

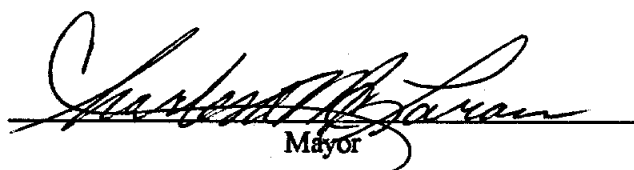
RESOLUTION NO. 3660

BE IT RESOLVED BY THE ALBANY CITY COUNCIL THAT IT DOES HEREBY ACCEPT THE FOLLOWING EASEMENT:

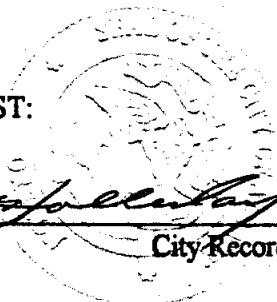
Grantor  
Pacific Park Condominiums

Purpose  
A permanent utility easement, 23.32 feet in width, across that property in Linn County Deed Records, Volume 287, Page 327.

DATED THIS 26TH DAY OF JUNE 1996.

  
\_\_\_\_\_  
Mayor

ATTEST:



  
\_\_\_\_\_  
City Recorder

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## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 5<sup>th</sup> Day of <sup>June,</sup> 1996, by and between **Pacific Park Condominiums**, 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 23.32-foot wide permanent utility easement across that property conveyed to Pacific Park Condominiums in Volume 287, Page 327, Linn County Deed Records, more particularly described as follows and as shown on the attached map labeled EXHIBIT A:

Beginning at the Northeast corner of that parcel described in Volume 287, Page 327, Linn County Microfilm Records, said corner is 171.50 feet South 89° 34' East and 204.29 feet North 0° 31' 45" West from a 2"x 30" galvanized iron pipe driven 6 inches below the surface of the ground, said pipe is 241 feet North 0° 26' East 86.29 feet North 89° 36' West, and 370.48 feet North 0° 26" East of the Southeast corner of Lot 7, Block 4 of FIR OAKS FOURTH ADDITION to Albany, Linn County, Oregon; thence South 0° 31' 45" West 121.72 feet; thence on a 49-foot radius curve right 25.4 feet, the chord of which bears South 68° 38' East 25.13 feet; thence North 0° 31' 45" East 131.05 feet; thence South 89° 34' East 23.32 feet to the point of beginning.

Containing 0.12 acres of land, more or less. The basis of bearings of the above described parcel is Linn County Survey No. 17709.

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:**

Pacific Park Condominiums

By: Greg Hope  
President

By: Mary Eusterman  
Secretary

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

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of June, 1996, by Greg Hope, president, and by Mary Eusterman, secretary, of Pacific Park Condominiums, an Oregon corporation, on behalf of the corporation.

Theresa Dean  
Notary Public for Oregon

My Commission Expires: 10-12-99

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**CITY OF ALBANY:**

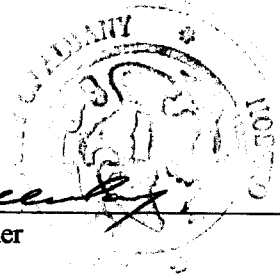
STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

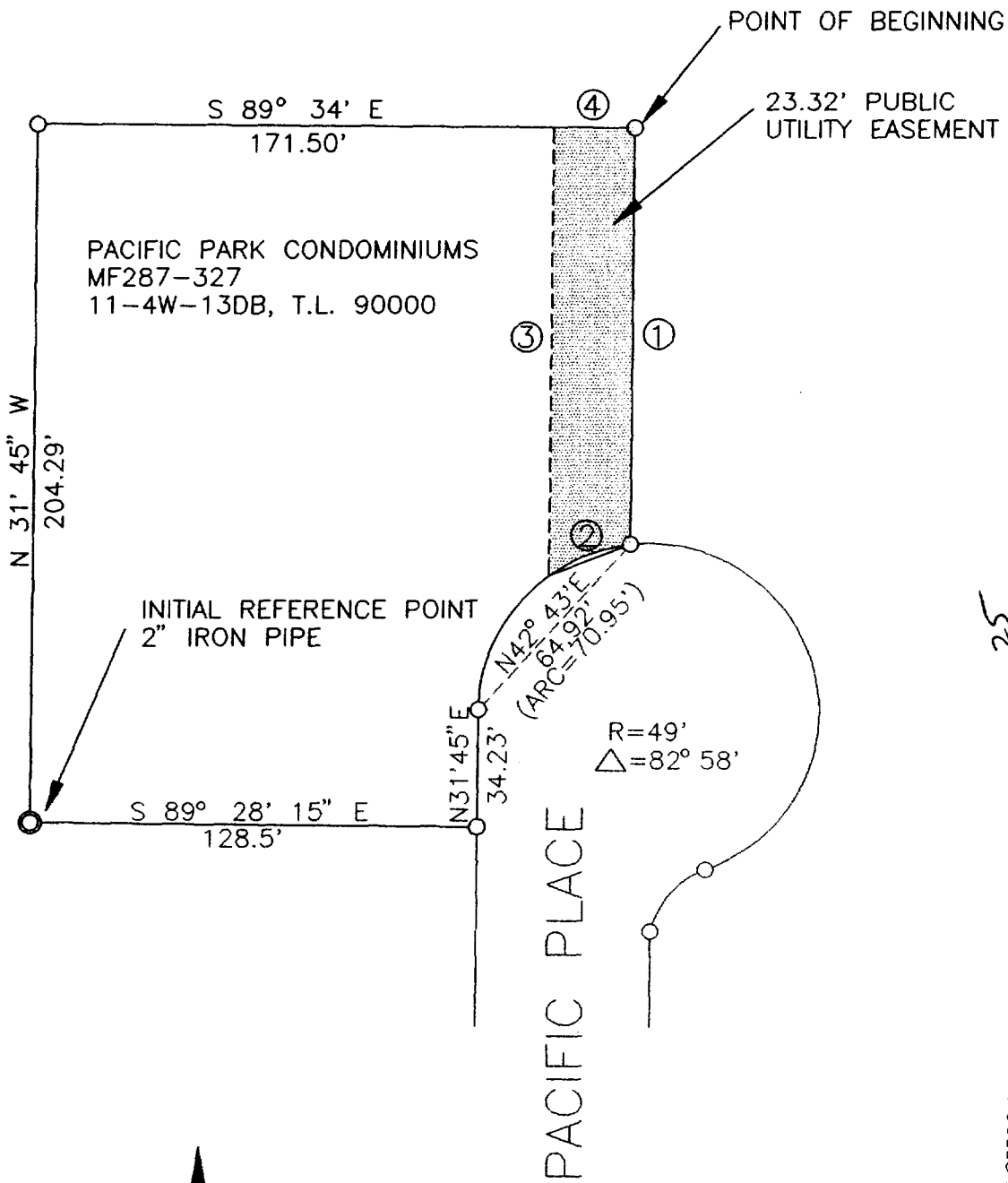
I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3660 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27<sup>th</sup> day of June, 1996.

Steve Bryant  
City Manager

ATTEST:

[Signature]  
City Recorder





SCALE: 1" = 50'  
BASIS OF BEARINGS = C.S. 17709

- ① S 0° 31' 45" W, 121.72'
- ② S 68° 38' W, 25.13'
- ③ N 0° 31' 45" E, 131.05'
- ④ S 89° 34' E, 23.32'

25  
JUL 8 2 40 PM '96

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 813  
Linn County Clerk

By *[Signature]* Deputy PAGE 336

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

EXHIBIT A:

23.32' PUBLIC UTILITY EASEMENT  
FROM PACIFIC PARK CONDOMINIUMS  
TO THE CITY OF ALBANY, OREGON

Resolution No. 3660

Recorded Document Recorder File No. 2796