

RESOLUTION NO. 4372

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT FOR PUBLIC UTILITIES:

Grantor


Sunrise Pointe, LLC

Purpose

A permanent 5-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.



Mayor

ATTEST:



City Recorder

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 9th day of November, 2000, by and between **Sunrise Pointe, LLC**, 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 permanent public utility easement for the purpose of installing street lighting conduit described in the attached legal description labeled Exhibit A and as shown on the attached map labeled 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 \$2,250.00, 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.

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.

GRANTOR:

CITY OF ALBANY:

By: Sam H. LaPray
Title managing member
Sunrise Pointe, LLC

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

By: _____
Title _____

I, Steve Bryant as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 4372, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 6 day of December, 2000.

STATE OF Oregon)
County of Linn)
City of Albany)

The foregoing instrument was acknowledged before me this 9th-day of November, 2000 by Sam H. LaPray, Title managing member, and _____, Title _____, of Sunrise Pointe LLC, an LLC corporation, on behalf of the corporation company.

Steve Bryant
City Manager

ATTEST:

CJ Mullen
Notary Public for Oregon
My Commission Expires: 12-15-2002

Ken Thompson
City Recorder

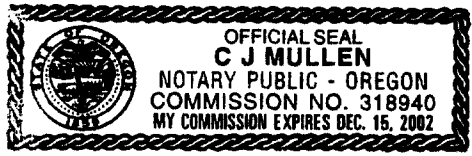


EXHIBIT "A"

5' UTILITY EASEMENT

A utility easement 5 feet in width more particularly described as follows:

Beginning at the Southeast corner of Lot 10 of Wilson Subdivision on file in Linn County, Oregon in Book 1047, Page 668; thence along the South line of said Lot 10, being coincident to the North right of way line of 34th Avenue a distance of 191.65 feet to a point on said South line at which the East line of a 20 foot wide city storm sewer easement recorded in Book 318, Page 35 intersects, said point being the **True Point of Beginning**; thence along the East line of said city storm sewer easement a distance of 73.44 feet to a point; thence leaving said East line, at a right angles to said line, and traveling 10.00 feet Westerly to the centerline of same said city storm sewer easement; thence along said centerline Northerly 5.00 feet to a point; thence leaving said centerline at right angles to said line, and traveling 15.00 feet Easterly to a point; thence Southerly parallel to the centerline of said city storm sewer easement 78.44 feet to a point on the Northerly right of way line of 34th Avenue which lies 5.00 feet in a Easterly direction from the True Point of Beginning; thence along said Northerly right of way line 5.00 feet to the True Point of Beginning, all lying in the Southeast ¼ of Section 18, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon and containing 442 square feet more or less.



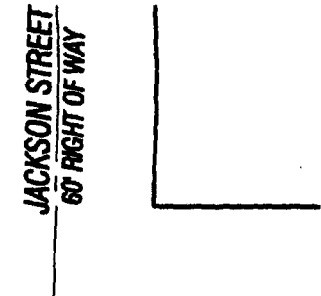
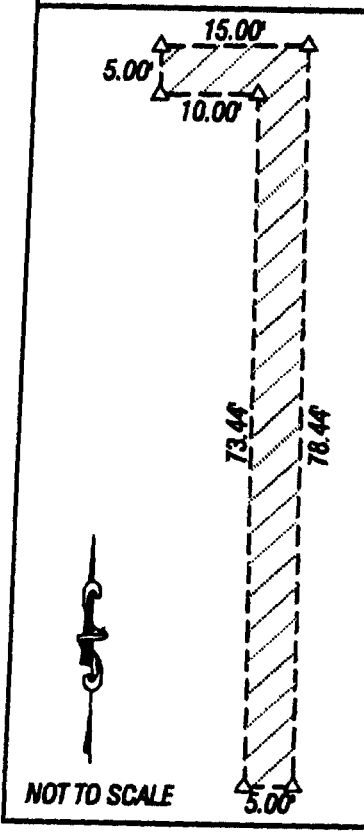
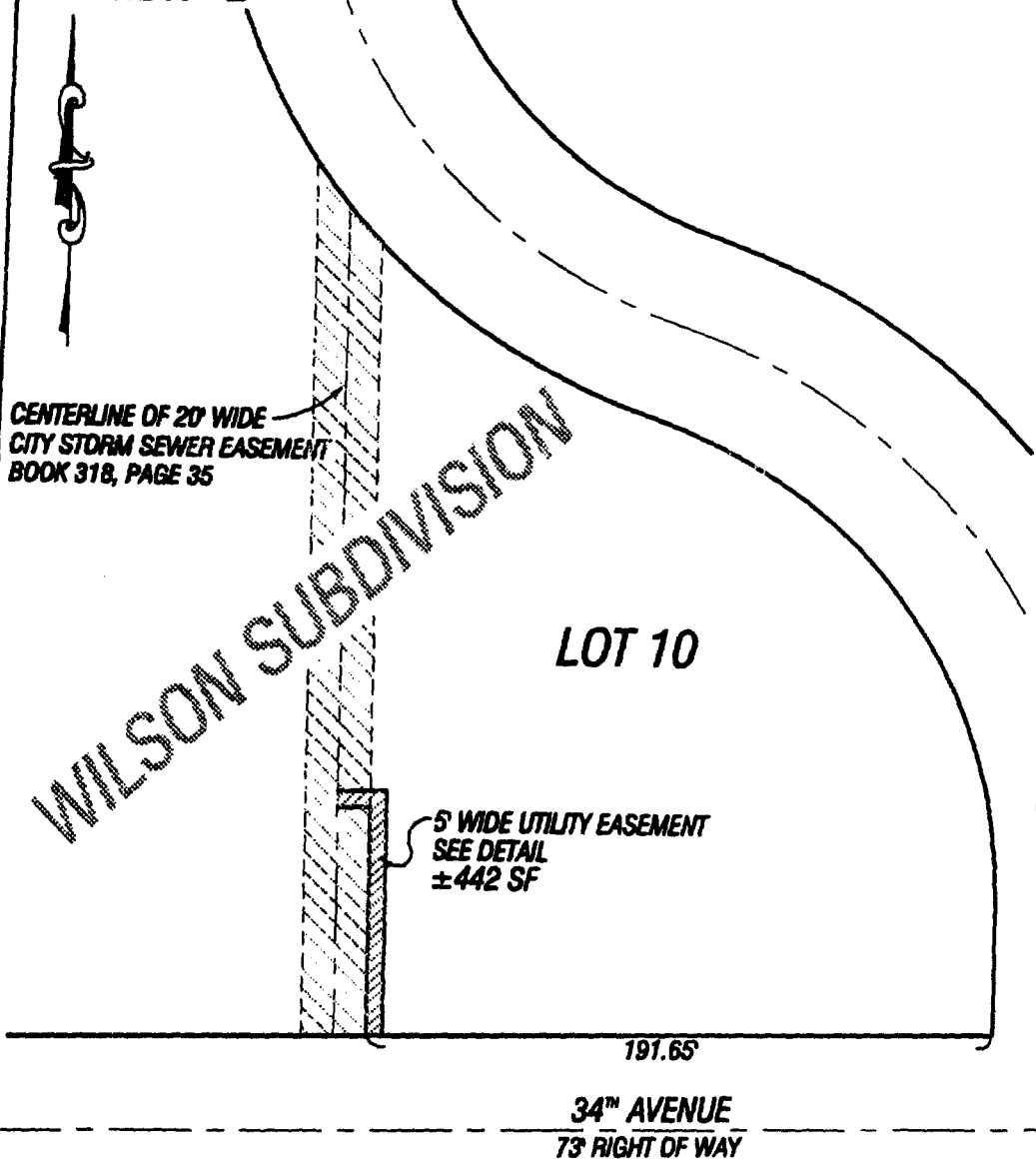
Leonard L. Smith



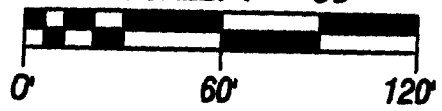
RENEWAL 6/30/2002

EXHIBIT "B"

5' WIDE UTILITY EASEMENT



SCALE: 1" = 60'



**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Leonard L. Smith

**OREGON
SEPTEMBER 23, 1977
LEONARD L. SMITH
1989**

RENEWAL 6/30/2002

**PacWest
Engineering**

1530 NINTH AVE. SE
ALBANY, OR 97321

TEL 1-800-926-7634
FAX 541-926-7539

Client:

SAM LAPREY

Drawn:

M. RUETTGERS

Field:

D. BECKER

Calc'd:

M. RUETTGERS

Checked:

B. SMITH

Project:

99-51

Drawing No.:

LAPREY.DWG

Date:

9/14/00

Scale:

1" = 60'

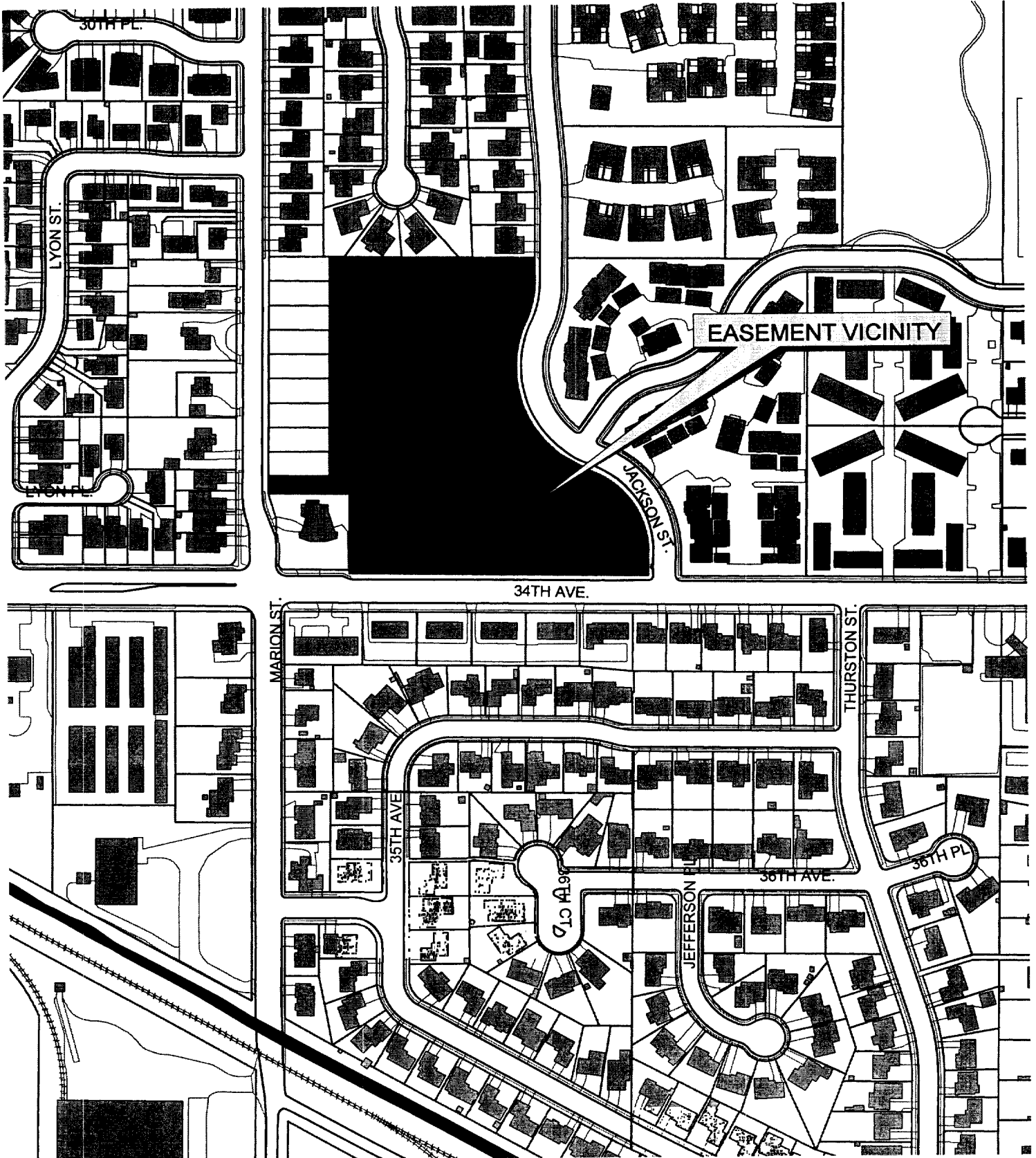
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Vicinity Map

Sam LaPray
ST-99-4, 34TH ST REHABILITATION, PHASE 1
Easement Dedication



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 SR, Deputy

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Resolution No. 4372

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