

RESOLUTION NO. 3518

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

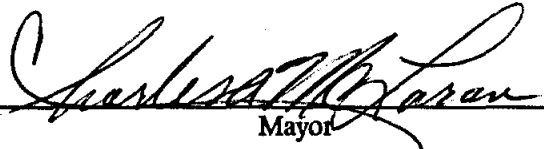
Grantor

Gary, Jodie, Gordon, Eldith Redfield

Purpose

Permanent public utility easement (48 feet wide) for water and sewer at 2151 Three Lakes Road S.E.

DATED this 24th day of May, 1995.



Mayor

ATTEST:



Deputy City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 6th day of APRIL, 1995, by and between Gary Redfield and Jodi Redfield, and Gordon Redfield and Edith Redfield, 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 public utility easements across portions of that tract conveyed to Gary Redfield and Jodi Redfield, husband and wife as tenants by the entirety as to an undivided 3/4 percent interest, and Gordon Redfield and Edith Redfield, husband and wife as tenants by the entirety as to an undivided 1/4 percent interest, by deed recorded in Volume 600, Page 006, Linn County Microfilm Deed Records, the centerlines being more particularly described as follows and as shown on the attached map labeled Exhibit A:

TRACT A: Beginning at a point being 13.75 chains West and 3274.29 feet North 00° 17' East and 147.00 feet South 89° 43' 00" East from the southeast corner of the west half of the Edward N. White Donation Land Claim No. 48, located within the southeast quarter of Section 9, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; and running thence South 00° 17' West 729.00 feet, said line being the centerline of a 48.00 foot wide easement.

Containing 0.803 acre of land, more or less.

TRACT B: Beginning at a point being 13.75 chains West and 3255.29 feet North 00° 17' East and 361.00 feet South 89° 43' 00" East from the southeast corner of the west half of the Edward N. White Donation Land Claim No. 48, said Section, Township, and Range; and running thence South 00° 17' West 710.00 feet, said line being the centerline of a 48.00 foot wide easement.

Containing 0.782 acre of land, more or less.

TRACT C: Beginning at a point being 13.75 chains West and 2801.29 feet North 00° 17' East and 30.00 feet South 89° 43' 00" East from the southeast corner of the west half of the Edward N. White Donation Land Claim No. 48, said Section, Township, and Range; and running thence South 89° 43' 00" East 93.00 feet, said line being the centerline of a 60.00 foot wide easement.

Containing 0.128 acre of land, more or less.

TRACT D: Beginning at a point being 13.75 chains West and 2633.29 feet North 00° 17' East and 171.00 feet South 89° 43' 00" East from the southeast corner of the west half of the Edward N. White Donation Land Claim No. 48, said Section, Township, and Range; and running thence South 89° 43' 00" East 166.00 feet, said line being the centerline of a 48.00 foot wide easement.

Containing 0.183 acre of land, more or less.

TRACT E: Beginning at a point being 13.75 chains West and 2963.29 feet North 00° 17' East and 171.00 feet South 89° 43' 00" East from the southeast corner of the west half of the Edward N. White Donation Land Claim No. 48, said Section, Township, and Range; and running thence South 89° 43' 00" East 166.00 feet, said line being the centerline of a 48.00 foot wide easement.

Containing 0.183 acre of land, more or less.

TRACT F: Beginning at a point being 13.75 chains West and 2792.29 feet North 00° 17' East and 385.00 feet South 89° 43' 00" East from the southeast corner of the west half of the Edward N. White Donation Land Claim No. 48, said Section, Township, and Range; and running thence South 89° 43' 00" East 166.00 feet, said line being the centerline of a 48.00 foot wide easement.

Containing 0.183 acre of land, more or less.

TRACT G: Beginning at a point being 13.75 chains West and 3194.29 feet North 00° 17' East and 575.00 feet South 89° 43' 00" East from the southeast corner of the west half of the Edward N. White Donation Land Claim No. 48, located within the southeast quarter of Section 9, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; and running thence South 00° 17' West 480.00 feet, said line being the centerline of a 48.00 foot wide easement.

Containing 0.529 acre of land, more or less.

TRACT H: Beginning at a point being 13.75 chains West and 3139.29 feet North 00° 17' East and 789.00 feet South 89° 43' 00" East from the southeast corner of the west half of the Edward N. White Donation Land Claim No. 48, located within the southeast quarter of Section 9, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; and running thence South 00° 17' West 425.00 feet, said line being the centerline of a 48.00 foot wide easement.

Containing 0.468 acre of land, more or less.

TRACT I: Beginning at a point being 13.75 chains West and 2792.29 feet North 00° 17' East and 599.00 feet South 89° 43' 00" East from the southeast corner of the west half of the Edward N. White Donation Land Claim No. 48, said Section, Township, and Range; and running thence South 89° 43' 00" East 166.00 feet, said line being the centerline of a 48.00 foot wide easement.

Containing 0.183 acre 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.

GRANTOR:

Gary Redfield
Gary Redfield

Gordon Redfield
Gordon Redfield

Jodi Redfield
Jodi Redfield

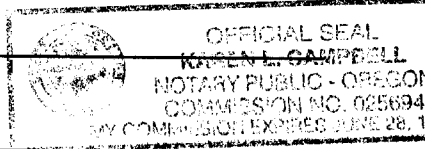
Edith Redfield
Edith Redfield

STATE OF OREGON)
County of _____) ss.
City of Salem)

The foregoing instrument was acknowledged before me this 6 day of April, 1995, by Gary Redfield as his voluntary act and deed.

Karen L. Campbell
Notary Public for Oregon

My Commission Expires: 06-28-97

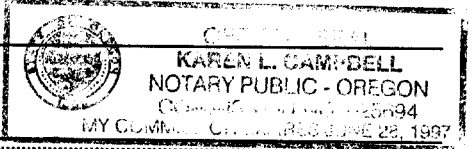


STATE OF OREGON)
County of Marion) ss.
City of Salem)

The foregoing instrument was acknowledged before me this 6 day of April, 1995, by Jodi Redfield as her voluntary act and deed.

Karen L. Campbell
Notary Public for Oregon

My Commission Expires: 06-28-97

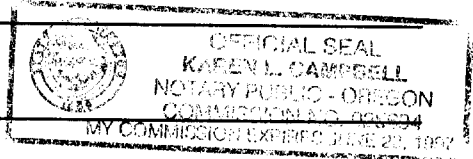


STATE OF OREGON)
County of Marion) ss.
City of Salem)

The foregoing instrument was acknowledged before me this 6 day of April, 1995, by Gordon Redfield as his voluntary act and deed.

Karen L. Campbell
Notary Public for Oregon

My Commission Expires: 06-28-97



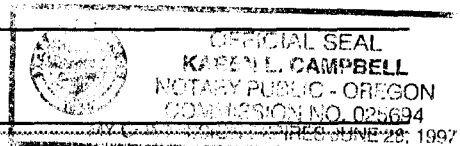
STATE OF OREGON)
County of Marion) ss.
City of Salem)

The foregoing instrument was acknowledged before me this 6 day of April, 1995, by Edith Redfield as her voluntary act and deed.

Karen L. Campbell

Notary Public for Oregon

My Commission Expires: 6-28-97



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 3518, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 24th day of May, 1995.

Steve Bryant

City Manager

ATTEST:

Norm C. Withers

City Recorder (Deputy)

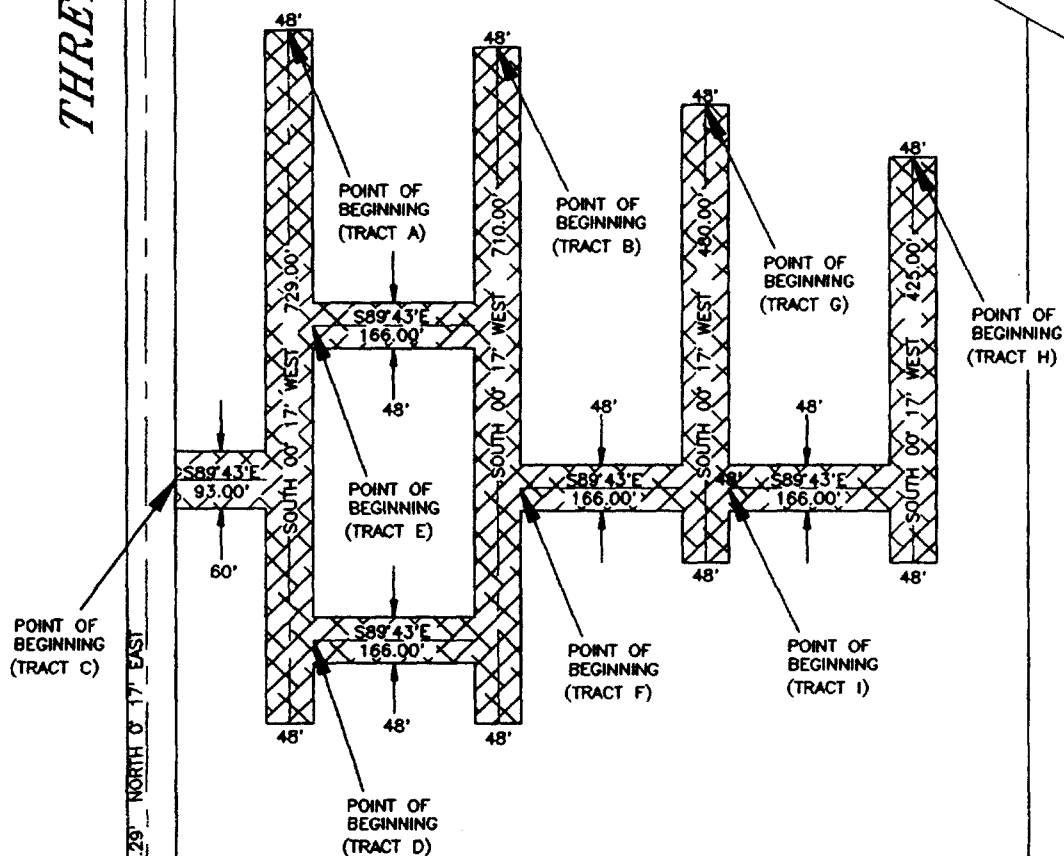


18th AVE

THREE LAKES ROAD

SPICER

SCALE: 1" = 200'



REDFIELD
MF 600-006

SE Corner
West Half
Edward N. White
DLC No. 48

13.75 CHAINS WEST

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

EXHIBIT A:
PUBLIC UTILITY EASEMENTS
FROM REDFIELDS TO THE
CITY OF ALBANY

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 RV, Deputy

M
R 25
S 10

A
O

MF 750

PAGE 729

Jun 7 10 16 AM '95

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Resolution No. 3518

Recorded Document Recorder File No. 2610