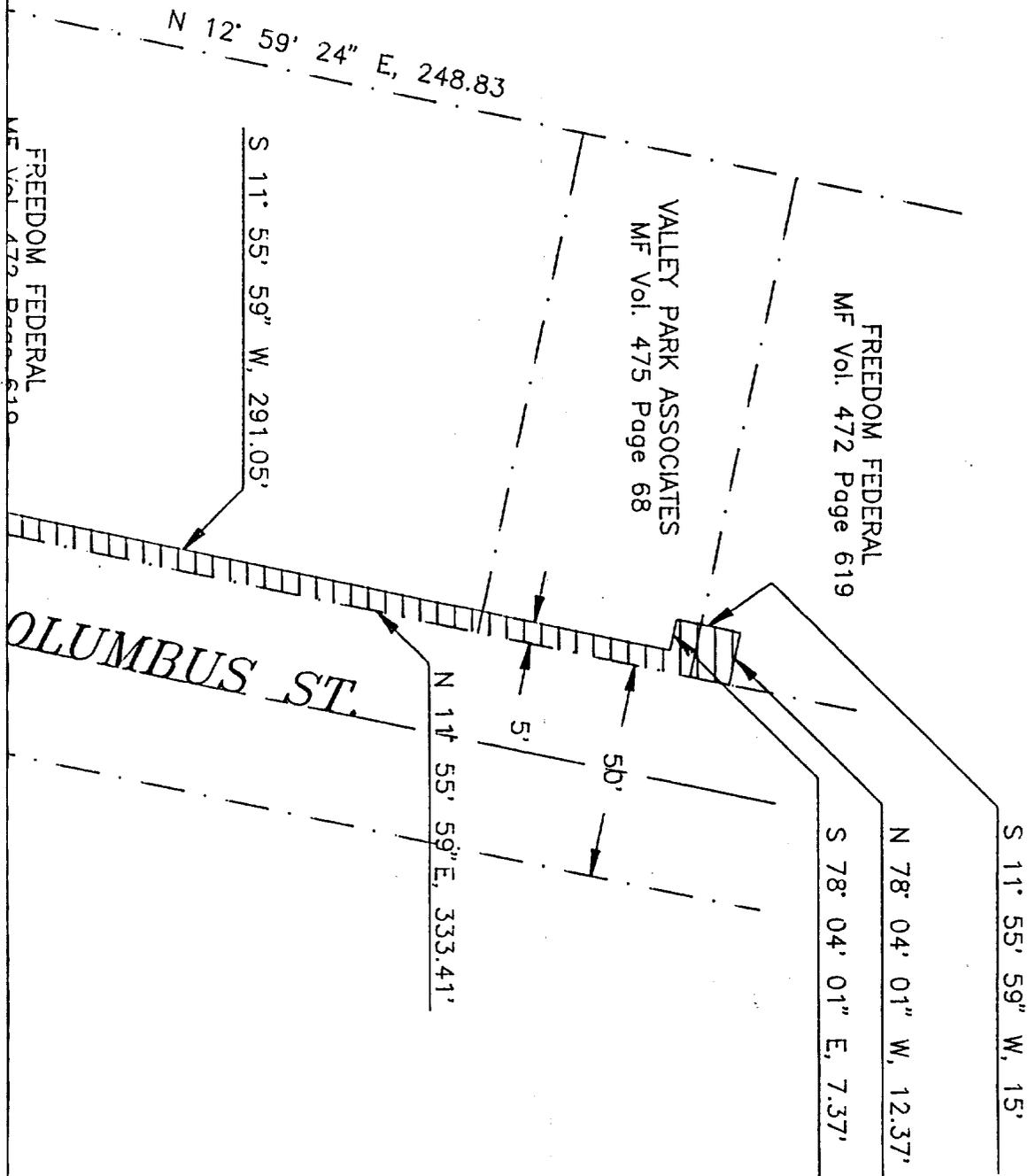
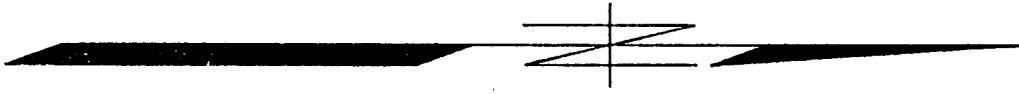
PERMANENT UTILITY EASEMENT  
 VALLEY PARK ASSOCIATES TO CITY OF ALBANY  
 CITY OF ALBANY, OREGON  
 PUBLIC WORKS DEPARTMENT  
 ENGINEERING/UTILITIES DIVISION

SCALE: 1" = 40'

FEB 17 1 02 PM '89

STATE OF OREGON  
 County of Linn

STEVE DRUCKENMILLER  
 Linn County Clerk



30

FEB 17 1 02 PM '89

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 493 Page: 505

STEVE DRUCKENMILLER  
Linn County Clerk

By [Signature] Deputy  
City of Albany

Resolution No. 2847

Recorded Documents Recorder Files No.

Valley Park Assoc 1929

Freedom Federal S & L 1930