

RESOLUTION NO. 3710

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

State of Oregon, by and through its Department of Transportation.

Purpose

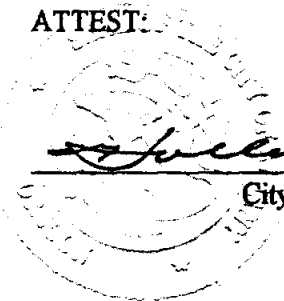
Public Utility Easements Granted by the State of Oregon by through its Department of Transportation to the City of Albany, Oregon.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED THIS 6TH DAY OF NOVEMBER 1996.


Mayor

ATTEST:





City Recorder

CORRECTION EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 6 day of November, 1996, by and between State of Oregon, by and through its Department of Transportation, 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 easement to relocate, construct, and maintain water, sanitary sewer, storm sewer, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, through, and across the herein described Parcel 1 and a permanent easement to relocate, construct, and maintain a water line upon, over, through, and across the herein described Parcel 2, said property described as follows:

Parcel 1 - Permanent Easement for Water, Sanitary Sewer, Storm Sewer, Gas, Electric, and Communication Service Lines, Fixtures and Facilities

A parcel of land lying in the N1/2 of Section 9, Township 11 South, Range 3 West, W.M., Linn County, Oregon and being a portion of that property described in that deed to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded August 13, 1993 in MF Volume 652, Page 872 of Linn County Records; the said parcel being that portion of the Westerly 30 feet of said property lying Northerly of East Commercial Way.

The parcel of land to which this description applies contains 5,255 square feet, more or less.

Parcel 2 - Permanent Easement for Waterline

A parcel of land lying in the N1/2 of Section 9, and in N1/2 of Section 10, Township 11 South, Range 3 West, W.M., Linn County, Oregon and being a portion of that property described in that deed to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded August 13, 1993 in MF 652, Page 872 and a portion of that property described in that deed to the State of Oregon - Department of Transportation, recorded November 23, 1993 in MF Volume 668, Page 507, both of Linn County Records; the said parcel being that portion of said property included in a strip of land of variable width. Described as 15 feet in width, 7.5 feet on each side of the "E" center line beginning at Station "E" 0+00, thence beginning at Station "E" 9+37.38, 12.5 feet in width, 7.5 feet on the north side of the "E" center line and 5 feet on the south side of the "E" center line, which center line is described as follows:

Beginning at Engineer's center line Station "E" 0+00, said station being 366.29 feet North and 909.49 feet West of the Southeast corner of said property described in said State of Oregon deed, recorded in MF Volume 652, Page 872; thence North 89° 16' 38" East 657.37 feet; thence North 44° 16' 38" East 93.60 feet; thence North 89° 58' 59" East 366.41 feet to the Engineers centerline Station "E" 11+17.38.

EXCEPT therefrom Parcel 1.

ALSO EXCEPT therefrom that property described in that deed to the City of Albany, Oregon, recorded March 14, 1995 in MF Volume 739, Page 393 of Linn County Records.

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

The parcel of land to which this description applies contains 15,440 square feet, more or less.

Parcel 3 - Permanent Easement for Waterline

A parcel of land lying in the N1/2 of Section 9, and in N1/2 of Section 10, Township 11 South, Range 3 West, W.M., Linn County, Oregon and being a portion of that property described in that deed to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded August 13, 1993 in MF 652, Page 872 and a portion of that property described in that deed to the State of Oregon - Department of Transportation, recorded November 23, 1993 in MF Volume 668, Page 507, both of Linn County Records; the said parcel being that portion of said property included in a strip of land 15 feet in width, 7.5 feet on each side of the "F" center line, which center line is described as follows:

Beginning at the Engineer's center line Station "E" 1+70.39, said center line as described in Parcel 2, said point also described as center line Station "F" 0+00, thence South 00° 54' 54.6" East 50 feet to the Engineer's center line Station "F" 0+50.

EXCEPT therefrom Parcel 2.

The parcel of land to which this description applies contains 750 square feet, more or less.

Parcel 4 - Permanent Easement for Waterline

A parcel of land lying in the N1/2 of Section 9, and in N1/2 of Section 10, Township 11 South, Range 3 West, W.M., Linn County, Oregon and being a portion of that property described in that deed to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded August 13, 1993 in MF 652, Page 872 and a portion of that property described in that deed to the State of Oregon - Department of Transportation, recorded November 23, 1993 in MF Volume 668, Page 507, both of Linn County Records; the said parcel being that portion of said property included in a strip of land 15 feet in width, 7.5 feet on each side of the "G" center line, which center line is described as follows:

Beginning at the Engineer's center line Station "E" 7+21.99, said center line as described in Parcel 2, said point also described as center line Station "G" 0+00, thence South 46° 01' 30" East 75 feet to the Engineer's center line Station "G" 0+75.

EXCEPT therefrom Parcel 2.

The parcel of land to which this description applies contains 1,125 square feet, more or less.

Parcel 5 - Permanent Public Utility Easement

A parcel of land lying in the N1/2 of Section 9, and in N1/2 of Section 10, Township 11 South, Range 3 West, W.M., Linn County, Oregon and being a portion of that property described in that deed to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded August 13, 1993 in MF 652, Page 872 and a portion of that property described in that deed to the State of Oregon - Department of Transportation, recorded November 23, 1993 in MF Volume 668, Page 507, both of Linn County Records; the said parcel being that portion of said property included in a strip of land 10 feet in width, 5 feet on each side of the "H" center line, which center line is described as follows:

Beginning at Engineer's center line Station "H" 0+00, said station being 375.22 feet North and 888.45 feet west of the Southeast corner of said property described in said State of Oregon deed, recorded in MF Volume 652, Page 872; thence North 89° 58' 51" East 14.58 feet; thence along a 48 foot radius curve (the chord of which bears South 12° 48' 47" East 93.88 feet) 130.59 feet; thence South 19° 34' 41" East 51.67 feet; thence South 89° 57' 59" East 260.08 feet to the Engineer's center line Station "H" 4+56.92.

EXCEPT therefrom Parcel 2.

The parcel of land to which this description applies contains 4,570 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.
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.

IT IS UNDERSTOOD that the easements herein granted do not convey any right, or interest in the above-described property, except for the purposes stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted.

IT IS ALSO UNDERSTOOD that nothing herein contained is intended to create any obligation on the part of the Grantor for the maintenance of said utilities.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

This correction easement is being recorded to correct errors recorded in the easements on MF Volume 797, Page 523 and Page 524 of Linn County Records.

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hands and seals the day and year above written.

GRANTOR:

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION

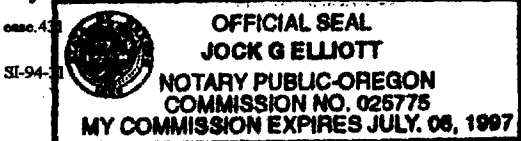
Deolinda G. Jones
Deolinda G. Jones, Right of Way Manager

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

The foregoing instrument was acknowledged before me this 17th day of October 1996 by Deolinda G. Jones, who being sworn, stated that she is the Right of Way Manager for the State of Oregon, Department of Transportation, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to him/her/them. Before me:

Jock G. Elliott
Notary Public for Oregon

My Commission Expires: 7-8-97



CITY OF ALBANY:

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

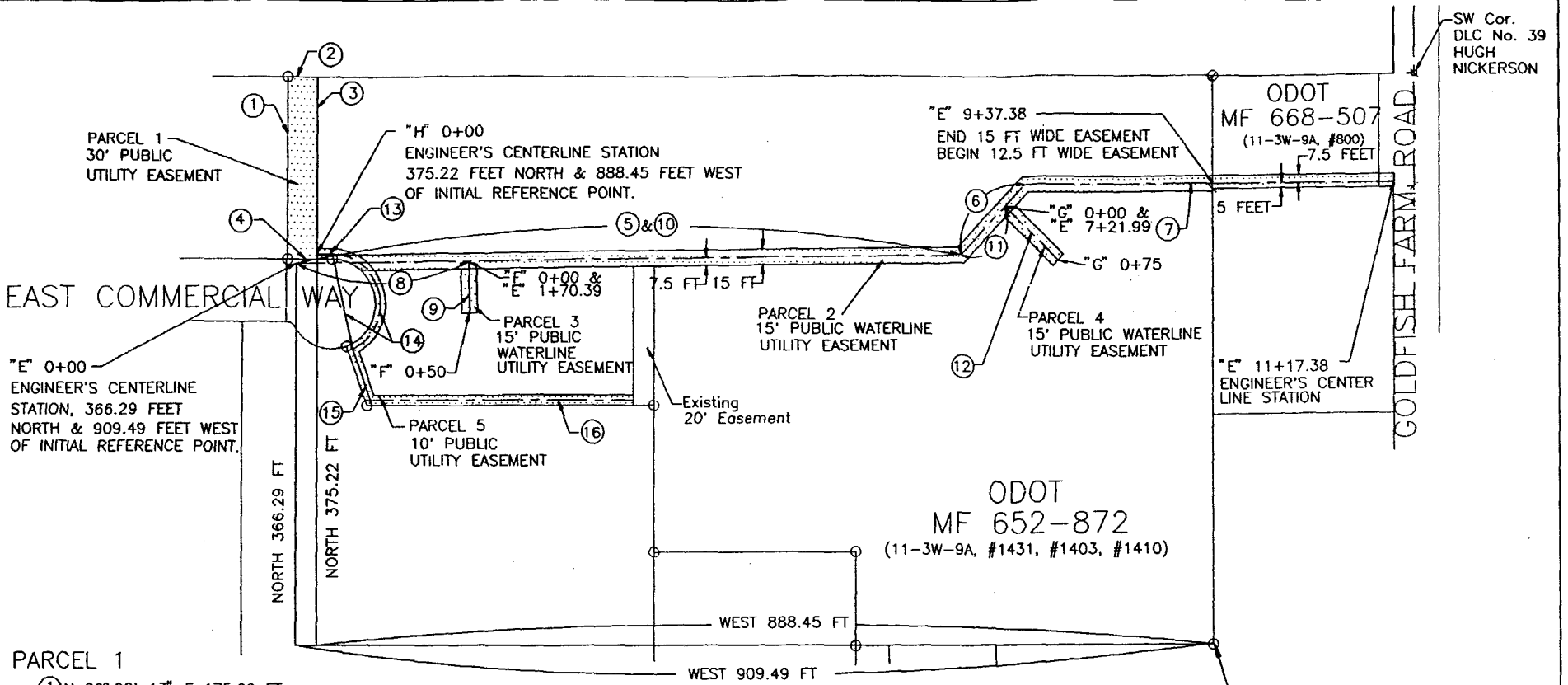
I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3710, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 6th day of

November, 1996

Steve Bryant
City Manager

ATTEST:

[Signature]
City Recorder



SW Cor.
DLC No. 39
HUGH
NICKERSON

"E" 0+00
ENGINEER'S CENTERLINE
STATION, 366.29 FEET
NORTH & 909.49 FEET WEST
OF INITIAL REFERENCE POINT.

"H" 0+00
ENGINEER'S CENTERLINE STATION
375.22 FEET NORTH & 888.45 FEET WEST
OF INITIAL REFERENCE POINT.

"E" 9+37.38
END 15 FT WIDE EASEMENT
BEGIN 12.5 FT WIDE EASEMENT

ODOT
MF 668-507
(11-3W-9A, #800)

"E" 0+00 &
"E" 1+70.39

"G" 0+00 &
"E" 7+21.99

"G" 0+75

"E" 11+17.38
ENGINEER'S CENTER
LINE STATION

ODOT
MF 652-872
(11-3W-9A, #1431, #1403, #1410)

- PARCEL 1
- ① N 00° 00' 13" E, 175.09 FT
 - ② N 89° 59' 00" E, 30 FT
 - ③ S 00° 00' 13" W, 175.09 FT
 - ④ S 89° 59' 00" W, 30 FT

- PARCEL 4
- ⑩ N 89° 16' 38" E, 657.37 FT
 - ⑪ N 44° 16' 38" E, 64.624 FT
 - ⑫ S 46° 01' 30" E, 75 FT

- PARCEL 2
- ⑤ N 89° 16' 38" E, 657.37 FT
 - ⑥ N 44° 16' 38" E, 93.60 FT
 - ⑦ N 89° 58' 59" E, 366.41 FT

- PARCEL 5
- ⑬ N 89° 58' 51" E, 14.58 FT
 - ⑭ 48 FT RADIUS, L=130.59 FT
CHORD S 12° 48' 47" E, 93.88 FT
 - ⑮ S 19° 34' 41" E, 51.67 FT
 - ⑯ S 89° 57' 59" E, 260.08 FT

- PARCEL 3
- ⑧ N 89° 16' 38" E, 170.39 FT
 - ⑨ S 00° 54' 54.6" E, 50 FT

WEST 888.45 FT
WEST 909.49 FT

INITIAL REFERENCE POINT
SOUTHEAST CORNER OF PROPERTY
DESCRIBED IN DEED MF 652-872



SCALE: 1" = 100'
BASIS OF BEARINGS = C.S. 14783

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

EXHIBIT A:
Public Utility Easements
Granted by the State of Oregon, by
through its Department of Transportation
to the City Of Albany, Oregon

STATE OF OREGON
County of Linn

NOV 15 2 53 PM '96

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk

MF 837

By *RW*, Deputy

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Recorded Document Recorder File No. 2847