

RESOLUTION NO. 3012

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

Grantor

Lyon Associates, a Washington  
Limited Partnership and  
Warren W. Cooley and  
Gordon H. Cooley

Purpose

Two easements for a sanitary sewer line  
located in 11S-03W-8CD, tax lot 200, at  
2000 Queen Ave SE, Albany, Linn County,  
Oregon.

DATED this 12th day of December, 1990.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 31<sup>st</sup> day of October, 1990, by and between Lyon Associates, a Washington Limited Partnership, herein called grantors, and the CITY OF ALBANY, a Municipal corporation, herein called "City."

SP-20-90

## 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 variable width permanent utility easement across that property conveyed to Warren W. Cooley and Gordon H. Cooley in Volume MF 434, Page 829, Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A;

Beginning at the southeast corner of the Abram Hackleman Donation Land Claim Number 62, in Section 8, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence on the centerline of Queen Avenue North 88° 56' 58" East 809.44 feet; thence South 01° 47' 24" East 356.50 feet; thence South 88° 56' 58" West 452.04 feet to the southwest corner of that parcel of land described in Volume MF 540, Page 702, Linn County Microfilm Deed Records, said point also being on the easterly property line of that parcel of land described in Volume MF 77, Page 594, Linn County Microfilm Deed Records, said parcel known as the Periwinkle Creek Park Land; thence on the easterly property line of said parcel, South 13° 48' 47" East 72.78 feet to the TRUE POINT OF BEGINNING; thence on the easterly property line of said Periwinkle Creek Park Land, on the arc of a 5,689.58 foot radius curve to the right (the long chord bears North 14° 03' 20" West 21.50 feet) a distance of 21.50 feet; thence North 75° 23' 41" East 16.89 feet; thence South 14° 36' 19" East 25.62 feet; thence parallel to the south property line of said Cooley parcel of land, South 88° 56' 58" West 17.58 feet to the True Point of Beginning.

Containing 0.0092 acres, more or less.

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.
- 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.

*[Signature]*  
 Gary R. Nathanson, President

*[Signature]*  
 Gilbert A. Thomas, Secretary

STATE OF OREGON )  
 County of ~~Clackamas~~ ) ss.  
           LINN )

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of OCTOBER, 1990 by GARY R. NATHANSON, President of N & T Associates, Inc., General Partner of Lyon Associates, a Washington Limited Partnership.

*[Signature]*  
 Notary Public for Oregon  
12-21-93  
 My Commission Expires

\_\_\_\_\_  
 BARBE BASS  
 NOTARY PUBLIC - OREGON  
 My Commission Expires \_\_\_\_\_

STATE OF OREGON )  
 County of ~~Clackamas~~ ) ss.  
           LINN )

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of OCTOBER, 1990 by GILBERT A. THOMAS, Secretary of N & T Associates, Inc., General Partner of Lyon Associates, a Washington Limited Partnership.


*[Signature]*  
 Notary Public for Oregon  
12-21-93  
 My Commission Expires

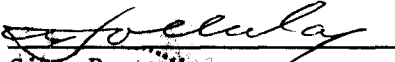
\_\_\_\_\_  
 BARBE BASS  
 NOTARY PUBLIC - OREGON  
 My Commission Expires \_\_\_\_\_

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 3012, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13th day of December, 1990.

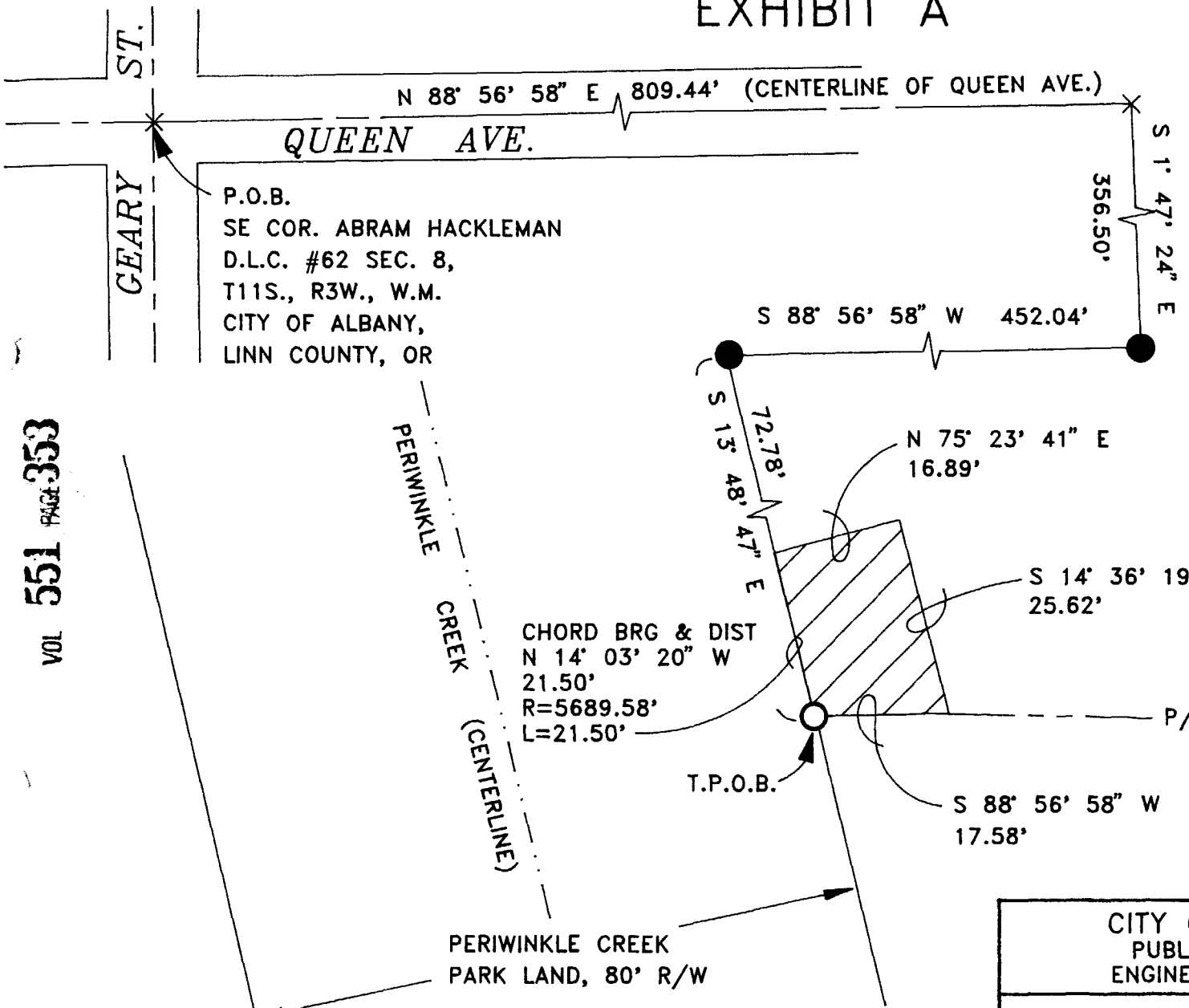
CITY OF ALBANY, OREGON

  
\_\_\_\_\_  
City Manager

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



# EXHIBIT A



P.O.B.  
 SE COR. ABRAM HACKLEMAN  
 D.L.C. #62 SEC. 8,  
 T11S., R3W., W.M.  
 CITY OF ALBANY,  
 LINN COUNTY, OR

LYON ASSOCIATES  
 11S 03W 08CD  
 VOL. MF 540 PG 702  
 (NEW TAX LOT, WAS  
 PART OF TL 200)

WARREN W. COOLEY  
 GORDON H. COOLEY  
 11S 03W 08CD  
 VOL. MF 434 PG 829  
 TAX LOT 200

PERIWINKLE CREEK  
 PARK LAND, 80' R/W

NOTE:  
 SCALE FOR EASEMENT  
 IS 1" = 20'. ALL OTHER NOT  
 TO SCALE.

CITY OF ALBANY, OREGON  
 PUBLIC WORKS DEPARTMENT  
 ENGINEERING/UTILITIES DIVISION  
 VARIABLE WIDTH PUBLIC UTILITY  
 EASEMENT FROM LYON  
 ASSOCIATES (SHOP-N-KART)  
 TO THE CITY OF ALBANY

VOL 551 PAGE 353

ENTERED JAN 0 2 1991


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 551 Page: 350

At 8:30 O'clock a.m. 30-

STEVE DRUCKENMILLER  
Linn County Clerk

By  , Deputy

City of Albany

## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 31 day of October, 1990, by and between Warren W. Cooley and Gordon H. Cooley, herein called grantors, and the CITY OF ALBANY, a Municipal corporation, herein called "City."

WITNESSETH:

SP-20-90

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 variable width permanent utility easement across that property conveyed to Warren W. Cooley and Gordon H. Cooley in Volume MF 434, Page 829, Linn County Microfilm Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the southeast corner of the Abram Hackleman Donation Land Claim Number 62, in Section 8, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon; thence on the centerline of Queen Avenue North  $88^{\circ} 56' 58''$  East 809.44 feet; thence South  $01^{\circ} 47' 24''$  East 356.50 feet; thence South  $88^{\circ} 56' 58''$  West 452.04 feet to the southwest corner of that parcel of land described in Volume MF 540, Page 702, Linn County Microfilm Deed Records, said point also being on the easterly property line of that parcel of land described in Volume MF 77, Page 594 Linn County Microfilm Deed Records, said parcel known as the Periwinkle Creek Park Land; thence on the easterly property line of said parcel, South  $13^{\circ} 48' 47''$  East 72.78 feet to the TRUE POINT OF BEGINNING; thence parallel to the south property line of that parcel of land described in Volume MF 540, Page 702, Linn County Microfilm Deed Records, North  $88^{\circ} 56' 58''$  East 17.58 feet; thence South  $14^{\circ} 36' 19''$  East 159.04 feet; thence South  $16^{\circ} 51' 21''$  East 351.30 feet; thence parallel to the easterly property line of said Periwinkle Creek Park Land, South  $01^{\circ} 28' 17''$  East 368.92 feet, more or less, to the northerly right-of-way line of 21st Avenue; thence on the north line of said 21st Avenue, North  $89^{\circ} 56' 27''$  West 20.00 feet to the intersection of the north right-of-way line of 21st Avenue with the easterly property line of said Periwinkle Creek Park Land; thence on the easterly property line of said Periwinkle Creek Park Land the following courses and distances: North  $01^{\circ} 28' 17''$  West 327.88 feet; on the arc of a 398.10 foot radius curve to the left (the long chord bears North  $09^{\circ} 21' 15''$  West 110.69 feet) a distance of 111.05 feet; North  $17^{\circ} 24' 00''$  West 117.81 feet; on the arc of a 5,689.58 foot

radius curve to the right (the long chord bears North 15° 46' 54" West 321.25 feet) a distance of 321.30 feet to the True Point of Beginning.

Containing 0.3659 acres, more or less.

- 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.
- 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.

Warren W. Cooley  
 Warren W. Cooley  
Gordon H. Cooley  
 Gordon H. Cooley

STATE OF OREGON )  
 County of ~~Linn~~ Marion ss.  
 City of ~~Albany~~ Salem

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

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of October, 1990, by grantor(s) as his/her/their voluntary act and deed.

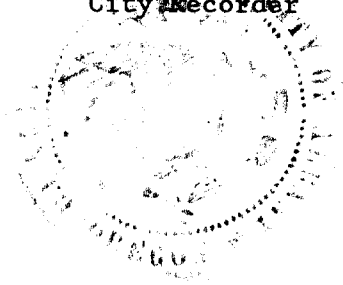
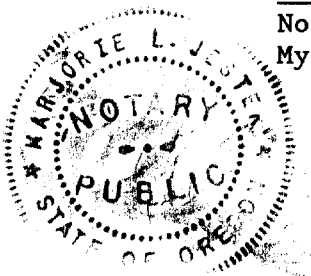
I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3012, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 13th day of December, 1990.

Margaret L. Jeter  
 Notary Public for Oregon  
 My Commission Expires: 10/27/93

CITY OF ALBANY, OREGON

Steve Bryant  
 City Manager

[Signature]  
 City Recorder







# EXHIBIT A

PAGE 1 OF 2

P.O.B.  
SE COR. ABRAM HACKLEMAN  
D.L.C. #62, SEC. 8, T11S.,  
R3W., W.M. CITY OF ALBANY,  
LINN COUNTY, OR.

PERIWINKLE CREEK  
PARK LAND, 80' R/W

MATCH LINE

GEARY

ST.

CENTERLINE OF PERIWINKLE CREEK

S 13° 48' 47" E  
72.78'

QUEEN  
AVE.

N 88° 56' 58" E 809.44'

T.P.O.B.

S 88° 56' 58" W  
452.04'

R = 5689.58' L = 321.30'

S 14° 36' 19" E 159.04'

N 88° 56' 58" E  
17.58'

S 1° 47' 24" E  
356.50'

N 17° 24' 00" W  
117.81'

S 16° 51' 21" E 351.30'

LYON ASSOCIATES  
VOLUME MF 540 PG 702  
11S 03W 08CD  
NEW TAX LOT (WAS  
PART OF TL 200)

WARREN W. COOLEY  
GORDON H. COOLEY  
VOLUME MF 434 PG 829  
11S 03W 08CD  
TAX LOT 200

VOL 551 PAGE 347

CITY OF ALBANY, OREGON  
PUBLIC WORKS DEPARTMENT  
ENGINEERING/UTILITIES DIVISION

VARIABLE WIDTH PUBLIC UTILITY  
EASEMENT FROM WARREN W. COOLEY  
AND GORDON H. COOLEY TO THE  
CITY OF ALBANY

NOTE:

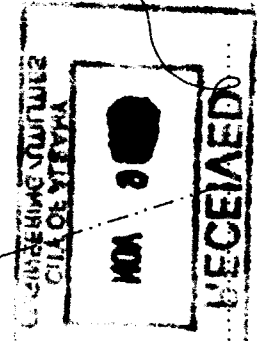
SCALE FOR EASEMENT IS  
1" = 50'. ALL OTHER IS NOT TO  
SCALE.

EXHIBIT A  
PAGE 2 OF 2

MATCH LINE

NORTH BORDER OF  
21ST AVENUE R/W

PERIWINKLE CREEK  
PARK LAND, 80' R/W



21ST A

CENTERLINE OF PERIWINKLE CREEK

N 1° 28' 17" W 327.88'

S 1° 28' 17" E 368.92'

N 89° 56' 27" W  
20.00'

R = 398.10' L = 111.05' N 17° 24' 00" W  
117.81'  
S 16° 51' 21" E 351.30'



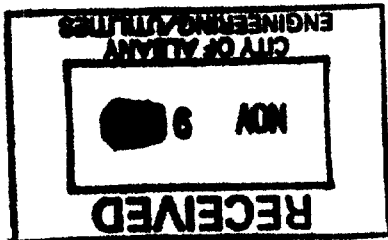
SCALE: 1" = 50'

VOL 551 PAGE 18

WARREN W. COOLEY  
GORDON H. COOLEY  
VOLUME MF 434 PG 829  
11S 03W 08CD  
TAX LOT 200

CITY OF ALBANY, OREGON  
PUBLIC WORKS DEPARTMENT  
ENGINEERING/UTILITIES DIVISION

VARIABLE WIDTH PUBLIC UTILITY  
EASEMENT FROM WARREN W. COOLEY  
AND GORDON H. COOLEY TO THE  
CITY OF ALBANY



ENTERED JAN 0 2 1991

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 551 Page: 345

At 8:30 O'clock a.m.

STEVE DRUCKENMILLER  
Linn County Clerk

By [Signature], Deputy

*City of Albany*  
*Box 490*  
*Albany 97321*

30

Resolution No. 3012

Recorded Documents Recorder Files No.

Lyon Associates 2015

Cooley 2016