

RESOLUTION NO. 3471

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

Grantor

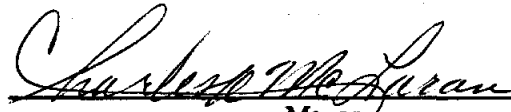
Roger H. Reid Trust

Purpose

a permanent public utility easement across that property located at 1835 SW Pacific Boulevard (SI-94-22)

DATED this 8th day of February, 1995.





Mayor

ATTEST:



Deputy City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 31st day of Jan., 1995, by and between Roger H. Reid Trust, 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 public utility easement across that tract conveyed to Grantors by deed recorded in Volume 721, Page 498, Linn County Microfilm Deed Records, said easements being more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at the northeast corner of the South half of Lot 6, John Millard's Plat in Section 7, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence South 88° 30' 30" West 206.00 feet to a 5/8-inch iron rod; thence along the east right-of-way line of U. S. Highway 99E (Pacific Blvd.) North 30° 06' 14" East 35.50 feet to a 1/2-inch iron rod; thence South 64° 55' 48" East 347.84 feet to a 1/2-inch iron rod at the southeast corner of said Volume 721, Page 498, said point being the TRUE POINT OF BEGINNING; and running thence North 64° 55' 48" West 27.08 feet; thence North 08° 58' 30" West 219.51 feet; thence South 81° 01' 13" West 10.86 feet; thence North 08° 58' 30" West 14.98 feet; thence North 81° 01' 30" East 10.86 feet; thence North 08° 58' 30" West 18.47 feet; thence North 81° 01' 13" East 22.44 feet; thence South 08° 58' 30" East 268.13 feet to the TRUE POINT OF BEGINNING.

Containing 6009 square feet of land, 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.

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

GRANTOR:

[Signature]
Trustee
Roger H. Reid
[Signature]
Trustee
R. Forrest Reid

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 3471, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 8th day of February, 1995.

[Signature]
City Manager

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

The foregoing instrument was acknowledged before me this 31st day of Jan., 1995, by Roger H. Reid and R. Forrest Reid, Trustees for the Roger H. Reid Trust, as their voluntary act and deed.

[Signature]
Notary Public for Oregon

ATTEST:

[Signature]
City Recorder (Deputy)

My Commission Expires: 04/18/98



S. PACIFIC BLVD. (U.S. HWY. 99E)

ROGER H. REID TRUST
MF 721 - 498

35.50' N 30° 06' 14" E, &
206.00' S 88° 30' 30" W
FROM NE CORNER OF THE
SOUTH 1/2 OF LOT 6
JOHN MILLARD'S PLAT
Sec. 7, T11S, R3W, WM

320.76'
SOUTH 64° 55' 48" EAST

10.86'
14.98'
10.86'
N 81° 01' 13" E
22.44'

N 08° 58' 30" W, 219.51'
S 08° 58' 30" E, 268.13'

ALBANY SANTIAM CANAL

TRUE POINT
OF BEGINNING

SCALE: 1" = 60'

CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION JANUARY 1995

EXHIBIT A:

PUBLIC UTILITY EASEMENT
FROM THE ROGER H. REID TRUST
TO THE CITY OF ALBANY, OREGON

VOL 0735 PAGE 914

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
Linn County Clerk

By Steve Druckenmiller, Deputy

M
R 75
S 10
A
O
MF 735
911

8:30 O'clock a.m. 25

FEB 14 1995

PAGE

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Recorded Document Recorder File No. 2573