RESOLUTION NO. 4371

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR PUBLIC UTILITIES:

Grantor

Purpose

City of Albany

A permanent 7-foot wide public utility easement more particularly described in the attached "EXHIBIT A," shown in the attached "EXHIBIT B," and located in the attached Vicinity Map.

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

DATED THIS 6TH DAY OF DECEMBER 2000.

Juster Mayor

ATTEST:

Ken Thogs City Recorder

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TAXES: EXEMPT

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this <u>27</u> day of <u>November</u> 2000, by and between City of Albany, 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 does bargain, sell, convey, and transfer unto the City of Albany, 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 7.0 foot wide permanent public utility easement in the NE ¼ of Section 8 in Township 11 South of Range 3 West of the Willamette Meridian, City of Albany, Linn County, Oregon, as described in 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 Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits Grantor 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.
- 6. No permanent structure shall be constructed by Grantor on this easement.

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IN WITNESS WHEREOF, the Grantor has hereunto affixed their signature this 1/2 day of December 2000.

GRANTOR:

CITY OF ALBANY By: City Recorder

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

The foregoing instrument was acknowledged before me this <u>27</u> day of <u>formation</u> 2000, by Ken Thompson, City Recorder of the City of Albany, an Oregon Municipality, on behalf of municipality.

Notary Public for the State of Oregon My Commission Expires: September 2, 2004



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 $\frac{4777}{2000}$ do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this ______ day of _______ 2000.

City Manager

ATTEST:

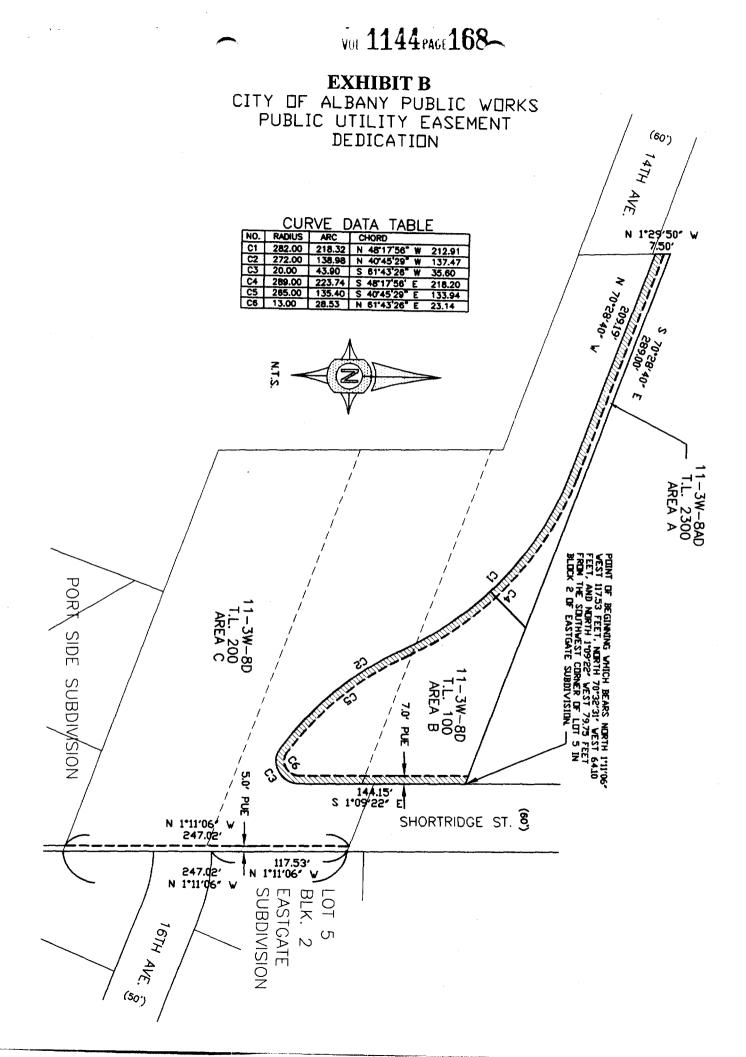
Longuill City Clerk

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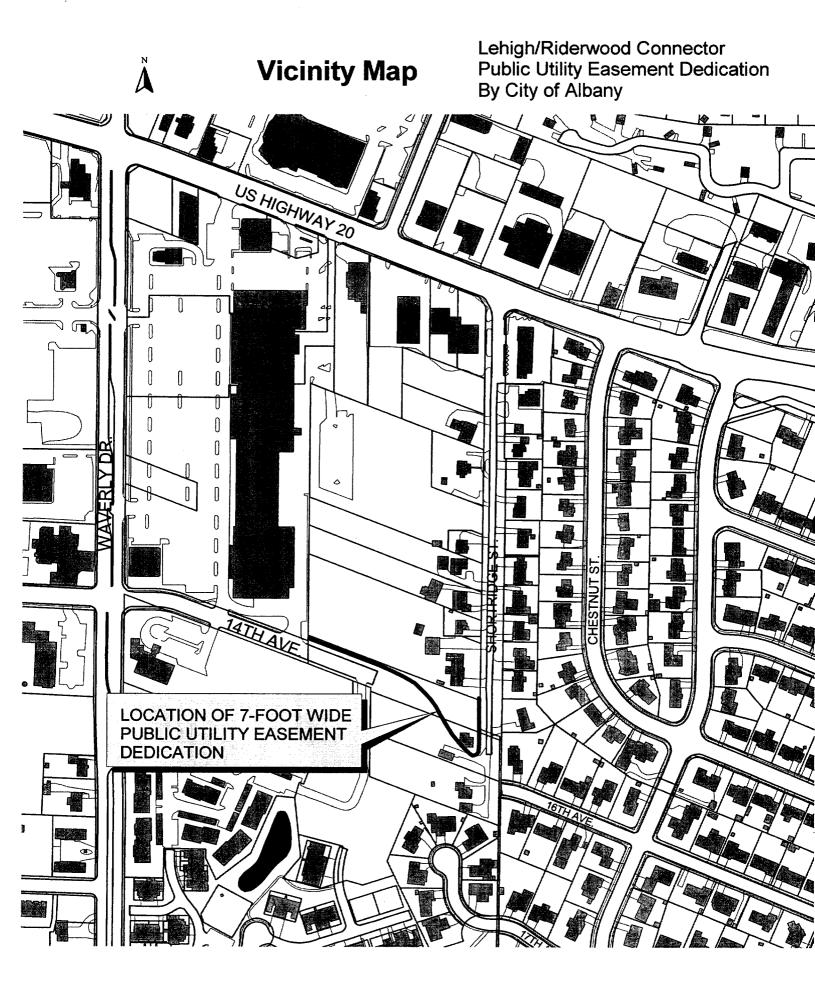
EXHIBIT A

Description of a 7.0 foot wide permanent public utility easement in the NE ¼ of Section 8 in Township 11 South of Range 3 West of the Willamette Meridian, City of Albany, Linn County, Oregon, as shown on the attached map labeled Exhibit B:

Beginning at a point which bears North 1°11'06" West 117.53 feet, North 70°32'31" West 64.40', and North 1°09'22" West 79.75 feet from the Southwest corner of Lot 5 in Block 2 of Eastgate Subdivision; thence South 1°09'22" East 144.15 feet; thence along a 20.00 foot radius curve to the right 43.90 feet (chord bears South 61°43'26" West 35.60 feet); thence along a 272.00 foot radius curve to the right 138.98 feet (chord bears North 40°45'29" West 137.47 feet); thence along a 282.00 foot radius curve to the left 218.32 feet (chord bears North 48°17'56" West 212.91 feet); thence North 70°28'40" West 209.19 feet; thence North 1°29'50" West 7.50 feet; thence South 70°28'40" East 211.88 feet; thence along a 289.00 foot radius curve to the right 223.74 feet (chord bears South 48°17'56" East 218.20 feet); thence along a 265.00 foot radius curve to the left 135.40 feet (chord bears North 61°43'26" East 23.14 feet); thence along a 13.00 foot radius curve to the left 28.53 feet (chord bears North 61°43'26" East 7.48 feet to the point of beginning.



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STATE OF OREGON County of Linn

I hereby certify that the attached was received and duly recorded by me in Linn County recorded. STEVE DRUCKENMILLER Linn County Clerk MF_1144 By_____, Deputy PAGE_165

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2000 DEC 19 P 2: 58

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Recorded Document Recorder File No. 3729