

RESOLUTION NO. 3951

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

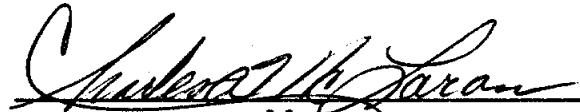
Ed Perlenfein & Dave Perlenfein

Purpose

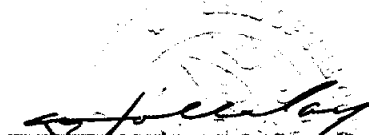
A 15.0 foot wide permanent public utility easement for a public water line.


NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby accepts this easement.

DATED THIS 27TH DAY OF MAY 1998.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 13<sup>th</sup> day of May, 1998, by and between Ed Perlenfein & Dave Perlenfein, 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 15.0 foot wide public utility easement for a public water line described on attached EXHIBIT "A" and shown on attached EXHIBIT "B".
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, receipt of which is acknowledged by the Grantors, 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.

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

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

GRANTORS:

Ed Perlenfein  
Ed Perlenfein

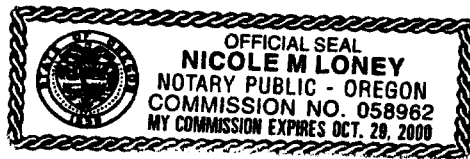
Dave Perlenfein  
Dave Perlenfein

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

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of May, 1998, by Ed Perlenfein and Dave Perlenfein as their voluntary act and deed.

Nicole M. Loney  
Notary Public for Oregon  
My Commission Expires: 10-29-00

SI-97-31  
PERLENFE.731



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 39.51, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27 day of May, 1998.

Steve Bryant  
City Manager

ATTEST:

[Signature]  
City Recorder

**15' WIDE PUBLIC UTILITY EASEMENT FOR 12" PUBLIC WATER LINE**

**OWNER:** Ed Perlenfein & Dave Perlenfein  
2455 SW Ferry Street  
Albany, Oregon 97321

**PROJECT LOCATION:** Assessor's Map Number 11-3W-18B  
Tax Lot 1006  
2482 SW Ferry Street  
Albany, Linn County, Oregon 97321

**EASEMENT:** EXHIBIT "A"

BEGINNING AT A POINT ON THE WESTERLY RIGHT OF WAY LINE OF FERRY STREET WHICH BEARS SOUTH 01° 29'30" EAST 1861.72 FEET, SOUTH 82°09'03" WEST 236.25 FEET, SOUTH 09°06'19" EAST 102.94 FEET AND SOUTHEASTERLY ON THE ARC OF A 1404.26 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARING SOUTH 15°31'27" EAST 313.97 FEET) A DISTANCE OF 314.63 FEET FROM THE NORTHWEST CORNER OF THE HIRAM SMEAD DLC NO. 53 WITHIN THE NORTHWEST ONE-QUARTER (1/4) OF SECTION 18, TOWNSHIP 11 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, CITY OF ALBANY, LINN COUNTY, OREGON; THENCE SOUTH 67°06'00" WEST 67.91 FEET; THENCE SOUTH 82°14'35" WEST 351.30 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF THE ALBANY SANTIAM CANAL; THENCE SOUTH 17°50'01" EAST 15.24 FEET ALONG SAID EASTERLY CANAL RIGHT OF WAY; THENCE NORTH 82°14'35" EAST 350.63 FEET; THENCE NORTH 67°06'00" EAST 69.74 FEET TO A POINT ON THE AFOREMENTIONED WESTERLY RIGHT OF WAY OF FERRY STREET; THENCE ALONG SAID WESTERLY RIGHT OF WAY ON THE ARC OF A 1404.26 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARING NORTH 22°14'56" WEST 15.00 FEET) A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 6,297 SQUARE FEET OF LAND, MORE OR LESS. THE BASIS OF BEARINGS FOR THE ABOVE DESCRIBED PUBLIC UTILITY EASEMENT IS LINN COUNTY SURVEY NO. 15695.

PUBLIC UTILITY EASEMENT SKETCH

FOR: CITY OF ALBANY

**EXHIBIT "B"**

DATE: OCTOBER 1, 1997

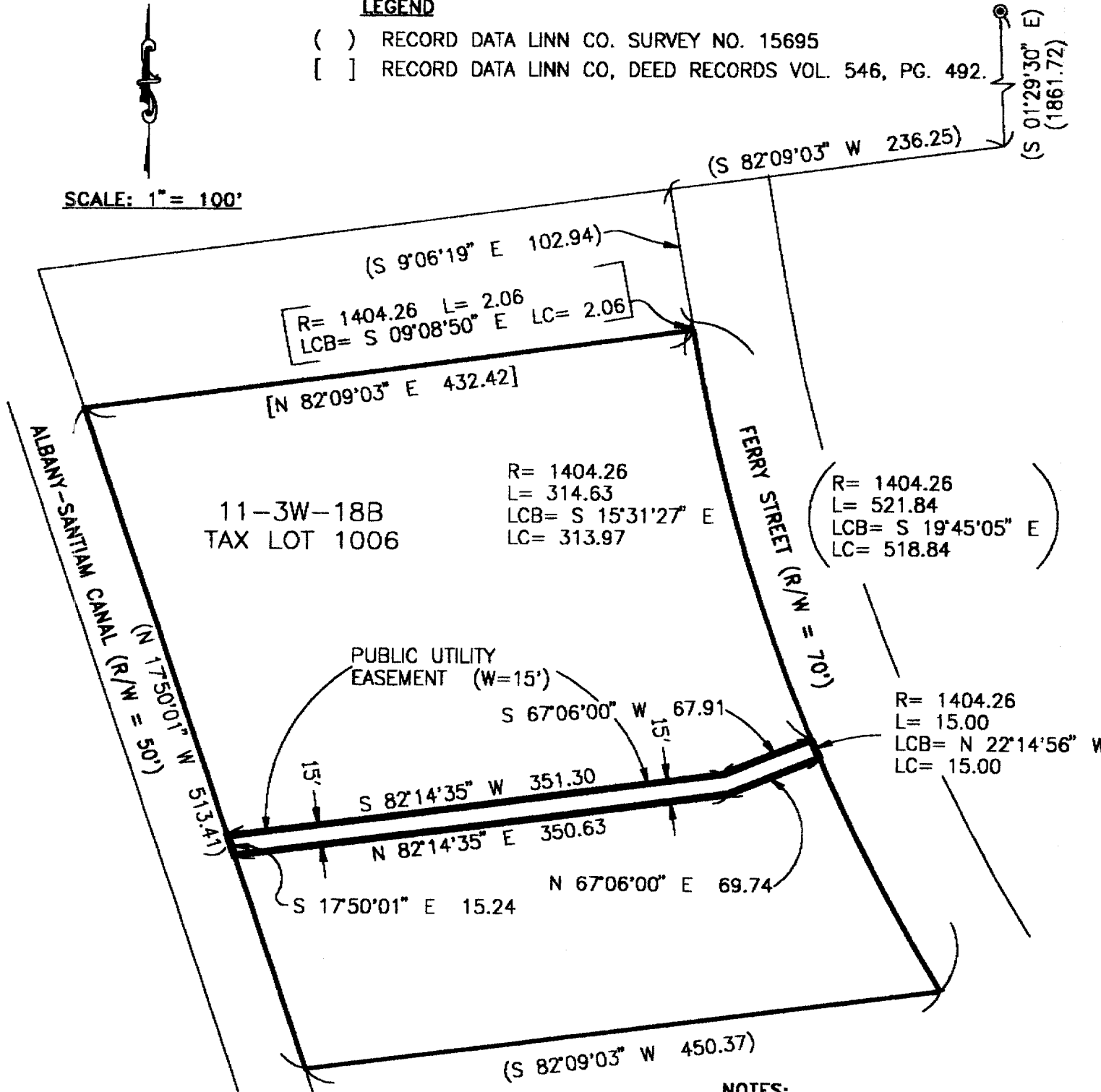
NW CORNER HIRAM  
SMEAD D.L.C. NO. 53



**LEGEND**

- ( ) RECORD DATA LINN CO. SURVEY NO. 15695
- [ ] RECORD DATA LINN CO, DEED RECORDS VOL. 546, PG. 492.

SCALE: 1" = 100'



**Pillar Consulting Group, LLC**  
425 SW Madison - Suite R  
Corvallis, Oregon 97333

**NOTES:**

- 1.) PARCEL DIMENSIONS ARE PER LINN COUNTY SURVEY NO. 15695 AND LINN COUNTY DEED RECORDS VOL. 516, PAGE 492

LI

RM-5

22nd Ave

Monteys  
PI

LI

RM-5

RS  
6.5

SUBJECT  
PROPERTY

25th Ave

25th Ave

RM-5

HI

OP

HI

HI

30th St

NC

2C

127

30th

28th

M

JACKSON

JACKSON

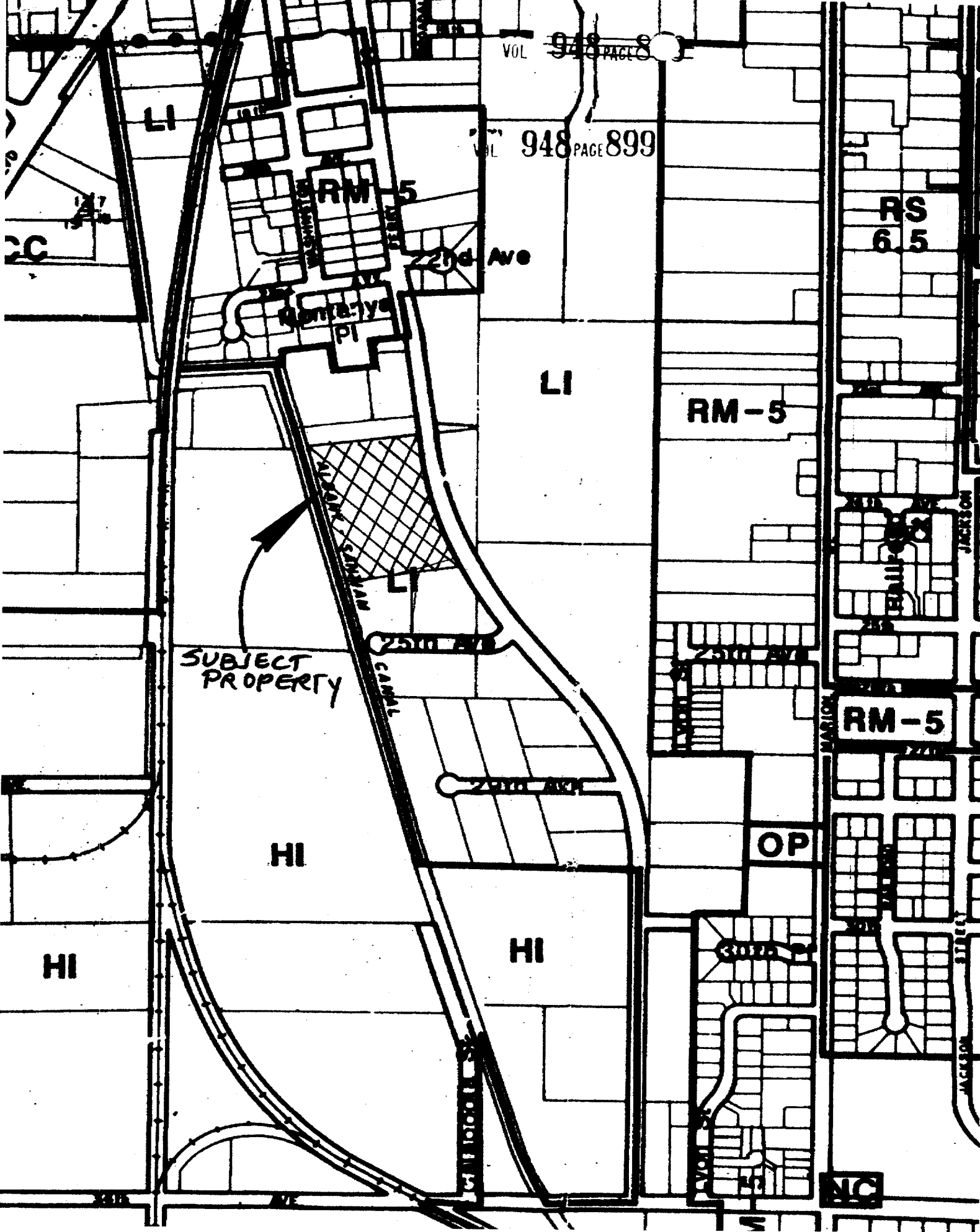
JACKSON

MASON

CARROLL

WINDY HOLLOW

CARROLL



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 [Signature] Deputy

M  
S/D

A  
O

MF 948

PAGE 895

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25 Jun 4 11 23 AM '98

Resolution No. 3951

Recorded Document Recorder File No. 3172