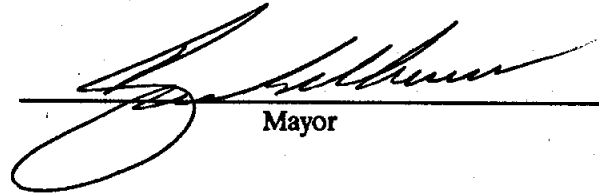


RESOLUTION NO. 3359

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following two (2) permanent public utility easements as listed below for the North Albany Sanitary Sewer Project, SS-90-7:

<u>Grantor</u>	<u>Map & Tax Lot:</u>	<u>Compensation:</u>
Merle E. and Vivian K. Anderson	11-4-1AB, #2201	\$370.00
C & J Investments, Inc.	11-4-1AD, #202	717.87

DATED this 25th day of May, 1994.



Mayor

ATTEST:



Deputy City Recorder

PERMANENT AND TEMPORARY EASEMENT FOR PUBLIC UTILITIES

The undersigned Grantor(s), hereby bargain, sell, convey, and transfer unto the CITY OF ALBANY, hereinafter called the City, for the consideration of \$370.00 (Three Hundred and Seventy dollars), the following described PERMANENT UTILITY EASEMENT and TEMPORARY CONSTRUCTION EASEMENT and rights-of-way, under, across and over the properties described as follows:

Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

PERMANENT UTILITY EASEMENT

The City, its successors, assigns and authorized agents and contractors, shall have the perpetual right to enter upon the real property described on the attached Exhibit "A", PERMANENT UTILITY EASEMENT, to construct, maintain, and repair public utilities for the purpose of conveying public utilities services over, across, through, and under the lands described above, 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 obstruction interfering with the location and maintenance of the said public utilities.

The PERMANENT UTILITY EASEMENT described herein grants to City and to its successors, assigns, and 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.

Grantor reserves the right to use the PERMANENT UTILITY EASEMENT area for the construction of driveways, paving, landscaping and fill, providing; that Grantor shall not construct or maintain any permanent structures, or interfere with the rights granted herein. After performing any maintenance within the PERMANENT UTILITY EASEMENT after expiration of the project's warranty period (which extends until one year after completion of the entire project), the City shall return the site to that condition which existed prior to said maintenance.

TEMPORARY CONSTRUCTION EASEMENT

The Grantor further conveys to grantee the right to enter upon the real property described on the Attached Exhibit "A", TEMPORARY CONSTRUCTION EASEMENT, for any work required to construct the North Albany Sanitary Sewer Project. Said work includes, but is not limited to, excavation and refilling of ditches and/or trenches, removal of trees, bushes, under-growth, and other obstructions interfering with the required work.

City shall, to the extent reasonably practicable, restore the area disturbed by the exercise of the rights provided by this easement to its original grade.

The Temporary Construction Easement will terminate upon completion of the construction, or on December 31, 1993, whichever occurs earlier.

EXHIBIT "1"
PAGE 1 OF 4

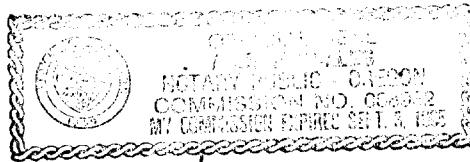
The Grantors do hereby covenant with the City that they are lawfully seized and possessed of the real property herein described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor(s) have hereunto set their hands and seals this 22nd day of Feb, 1993.

Merle E. Anderson
Merle E. Anderson
Merle E. Anderson

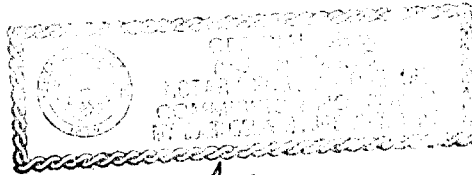
Vivian K. Anderson
Vivian K. Anderson
Vivian K. Anderson

STATE OF OREGON)
County of Benton ;



This instrument was acknowledged before me on February 27, 1993
by Aileen Hiller

STATE OF OREGON)
County of Benton ;



This instrument was acknowledged before me on February 27, 1993
by Aileen Hiller

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3359 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 25th day of May, 1994.

File 94

Steve Bryant
CITY MANAGER

ATTEST:

Norm C. Withrow
CITY RECORDER - Deputy

ALBX0003

North Albany Wastewater
Collection System
Sheet No. 31
October 31, 1991
Amended January 10, 1992

11-4-1AB Tax Lot No. 2201
File No. 94
Benton County Records
Microfilm No. M-62680-76

3EN

PERMANENT UTILITY EASEMENT

A portion of that tract of land conveyed by Deed recorded January 27, 1976 and filed as Microfilm Record M-62680-76, Benton County Records, being within the Northwest 1/4, Northeast 1/4, Section 1, Township 11 South and Range 4 West of the Willamette Meridian in Benton County, State of Oregon, being more particularly described as follows:

The southerly 10.00 feet of said tract.

Containing an area of 2,426 square feet, more or less.

TEMPORARY CONSTRUCTION EASEMENT

A portion of that tract of land conveyed by Deed recorded January 27, 1976 and filed as Microfilm Record M-62680-76, Benton County Records, being within the Northwest 1/4, Northeast 1/4, Section 1, Township 11 South and Range 4 West of the Willamette Meridian in Benton County, State of Oregon, being more particularly described as follows:

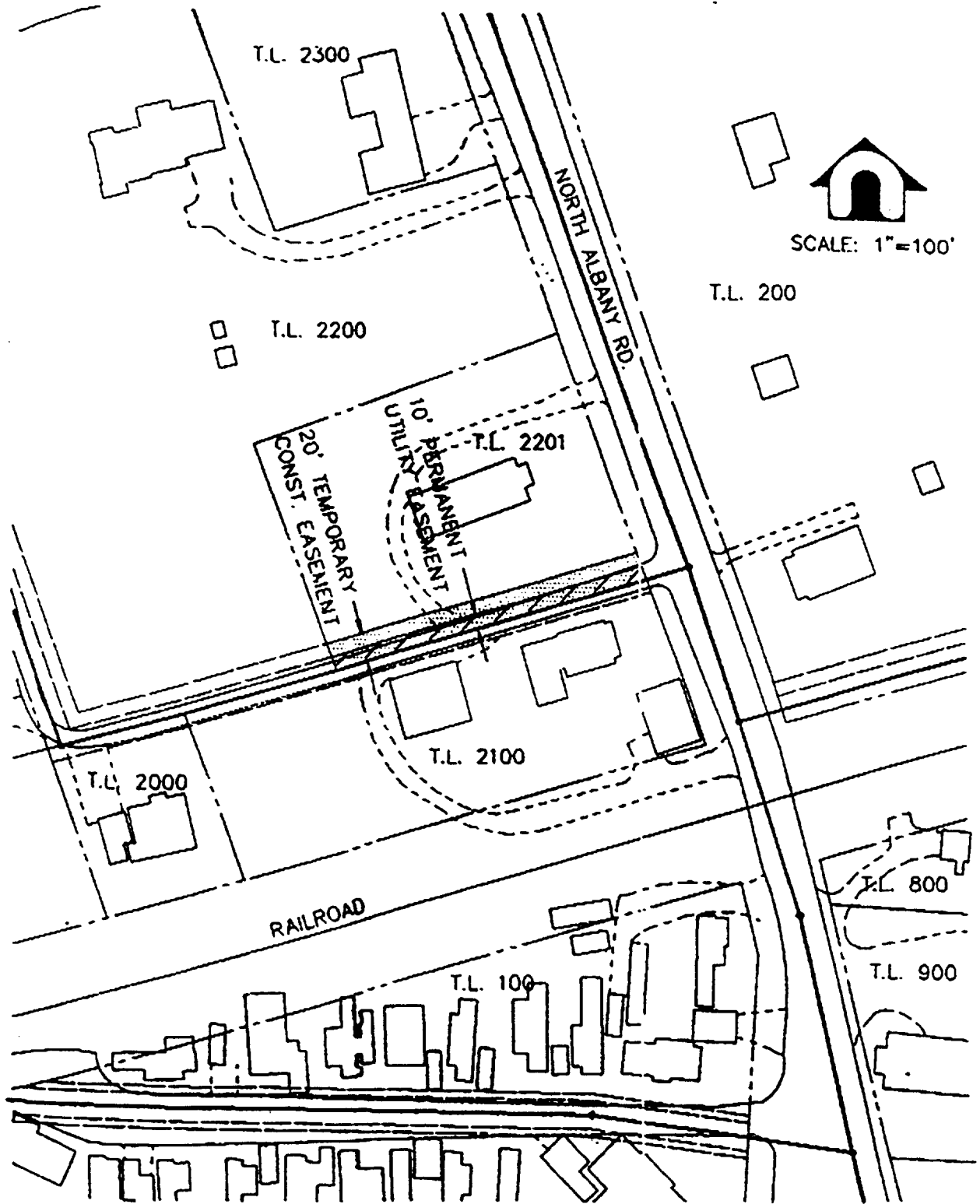
The southerly 20.00 feet of said tract.

Containing an area of 4,851 square feet, more or less.


Gary R. Anderson P.L.S. 2434
January 10, 1992

DAVID EVANS AND ASSOCIATES, INC.
ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS, SCIENTISTS
OFFICES IN OREGON, WASHINGTON AND CALIFORNIA
2828 S.W. CORBETT AVENUE
PORTLAND, OREGON 97201-4830
(503) 223-6663 FAX (503) 223-2701

EXHIBIT " 1 "
PAGE 3 OF 4



DAVID EVANS AND ASSOCIATES, INC.
 2200 S.V. CORBETT AVENUE
 PORTLAND, OREGON 97201-3002
 (503) 623-0003

PROJECT	N. ALBANY WASTEWATER COLLECTION					
TITLE	EXHIBIT MAP FOR EASEMENT DESCRIPTION					
RE:	TAX LOT 11-4-1AB-2201 FILE 94					
FILE	DRAWN BY	DESIGNED BY	SCALE	DATE		
ALEX0003	GEM	GRA	1"=100'	1-27-82		

EXHIBIT " 1 "

PAGE 4 OF 4

M187436-94

EASEMENT FOR PUBLIC UTILITIES

Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

THIS AGREEMENT, made and entered into this 28TH day of JUNE, 1993, by and between John Shaeffer and Claude F. Breshears, Jr., dba C & J Investments, Inc., f/k/a Land Dee, Inc., and Oregon Corporation, 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:

PERMANENT UTILITY EASEMENT: A portion of that tract of land conveyed as Parcel II by Deed recorded June 11, 1981 and filed as Microfilm Record M-29051-81, Benton County Deed Records, being within the Southeast 1/4, Northeast 1/4, Section 1, Township 11 South and Range 4 West of the Willamette Meridian in Benton County, State of Oregon, being more particularly described as follows:

A 20.00 foot strip of land lying north of and adjacent to the north line of the A. M. Rainwater D. L. C. No. 61, said strip being the southerly 20.00 feet of the most easterly 181.00 feet of said tract.

Containing an area of 3,620 square feet, more or less.

TEMPORARY CONSTRUCTION EASEMENT: A portion of that tract of land conveyed as Parcel II by Deed recorded June 11, 1981 and filed as Microfilm Record M-29051-81, Benton County Deed Records, being within the Southeast 1/4, Northeast 1/4, Section 1, Township 11 South and Range 4 West of the Willamette Meridian in Benton County, State of Oregon, being more particularly described as follows:

A 30.00 foot strip of land lying north of and adjacent to the north line of the A. M. Rainwater D. L. C. No. 61, said strip being the southerly 30.00 feet of the most easterly 191.00 feet of said tract.

Containing an area of 7,730 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.

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 \$717.87 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.

GRANTOR:

C & J Investments, Inc.

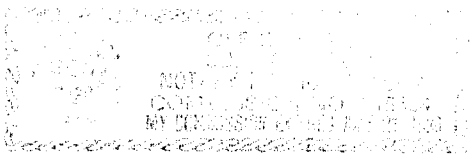
By: *John Shaeffer*
John Shaeffer

By: *Claude F. Breshears, Jr.*
Claude F. Breshears, Jr.

STATE OF OREGON)
County of LINN) ss.
City of ALBANY)

Personally appeared the above-named John Shaeffer and acknowledged the foregoing instrument to be his voluntary act and deed. Before me this 28TH day of JUNE, 1993.

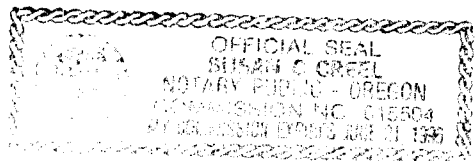
Susan C. Greel
Notary Public for Oregon
My Commission Expires: 6-21-96



STATE OF OREGON)
County of LINN) ss.
City of ALBANY)

Personally appeared the above-named Claude F. Breshears, Jr. and acknowledged the foregoing instrument to be his voluntary act and deed. Before me this 28TH day of JUNE, 1993.

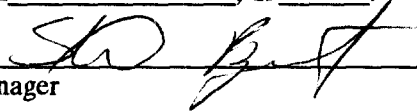
Susan C. Greel
Notary Public for Oregon
My Commission Expires: 6-21-96



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 3359 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 25th day of June, 19 94.



City Manager

ATTEST:



City Recorder - Deputy

SOUTHERN PACIFIC

800
3.47Ac

202
3.65Ac.

PARCEL II
M-29051, BCDR

See CS. 3226

30' TEMPORARY
SEWER EASEMENT



N 86°W 29.10ch
S 86°E 43.34ch from
SW Cor of D.L.C. No. 37

9.174ch = 688.42'

600
0.25Ac.

20' PERMANENT
SEWER EASEMENT

NE COR.
DLC 39

NE Cor
A.M. Rainwater
D.L.C. 61

NORTH
1" = 100'

700
1.28 Ac

500
0.25Ac.

400
0.26Ac.

300
0.72Ac.

203
2.00Ac.

PEACOCK LANE (PVT)

ESTATE

LANE

(PVT)

2.114ch = 139.26'

2.174ch = 142.45'

N 86°E 6.06ch = 399.99'

S 86°W 6.06ch = 399.99'

2.114ch = 139.26'

2.174ch = 142.40'

302.97'

700.00'

208.50'

S 86°00'00"E

300'

703.45'

S 89°E
1.927ch
N 85°48'45"W
0.720ch
1.44.80'

NORTH 6.962 ch = 455.56'

NORTH 11.285

322.00'

N 86°W

STATE OF OREGON }
County of Benton } ss. 177238

I hereby certify that the within instrument
was received for record.

'94 JUL 22 PM 1 08

AND
ASSIGNED No 187436 1994

In the microfilm records of said county
Witness My Hand and Seal of County Affixed

DANIEL G. BURK
Director Of Records & Elections

30- By  Deputy

Resolution No. 3359

Recorded Document Recorder Files No.

2473 Anderson

2472 C & J Investments