

RESOLUTION NO. 2893

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

Grantor

California Oswego Limited Investors

Purpose

A 10-foot wide, permanent, public utility easement located immediately north of Anne Street running along the fence east to Swan Lake in the City of Albany, Linn County, Oregon.

DATED this 27th day of September, 1989.



Mayor

ATTEST:



City Recorder

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EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 23rd day of August, 1989, by and between California Oswego Limited Investors, 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:

10-FOOT WIDE PERMANENT EASEMENT

A 10-foot wide permanent easement across that parcel conveyed to California Oswego Limited Investors, a California Limited Partnership, in Volume 461, Page 825, Linn County Microfilm Deed Records, parallel, adjacent and north of a line more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at a 5/8-inch iron rod with a yellow cap inscribed "Dehaas & Associates, Inc." at the southwest corner of said California Oswego Limited Investors parcel; said point being the northerly northwest corner of Lot 1, Block 12, Freeway Addition, Southwest 1/4 of Section 5, Township 11 South, Range 3 West, in the Willamette Meridian, City of Albany, Linn County, Oregon; thence South 88°13'00" West, 185.00 feet and there terminating.

ALSO:

10-FOOT WIDE TEMPORARY EASEMENT

A 10-foot wide temporary construction easement parallel, adjacent and north of the north line of the permanent easement described above.

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.

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The temporary easement described herein grants to the City, and its authorized agents or contractors, an irrevocable right to enter upon said easement at any time within a period of twelve (12) months from the date of this instrument, for construction, repair, evaluation or maintenance 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.

California Oswego Limited Investors

By: [Signature]
President

By: [Signature]
Secretary

CALIFORNIA
STATE OF ~~OREGON~~)
County of ~~Linn~~) ss.
~~City of Albany~~)
SANTA CLARA)

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

The foregoing instrument was acknowledged before me this 24 day of August, 1989 by Thompson, president, and by Charles VanLing secretary, of California Oswego Limited Investors, a California Limited Partnership, on behalf of the corporation.

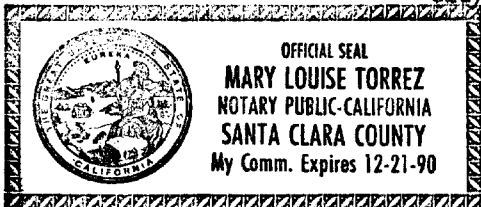
I, Steve Bryant as City Manager Pro Tem of the City of Albany, Oregon, pursuant to Resolution Number 2893 do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof this 27th day of September, 1989.

[Signature]
Notary Public for Oregon California
My Commission Expires: 12/21/90

CITY OF ALBANY, OREGON

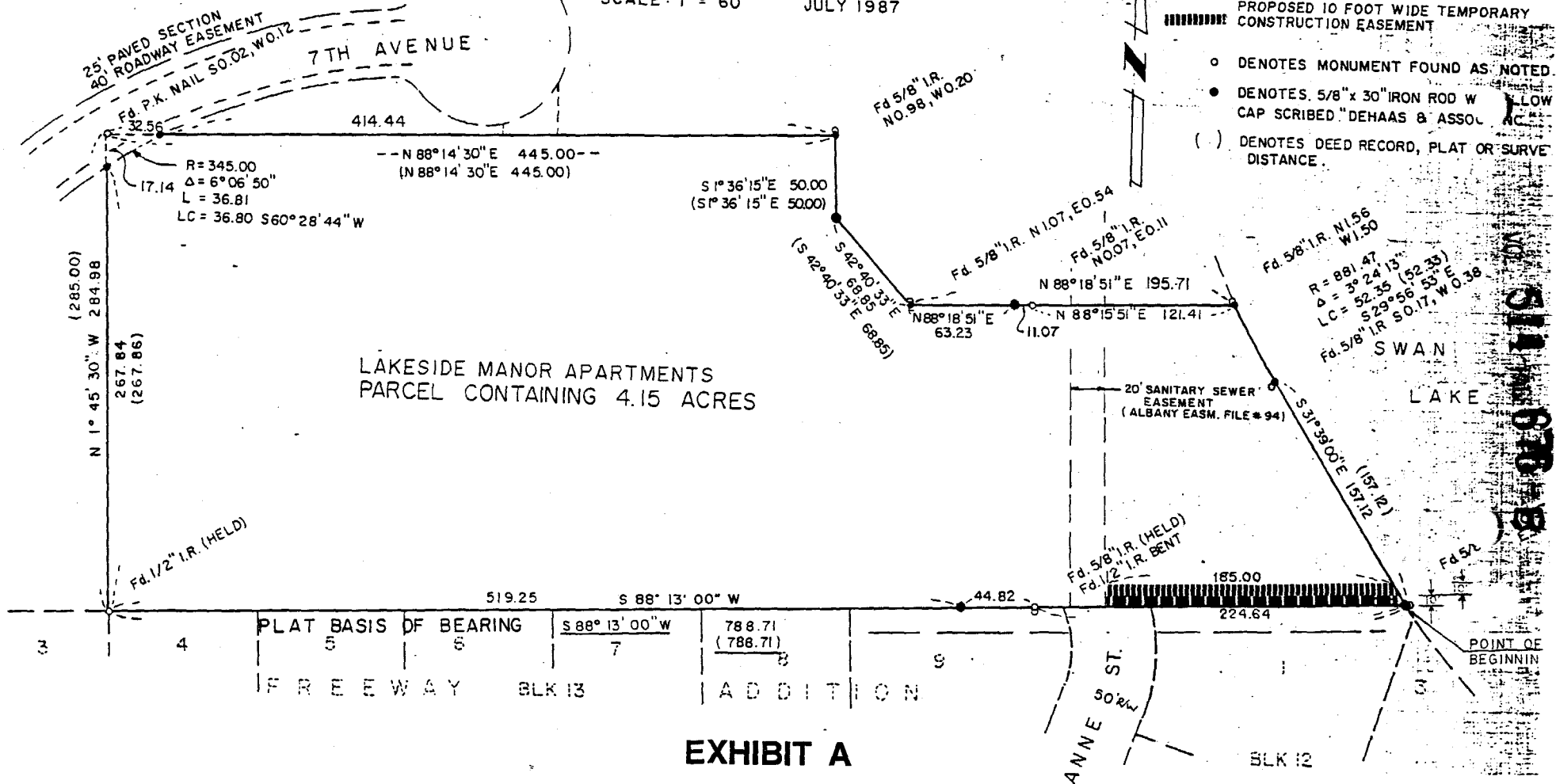
[Signature]
City Manager

[Signature]
City Recorder



LAKESIDE MANOR APARTMENTS
TAX LOT 703

LOCATED IN THE SE 1/4, SECTION 5, T.11 S., R.3 W., W.M.,
LINN COUNTY, OREGON
SCALE: 1" = 60' JULY 1987



ENTERED OCT 26 1989

STATE OF OREGON
County of Linn

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

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At 8:30 O'clock a.m.
STEVE DRUCKENMILLER
Linn County Clerk

By My Deputy
City of Albany
Box 490
Albany 97321

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EXHIBIT A

Resolution No. 2893

Recorded Document Recorder File No. 1680