

RESOLUTION NO. 4734

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Albany Boys' Club, Inc. an Oregon Corporation


Purpose

A permanent public utility easement, more particularly described in attached EXHIBIT "A" and shown in attached EXHIBIT "B".


NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 24TH DAY OF JULY 2002.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 8TH day of JULY, 2002, by and between Albany Boys' Club, Inc. an Oregon Corporation, 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 permanent public utility easement, more particularly described in attached EXHIBIT "A" and shown in 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 grantors 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

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

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year above written.

**GRANTOR:**  
**Albany Boys' Club, Inc., an Oregon Corporation**

By *Ronald E. Loney*  
Ronald E. Loney, Director of Albany Boys' Club, Inc.  
an Oregon Corporation

STATE OF Oregon )  
County of Benton ) ss.  
City of Albany )

This instrument was acknowledged before me on this date: July 8, 2002 by **Ronald E. Loney, Director of Albany Boys' Club, Inc. an Oregon Corporation.**

**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 4734, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 25 day of July, 2002.

*Steve Bryant*  
City Manager

ATTEST:

*Ken Thompson*  
City Recorder

*Lori Stutzman*  
Notary Public for Oregon  
My Commission Expires: February 7, 2004



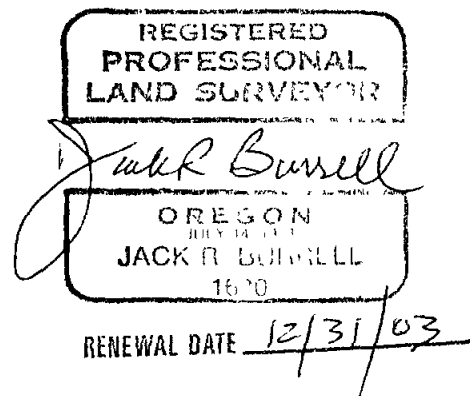
K &amp; D ENGINEERING, Inc.

**EXHIBIT "A"** *Engineers • Planners • Surveyors*

## 60' Public Storm Drainage Easement over Oak Street Boys and Girls Club Tract

A portion of that Boys and Girls Club of Albany Tract described by deed recorded in MF Volume 1073, Page 681 of the Linn County Deed Records on November 15, 1999 that is more particularly described as follows:

Beginning at a 5/8 inch rod at the southwest corner of said Boys and Girls Club Tract that is North 00°27'56" West 40.00 feet, South 89°50' West 654.53 feet and North 25°05'00" West 1172.71 feet from the southeast corner of the Abram Hackleman Donation Land Claim No. 62 in Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon, said Point of Beginning being located on the easterly right-of-way line of Oak Street (a 60-foot wide right-of-way); thence North 89°50'00" East 385.71 feet to the southeast corner of said tract; thence North 00°16'01" West, along the east line of said tract, 60.00 feet; thence South 89°50'00" West, parallel with the south line of said tract, 414.44 feet to a point on the west line of said tract and said west line being on the said east right-of-way line of Oak Street; thence South 25°50'00" East 66.57 feet to the Point of Beginning



April 29, 2002  
EXHIBIT "A"  
60' PUBLIC STORM DRAINAGE EASEMENT  
(00-20) JRB:ls  
File Ref nlm/winword/legal/00-20 60' puc over oak st

# EXHIBIT "B"

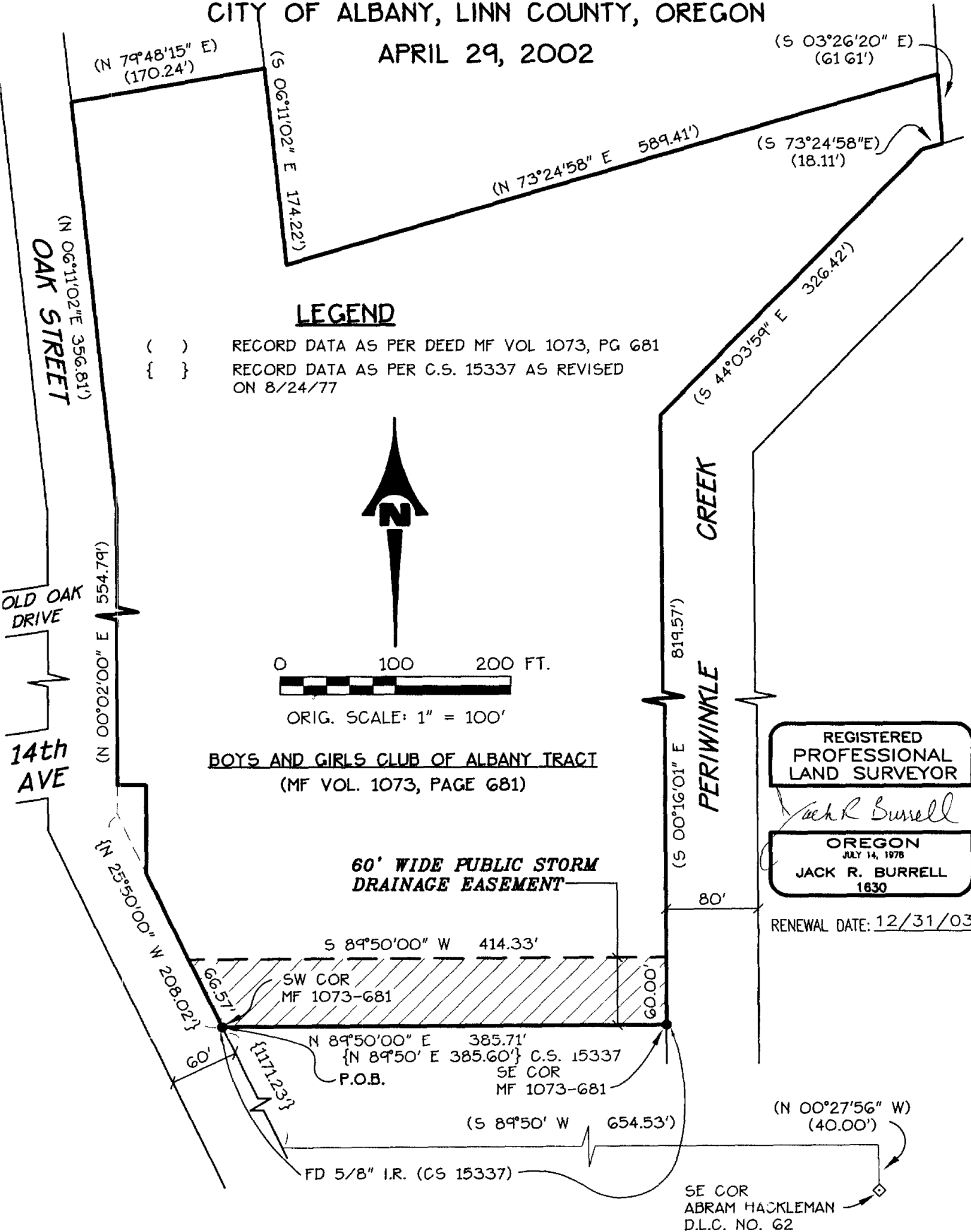
## PUBLIC STORM DRAINAGE EASEMENT

### FOR CITY OF ALBANY

VOL 1315 PAGE 226

LOCATED IN  
TAX LOT 1400, MAP 11-3W-8BC  
NW 1/4 SEC. 8, T. 11 S., R. 3 W., W.M.  
CITY OF ALBANY, LINN COUNTY, OREGON

APRIL 29, 2002



### LEGEND

- ( ) RECORD DATA AS PER DEED MF VOL 1073, PG 681
- { } RECORD DATA AS PER C.S. 15337 AS REVISED ON 8/24/77



ORIG. SCALE: 1" = 100'

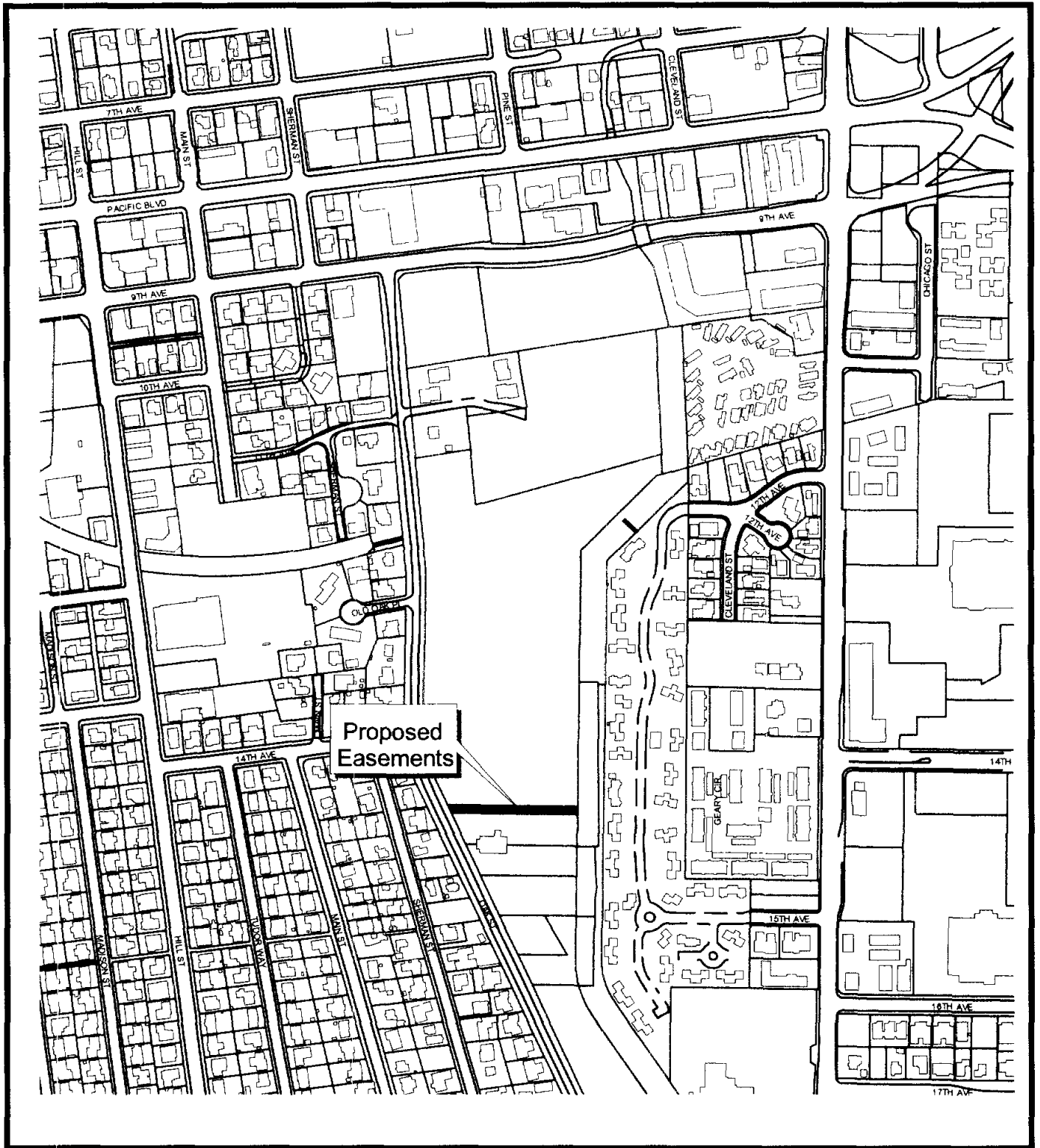
**BOYS AND GIRLS CLUB OF ALBANY TRACT**  
(MF VOL. 1073, PAGE 681)

**60' WIDE PUBLIC STORM DRAINAGE EASEMENT**

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jack R. Burrell*  
OREGON  
JULY 14, 1978  
JACK R. BURRELL  
1630

RENEWAL DATE: 12/31/03



# VICINITY MAP



ALBANY BOYS' CLUB INC.

Gordon Steffensmeier

angles J VAV\_PROJ\SITE\_MAP APR

Engineering  
July 10, 2002

Public Utility Easements



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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S  
A  
O

MF 1315

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Resolution No. 4734

Recorded Document Recorder File No. 4107