

RESOLUTION NO. 3803

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor


Wanda Scheler

Purpose

A public utility easement across that property conveyed to Grantor by deed recorded in Volume 401, Page 921, Linn County Microfilm 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 11th day of June, 1997, by and between WANDA SCHELER, 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 public utility easement across that property conveyed to Grantor by deed recorded in Volume 401, Page 921, Linn County Microfilm Deed Records, being more particularly described as follows and as shown on the attached map labelled exhibit A.

A public utility easement in Section 4 of Township 11 South of Range 3 West of the Willamette Meridian, City of Albany, Linn County, Oregon; across that property described in Linn County Deed reference MF 401-921 described as follows:

Beginning at a 1/2 inch iron rod marking the Southeast corner of said parcel described in Linn County deed reference MF 401-921; thence North 0°30'37" West 225.85 feet along East line of said parcel (mf 401-921); thence South 89°29'23" West 20.00 feet; thence South 0°30'37" East 204.15 feet; thence North 85°50'45" West 221.55 feet; thence North 0°30'37" West 203.37 feet; thence South 89°29'23" West 20.00 feet; thence South 0°30'37" East 201.74 feet; thence North 85°50'45" West 156.93 feet to the East right-of-way of Expo Parkway; thence Southerly along said Easterly right-of-way on a 430.00 foot radius curve left 2.86 feet (chord bears South 0°40'26" East 2.86 feet); thence continuing along said Easterly right-of-way South 0°28'59" East 27.70 feet to the Southwest corner of said parcel (MF 401-921); thence along South boundary of said parcel (MF 401-921) the following courses distances South 85°50'45" East 140.00 feet; thence North 0°06'15" West 10.49 feet; thence South 85°50'45" East 278.54 feet to the point of beginning.

BV
5/12/97
File: SCHELER

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

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

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:

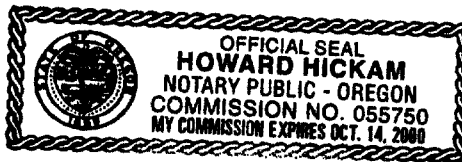
Wanda Scheler Wanda Scheler

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

The foregoing instrument was acknowledged before me this 15th day of July, 1997, by name as his/her/their voluntary act and deed.

Notary Public for Oregon

My Commission Expires: 10-14-2000



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 3803, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 11th day of June, 1997.

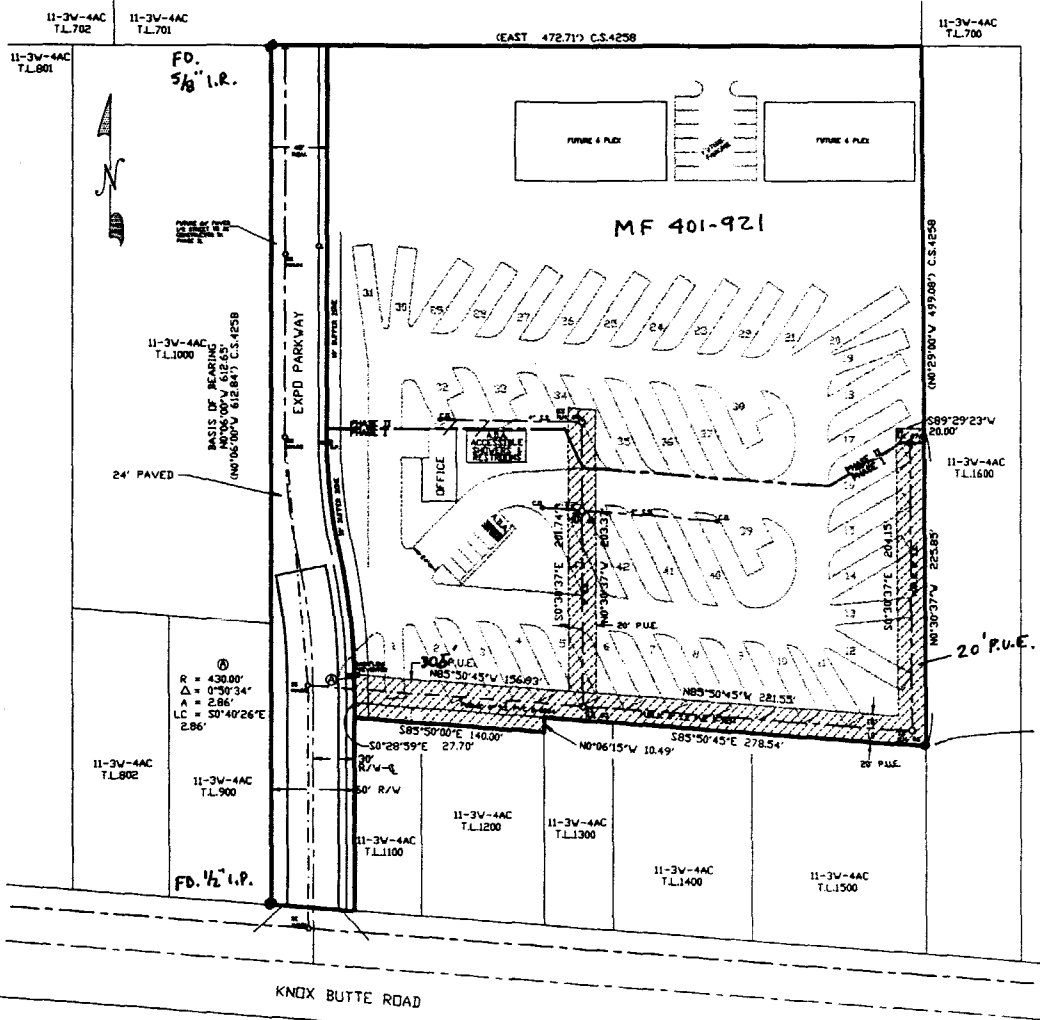
City Manager

ATTEST: Steve Bryant

City Recorder

[Signature]

EXHIBIT 'A'



CITY OF ALBANY, PUBLIC WORKS DEPARTMENT
 ENGINEERING/UTILITIES DIVISION
 IN THE NE 1/4 OF SEC.24, T. 11 S., R. 4 W., W.M.
 CITY OF ALBANY, LINN COUNTY, OREGON
 SCALE = N/A MAY 12, 1997

OWNER: WANDA SCHELER

DEE REFERENCE: LINN COUNTY MICROFILM VOL. 401 PG. 921

SURVEY REFERENCE: LINN COUNTY SURVEY NO. 21180

⊙
 R = 430.00'
 Δ = 0°50'34"
 A = 2.86'
 LC = S0°40'26"E
 2.86'

4072 1368
 JAMES F. LOVELL
 32388 BERLUM ROAD
 LEBAHON, OREGON
 97355
 PH. (541) 451-5125
 FAX (541) 451-1366

VOL 877 PAGES 1-10

30
 JUN 21 2 38 PM '97

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 877
 Linn County Clerk

By *[Signature]*, Deputy
 PAGE 809

EXHIBIT 'A'

(EAST 472.71') C.S.4258

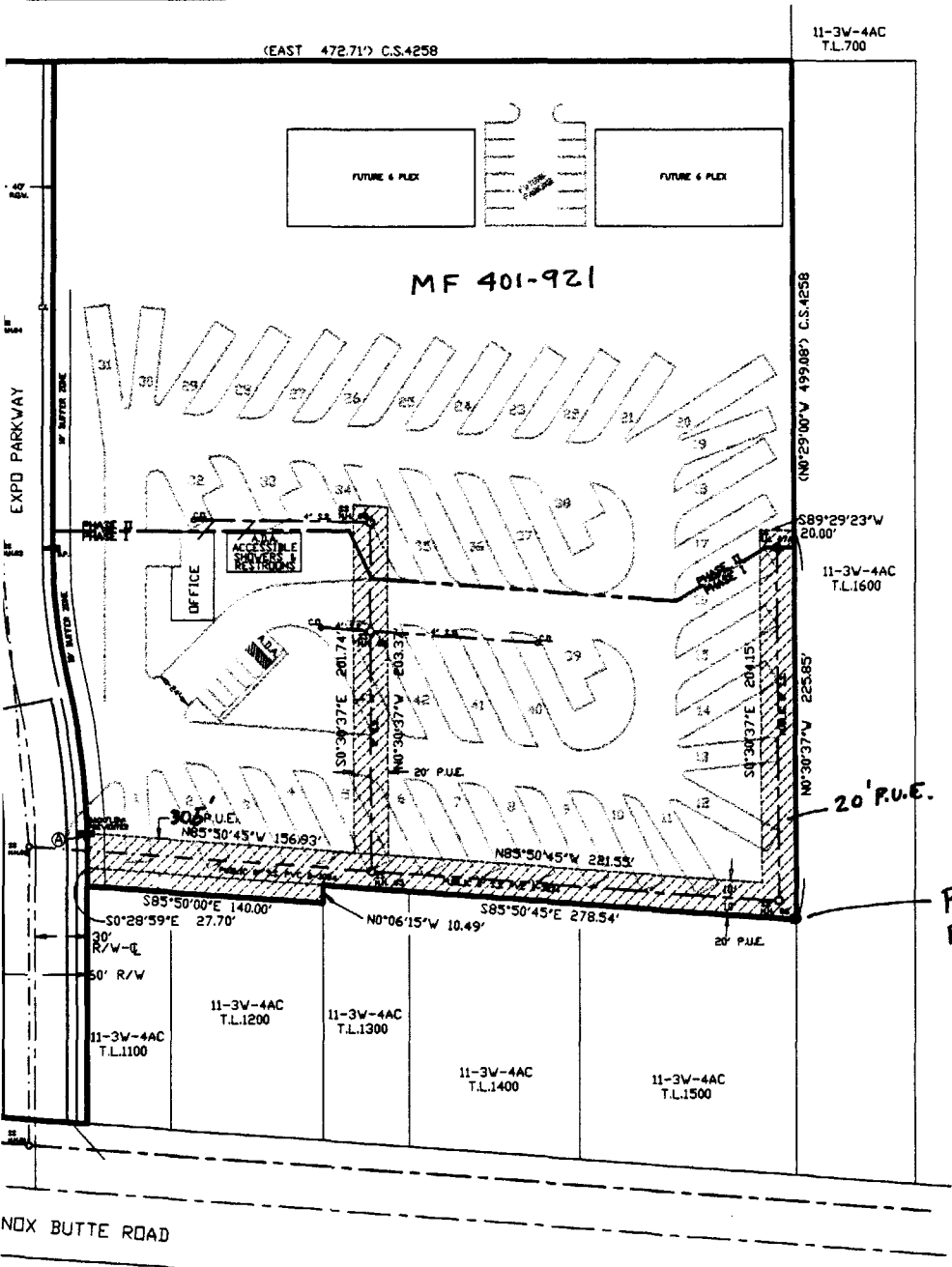
11-3W-4AC
T.L.700

CITY OF ALBANY, PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION
IN THE NE 1/4 OF SEC.24, T. 11 S., R. 4 W. W.M.
CITY OF ALBANY, LINN COUNTY, OREGON
SCALE = N/A MAY 12, 1997

OWNER: WANDA SCHELER

DEE REFERENCE: LINN COUNTY MICROFILM VOL. 401 PG. 921

SURVEY REFERENCE: LINN COUNTY SURVEY NO. 21180



OWNER 0072
OWNER 1366
JAMES F. WELLS
32388 BERLIN ROAD
LEBANON, OREGON
97355
PH. (541) 451-5125
FAX (541) 451-1366

Resolution No. 3803

Recorded Document Recorder File No. 2989