

RESOLUTION NO. 3802

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Wayne Schmidt

Purpose

Permanent utility easement at the northeast corner of Parcel I of property described in Volume 684, Page 200, Linn County Deed Records.

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

DATED THIS 11TH DAY OF JUNE 1997.


Mayor

ATTEST:




City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 27th day of May, 1997, by and between Wayne Schmidt, herein called Grantor, 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 Grantor has 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 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. A portion of Parcel I of the Partition Plat No. 1996-04 filed as Linn County Survey No. 21457 described as follows, and as shown on the attached map labeled EXHIBIT A :
Beginning at a 5/8 inch iron rod at the northeast corner of Parcel I of that property described in Volume 684, Page 200, Linn County Deed Records, and as shown on Linn County Survey 16812; thence S 85°03'16"E, 36.54 feet to the True Point of Beginning; thence N 4°51'42"E, 45.08 feet; thence N 85°00'11"W, 73.04 feet; thence N 4°51'42"E, 15.00 feet to a point on the south line of that property described in Micro Film Volume 83, Page 754, Linn County Deed Records; thence easterly along said south line and the easterly extension thereof, S 85°00'11"E, 88.04 feet; thence S 4°51'42"W, 60.06 feet; thence N 85°03'16"W, 15.00 feet to the True Point of Beginning.
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 \$430.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does 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.

Return to: City of Albany - Recorder P.O. Box 450, Albany, OR 97321

6. No permanent structure shall be constructed on this easement.

IN WITNESS WHEREOF, the Grantor has hereunto fixed his hand and seal the day and year above written.

GRANTOR:

CITY OF ALBANY:

WAYNE SCHMIDT

STATE OF OREGON)

By: Wayne Schmidt
WAYNE SCHMIDT

County of Linn) ss.

City of Albany)

I, Steve Bryant as City Manger of the City of Albany, Oregon, pursuant to Resolution Number 3802 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 11th day of June, 1997.

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

Steve Bryant
City Manager

The foregoing instrument was acknowledged before me this 27th day of May, 1997, by Wayne Schmidt.

ATTEST:



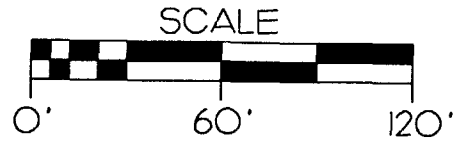
Jennifer Day
City Recorder

Laurel E. Atkinson
Notary Public for Oregon
My Commission Expires: April 17, 2000

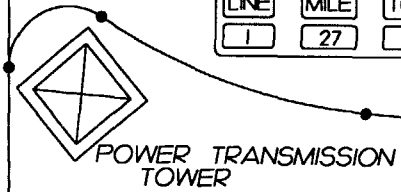
MARION STREET

PAVED PARKING

SNO-TEMP



(SANT)		(ALB)	
LINE	MILE	TOWER	
1	27	1	



POWER TRANSMISSION TOWER

15' NATURAL GAS EASEMENT

N 85°00'11" W
88.04'

N 04°51'42" E
15.00'

N 85°00'11" W
73.04'

S 45°42" E
45.08'

N 04°51'42" E
60.06'

36.54' 5.00'
S 85°03'16" E

NORTH LINE OF 20' SS EASEMENT

SOUTH LINE OF 125' BPA EASEMENT

EXHIBIT "A"

877-816

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 Em, Deputy

M
R
S
A
O

25
Jun 27 2 38 PM '97

MF 877

PAGE 813

Resolution No. 3802

Recorded Document Recorder File No. 2988