

RESOLUTION NO. 3244

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

Grantor

Georgia-Pacific Resins, Inc.

Purpose

10-foot wide permanent public utility easement around a water meter and any associated appurtenances located at 2190 Old Salem Road.

DATED this 31st day of March, 1992.



Mayor

ATTEST:



Deputy City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 10th day of January, 1992, by and between Georgia-Pacific Resins, 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 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, undergrowth, 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 10-foot wide permanent utility easement for the purpose of installing and maintaining a water meter, being 5 feet on each side of the following center line as described below, and as shown on the attached EXHIBIT A: Beginning at a point on the east line of that parcel conveyed to Georgia-Pacific Resins, Inc., a Delaware Corporation, and described in Parcel II of that deed recorded in MF Volume 371, Page 122, Linn County Microfilm Records which point is 1784.86 feet South 1° 30' East, 1208.94 feet South 88° 30' 30" West and 839.84 feet North 26° 23' 56" East of the northeast corner of the Exum Powell Donation Land Claim Number 44. Township 10 South, Range 3 West of the Willamette Base and Meridian, Linn County, Oregon; Thence North 63° 36' 04" West 10.16 feet and there terminating; containing 101.6 square feet 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. The Grantors and the City acknowledge that, as of the date of Grantor signature on this easement document, a structure exists on the public

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P.O. Box 490, Albany, OR 97321

utilities easement described herein. The existing structure is located on the public utility easement as shown on the attached EXHIBIT A. Neither additional permanent structures nor additions to the existing structure may be constructed on the public utilities easement. If the existing structure is removed from its location shown on EXHIBIT A, no permanent structure may be reconstructed in its place.

- 7. Should the City determine that maintenance, repair, or reconstruction of the utilities located under the structure shown in Exhibit A require the removal or alteration of said structure, the City may undertake such removal or alteration as may be needed. In such event, however, the City shall, upon completion of said maintenance, repair, or reconstruction, restore the structure at City expense to its original or better condition.

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

GRANTOR:

Georgia-Pacific Resins, Inc.

By: James R. Taylor *J.R.*
Vice President

By: Joseph K. Bridforth
Assistant Secretary

STATE OF GEORGIA)
County of _____) ss.
City of _____)

The foregoing instrument was acknowledged before me this 6th day of January, 1993, by James R. Taylor, Vice president and Joseph K. Bridforth, Assistant Secretary, of Georgia-Pacific Resins, Inc., a Delaware Corporation, on behalf of the corporation.

Kathleen J. Reed
Notary Public for Georgia

My Commission Expires: _____
Notary Public, Cobb County, Georgia
My Commission Expires April 24, 1994.

CITY OF ALBANY:

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 3244 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 1st day of April, 1993.

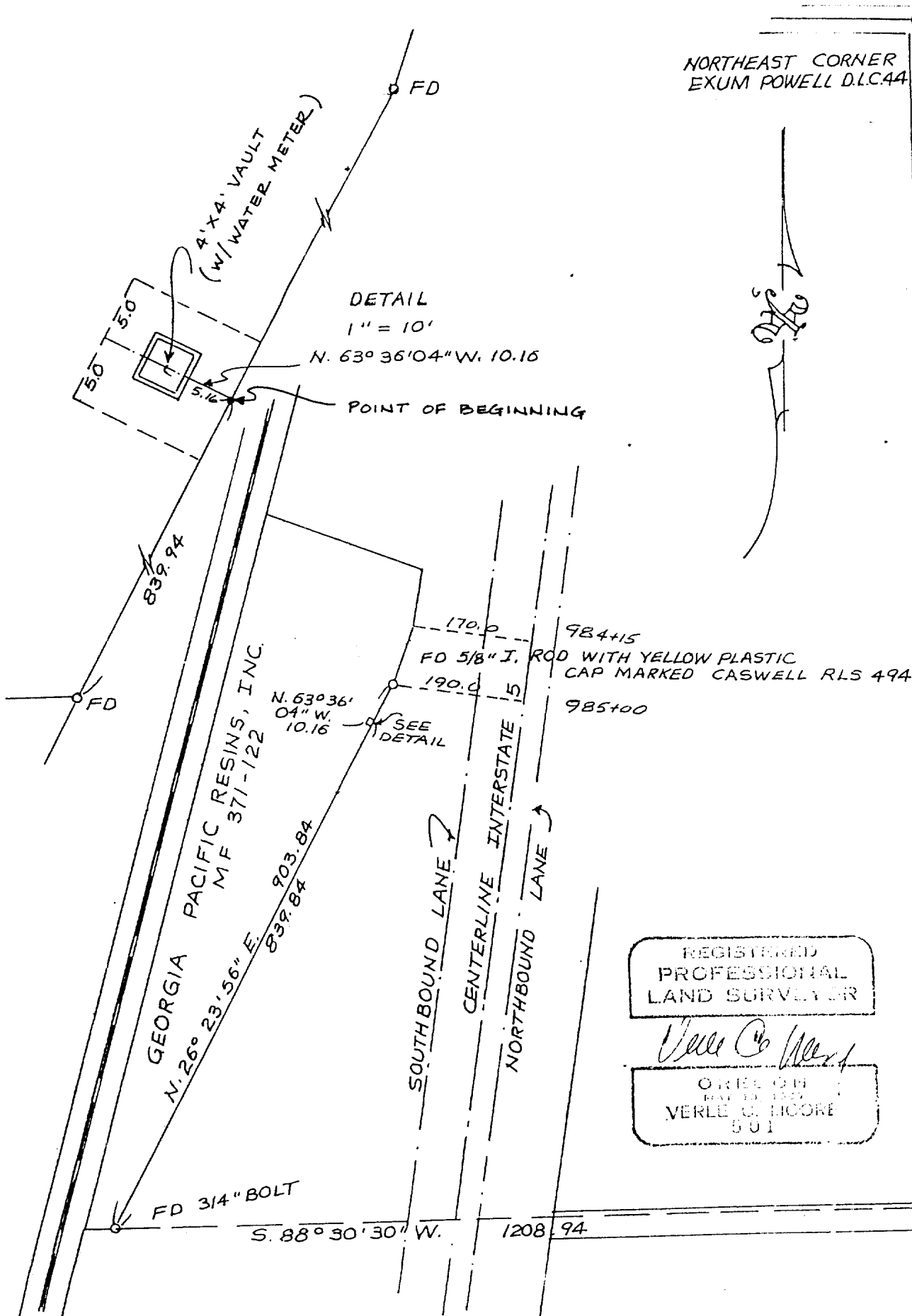
Steve Bryant
City Manager

ATTEST:

Norm C. Withrow
City Recorder (Deputy)

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EXHIBIT A

Scale: 1" = 200'



NORTHEAST CORNER
 EXUM POWELL D.L.C.44

DETAIL
 1" = 10'
 N. 63° 36' 04" W. 10.16

POINT OF BEGINNING

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Verle C. Moore
 OREGON
 MAY 30, 1993
 VERLE C. MOORE
 501

S. 1° 30' E. 1784.86

25

MAY 3 1 45 PM '93

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 MF 639
 Linn County Clerk
 BY *[Signature]* Deputy PAGE 97

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Recorded Document Recorder File No. 2293