

RESOLUTION NO. 3995

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

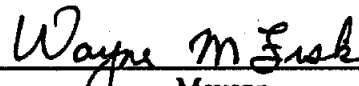
James Klein

Purpose

Three public utility easements for sanitary sewer and water described in the attached legal descriptions titled Legal Description 1, Legal Description 2, and Legal Description 3, and as shown in the attached drawing labeled Exhibit A.

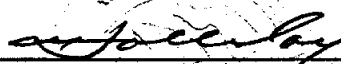
NOW, THEREFORE, BE IT RESOLVED that the Albany City Council hereby accepts these easements.

DATED THIS 12TH DAY OF AUGUST 1998.




Council President

ATTEST:



City Recorder



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 9th day of July, 1998, by and between James Klein, 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:

Three public utility easements described in the attached legal descriptions titled LEGAL DESCRIPTION 1, LEGAL DESCRIPTION 2, and LEGAL DESCRIPTION 3, and as shown in the attached drawing labeled Exhibit A.
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 Grantor, 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:

James Klein
James Klein

STATE OF CALIFORNIA
County of Los Angeles ss.
City of Los Angeles

The foregoing instrument was acknowledged before me this 9th day of July, 1998, by James Klein as his/her/their voluntary act and deed.

CITY OF ALBANY:

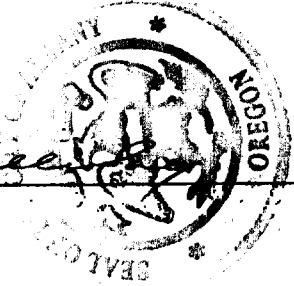
STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 3995, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 12 day of August, 1998.

Steve Bryant
City Manager

ATTEST:

[Signature]
City Recorder



Elona F. Mascari
Notary Public for ELONA F. MASCARI
My Commission Expires: 5-18-1999

STATE OF OREGON
County of Linn

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

STEVE DRUCKENMILLER
Linn County Clerk

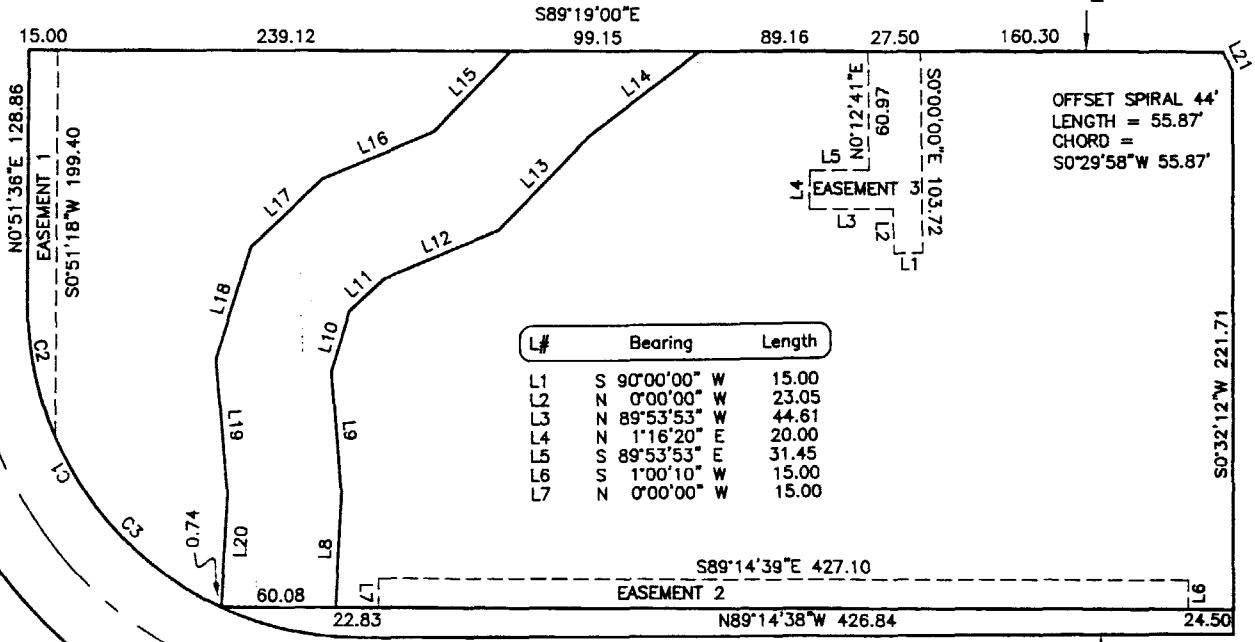
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By PA, Deputy PAGE 514

LANIER STREET

BELMONT AVENUE

70' ROW



| L# | Bearing | Length |
|----|---------------|--------|
| L1 | S 90°00'00" W | 15.00 |
| L2 | N 0°00'00" W | 23.05 |
| L3 | N 89°53'53" W | 44.61 |
| L4 | N 1°16'20" E | 20.00 |
| L5 | S 89°53'53" E | 31.45 |
| L6 | S 1°00'10" W | 15.00 |
| L7 | N 0°00'00" W | 15.00 |

OFFSET SPIRAL 44'
LENGTH = 55.87'
CHORD =
S0°29'58"W 55.87'

SCALE 1"=100'

U.S. HIGHWAY 99E

ELLINGSON ROAD

60' ROW

| L# | Bearing | Length |
|-----|---------------|--------|
| L8 | S 3°36'12" W | 59.64 |
| L9 | N 4°31'09" W | 62.16 |
| L10 | S 17°58'43" W | 33.03 |
| L11 | S 47°50'55" W | 24.59 |
| L12 | S 68°16'41" W | 65.76 |
| L13 | S 45°02'00" W | 67.98 |
| L14 | S 53°41'29" W | 72.41 |
| L15 | S 45°02'00" W | 57.91 |
| L16 | S 68°16'41" W | 64.24 |
| L17 | S 47°50'55" W | 51.41 |
| L18 | S 17°58'43" W | 60.97 |
| L19 | N 4°31'09" W | 69.84 |
| L20 | S 3°36'12" W | 58.36 |
| L21 | N 26°03'50" W | 11.20 |

| C# | Radius | Delta | Length | Bearing | Chord |
|----|--------|-----------|--------|---------------|--------|
| C1 | 173.00 | 65°44'33" | 198.50 | N 32°00'40" W | 187.79 |
| C2 | 173.00 | 24°02'57" | 72.61 | N 11°09'52" W | 72.08 |
| C3 | 173.00 | 41°41'36" | 125.89 | N 44°02'09" W | 123.13 |

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 22, 1974
JOHN SEADERS
1014

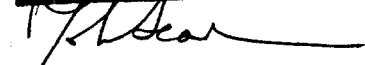
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EXHIBIT A

LEGAL DESCRIPTION 1

Commencing at the Northwest corner of Lot 2 in Block 1 of College Green Subdivision, a subdivision of record in Linn County, Oregon; thence along the South right-of-way line of Belmont Avenue South $89^{\circ}19'00''$ East 90.06 feet to the point of beginning; thence along the South right-of-way line of Belmont Avenue South $89^{\circ}19'00''$ East 15.00 feet; thence South $0^{\circ}51'18''$ West 199.40 feet to the East right-of-way line of Lanier Street; thence along said East right-of-way line along a 173.00 foot radius curve to the right 72.61 feet (the long chord of which bears North $11^{\circ}09'52''$ West 72.08 feet); thence continuing along said East right-of-way line North $0^{\circ}51'36''$ East 128.86 feet to the point of beginning.

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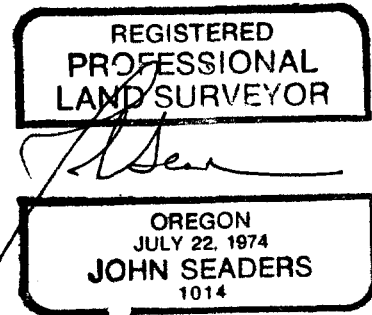


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JOHN SEADERS
1014

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LEGAL DESCRIPTION 2

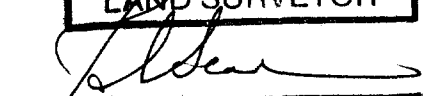
Commencing at the point of intersection of the West right-of-way line of U.S. Highway 99E with the South line of Lot 1 in Block 1 of College Green Subdivision, a subdivision of record in Linn County, Oregon; thence along said South line of Lot 1 North 89°14'38" West 24.50 feet to the point of beginning; thence continuing along said South line of Lot 1 North 89°14'38" West 426.84 feet; thence North 15.00 feet; thence South 89°14'39" East 427.10 feet; thence South 1°00'10" West 15.00 feet to the point of beginning.



LEGAL DESCRIPTION 3

Commencing at the Northwest corner of Lot 2 in Block 1 of College Green Subdivision, a subdivision of record in Linn County, Oregon; thence along the South right-of-way line of Belmont Avenue South $89^{\circ}19'00''$ East 532.49 feet to the point of beginning; thence along the South right-of-way line of Belmont Avenue South $89^{\circ}19'00''$ East 27.50 feet; thence South 103.72 feet; thence West 15.00 feet; thence North 23.05 feet; thence North $89^{\circ}53'53''$ West 44.61 feet; thence North $1^{\circ}16'20''$ East 20.00 feet; thence South $89^{\circ}53'53''$ East 31.45 feet; thence North $0^{\circ}12'41''$ East 60.97 feet to the point of beginning.

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Resolution No. 3995

Recorded Document Recorder File No. 3206