DECAL	TITTO	NO	3528
RESOL	<b>UTION</b>	NO.	3528

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

### Grantor

Marvin Lindberg and Marsha (Grill) Lindberg

### **Purpose**

A permanent public utility easement across that property in Linn County Deed Reference MF Volume 664, Pg. 478.

DATED this 28th day of June 1995.

Jarler A Herri ran

ATTEST:

Deputy City Recorder

## VOI 0754 PAGE 34

#### EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 14 day of 1995, by and between Marvin Lindberg and Marsha (Grill) Lindberg, 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 20 foot wide permanent public utility easement across the property in Linn County Deed Reference MF Vol. 664, Pg. 478, more particularly described as follows and as shown on the attached map labelled exhibit "A".

Beginning at a point, said point being a 5/8 inch iron rod on the Westerly right-of-way of U.S. Highway 99 East, said point is also North 06°30'39" West 297.07 feet from the Northeast corner of the Robert E. Harmon DLC No. 77; thence South 88°34'49" West 321.0 to its terminus point. The granted 20 foot wide easement is centered on the 321.00 foot easement line, 10 feet on either side.

The permanent public utility easement contains 6,420.00 square feet.

- 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:	CITY OF ALBANY:
Marvie D. Julla	
Marvin D. Lindberg	STATE OF OREGON )
and the second	County of Linn ) ss.
Secretaria Contestante	City of Albany )
Marsha (Grill) Lindberg	<del></del>
Marsha (Qini) Linaverg	I, Steve Bryant as City Manager of the City of Albany,
STATE OF OREGON )	Oregon, pursuant to Resolution Number 3528
County of Linn ) ss.	do hereby accept on behalf of the City of Albany, the
City of Albany )	above instrument pursuant to the terms thereof this _
(City of 1 20 mg)	28th day of
The foregoing instrument was acknowledged before me	June 1995.
this 14 day of Jume, 1995, by Marvin D. Lindberg	
and Marsha (Grill) Lindberg as his/her/their voluntary	-n
act and deed.	->W 3/1
	City Manager
Candin & Shilling	
Notary Public for Oregon	ATTEST:
0 5 .001	
My Commission Expires: Usq 8, 1997	<b>-</b> , .
. — —	Non Culth
	- MOIM (. WILLIAM
Lindham and Marketine	City Recorder (Ospeta)
OFFICIAL SEAL	
CAROLÝN A PHILLIPS  LA-03-95  NOTARY PUBLIC - OREGON	1,DAII>
N ( COMMISSION NO. 026890 Q	
MY COMMISSION EXPIRES AUG. B. 1997	
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-FD. 3' BRASS CAP IN CURB MARKED '37.50RT 541+45 P.T. 541+45 P. HUTCHINS D.L.C. NO.85 KSV CORNER D.L.C. NO. 85> PER C.S.20779 LEGENG: (N89°31'16'E 830.96') C.S.20779 (1677.72 -SE CORNER C.S.20779 D.L.C. NO.85 SOUTH LINE D.L.C. NO.85 OLD R/V LINE-~(11,2' D.L.C. COR. TO DLD R/V) NEV 12,582 AC± DLD 13.60 AC± ADJ. 1.018 AC± EXISTING 376. HOUSE CHARTY LINDBERG LOTLINE FD, 3/4' BOLT C.S.3562 [N89"42'43"V 290.41'] CALL PER C.S.14996- $\circ$ 36 N88\*34 49 E 351.24 -POINT OF-4996 L\_ \_20' PUBLIC UTILITY EASEMENT BEGINNING LOTLINE AC 0754 PAGE 100. (\$89\*54'E 290.75')C.\$.14996 آم ا 8'V 298.64' W 298.76') C NEV 1.676 AC± LUTLINES DLD 0.658 AC± لى ADJ. 1.018 AC± FD. 3" BRASS CAP IN CURB MARKED (\$89\*54'E 290.75')C.S.149\$\$+P2.16\_P. 207 15 DF 05'28' '37.35'RT-555+22.16P.C.' R= 19.054.60' P.T.-P.C. VEST R/V R= 19,054.60' A = 0.09'37' L.C.=N1 00'59'V \( \Delta = 0'35'17' L.C.=N0°48'41'V 53.34' N89\*38'07'V 287.11' 195.384 (\$89\*37'32'E 290.51')C.S.14996 @ N1\*05'49"W 141.66' (E TO OLD R/V) FD. 5/8' I.R. YELLOW CAP C.S.501 (1677.72) C.S.2077 FD. P.K. NAIL N89\*38'07'V 315.25' NE CORNER OF [491.47'] (N89\*37'32'V 315.12')C.S.14996 RUBERT E. HARMON D.L.C. NO.77 FD. 5/8' I.R. N89\*37'37"W YELLOV CAP FD. 1/2" I.R--(SE CORNER 64.17 C.S.501 LINN CO. CAPL.S. 431 (28.48-17.99P. TA FD. 3" BRASS CAP D.L.C. NO. 83> OFFSET TO D.L.C. CORNER> .42' IN CURB MARKED PER C.S.20779 EAST OF R/V ON D.L.C. LINE '37.50' RT-557+17.99 P.T. HARMON D.L.C. NO.77

CITY OF ALBANY, PUBLIC YORKS DEPARTMENT ENGINEERING/UTILITIES DIVISION

IN THE NEI/4 OF SEC. 84, T.11S., R.4V., V.M. CITY OF ALBANY, LINN COUNTY, DREGON SCALE: 1' = 100' JANUARY 12, 1995

- MONUMENT FOUND AS NOTED
  - MONUMENT SET 5/8" x 30 " IRON ROD WITH RED PLASTIC CAP STAMPED JIM UDELL RLS 1366
  - ( ) DATA OF RECORD REFERENCES: COUNTY SURVEYS; 3542, 14996 19800, 20779, AND 21089
  - [ ] CALCULATED DATA

DEED REFERENCE: LINN COUNTY MICROFILM VOL. 664, PG. 479

SURVEY REFERENCE: LINN COUNTY SURVEY NO. 21180

REGISTERED **PROFESSIONAL** LAND SURVEYOR

1266 8 07E JAMES F. UDELL EMEDIEERING & SURREYING 32388 BERLIN ROAD LEBANON, OREGON

UDELLI

97355 PH. (503) 451-5125

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

MF 754

By A Deputy PAGE 34

Jun 29 3 54 PM '95

## Resolution No. 3528

# Recorded Document Recorder File No. 2612