

RESOLUTION NO. 3432

BE IT RESOLVED BY THE ALBANY CITY COUNCIL that it does hereby accept the following easement:

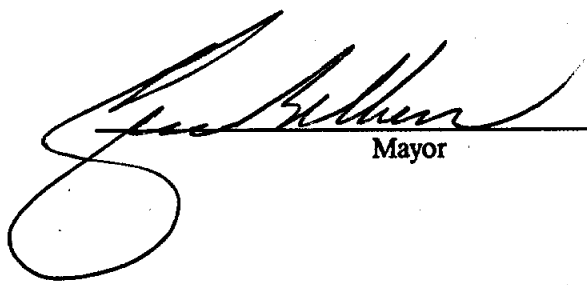
Grantor

Julie Sanford

Purpose

permanent public utility easements (over public water and sanitary sewer lines constructed as Phase III under Site Improvement Permit No. SI-94-10) across a portion of that parcel developed as Rosewood Estates

DATED this 26th day of October, 1994.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



## EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 13<sup>th</sup> day of October, 1994, by and between Julie Sanford, 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:

TRACT 1: A 15-foot wide permanent public utility easement, centered over an existing waterline, across that parcel conveyed to Julie Sanford by deed recorded in Volume 616, Page 679, Linn County Microfilm Deed Records, being 7.5 feet on each side of a centerline more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a point which is North 104.82 feet and East 520.09 feet from the southwest corner of Block 8 of the First Addition to Timber Linn Addition, in the Southeast 1/4 of Section 4, Township 11 South, Range 3 West of the Willamette Meridian, City of Albany, Linn County, Oregon, said point being a point of terminus of Tract 1 of that easement granted to the City of Albany by instrument recorded as MF Volume 677, Page 727, said Deed Records; and running thence South 89° 57' 06" East 96.33 feet; thence South 0° 02' 54" West 104.55 feet and there terminating.

ALSO Beginning at a point which is North 86.07 feet and East 616.40 feet from said southwest corner of Block 8; thence North 89° 57' 06" West 15.00 feet.

Containing 0.10 acre of land, more or less.

TRACT 2: A 15-foot wide permanent public utility easement, centered over an existing waterline, across that parcel conveyed to Julie Sanford by deed recorded in Volume 616, Page 679, Linn County Microfilm Deed Records, being 7.5 feet on each side of a centerline more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a point which is North 666.98 feet and East 331.06 feet from the southwest corner of Block 8 of the First Addition to Timber Linn Addition, in the Southeast 1/4 of Section 4, Township 11 South, Range 3 West of the Willamette Meridian, City of Albany, Linn County, Oregon, said point being a point of terminus of Tract 1 of that easement granted to the City of Albany by instrument recorded as MF Volume 636, Page 298, said Deed Records; and running thence South 89° 57' 06" East 69.50 feet; thence South 55° 18' 39" East 133.70 feet; thence South 0° 02' 54" West 486.0 feet to a point on the centerline of Tract 1 of that easement granted to the City of Albany by instrument recorded as MF Volume 677, Page 727, said Deed Records, and there terminating.

ALSO Beginning at a point which is North 595.78 feet and East 503.34 feet from said southwest corner of Block 8; thence South 34° 41' 21" West 20.00 feet.

Containing 0.339 acre of land, more or less.

**TRACT 3:** A 15-foot wide permanent public utility easement, centered over an existing waterline, across that parcel conveyed to Julie Sanford by deed recorded in Volume 616, Page 679, Linn County Microfilm Deed Records, being 7.5 feet on each side of a centerline more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a point which is North 104.70 feet and East 616.42 feet from the southwest corner of Block 8 of the First Addition to Timber Linn Addition, in the Southeast 1/4 of Section 4, Township 11 South, Range 3 West of the Willamette Meridian, City of Albany, Linn County, Oregon, said point being a point on the centerline of Tract I; and running thence South 89° 57' 06" East 45.0 feet; thence North 0° 02' 54" East 285.0 feet; thence 263.89 feet along the arc of a 360.0 foot radius curve left (the long chord of which bears North 20° 57' 06" West 258.02 feet); thence North 41° 57' 06" West 26.11 feet; thence South 49° 27' 01" West 74.78 feet, to a point on the centerline of Tract II, and there terminating.

Containing 0.32 acre of land, more or less.

**TRACT 4:** A 20-foot wide permanent public utility easement, centered over an existing sanitary sewer line, across that parcel conveyed to Julie Sanford by deed recorded in Volume 616, Page 679, Linn County Microfilm Deed Records, being 7.5 feet on each side of a centerline more particularly described as follows and as shown on the attached map labeled Exhibit A:

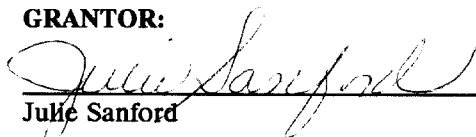
Beginning at a point which is North 600.81 feet and East 534.51 feet from the southwest corner of Block 8 of the First Addition to Timber Linn Addition, in the Southeast 1/4 of Section 4, Township 11 South, Range 3 West of the Willamette Meridian, City of Albany, Linn County, Oregon, said point being a point on the centerline of Tract II of that easement granted to the City of Albany by instrument recorded as MF Volume 677, Page 727, said Deed Records; and running thence North 56° 55' 18" East 75.02 feet; thence South 25° 44' 06" East 177.02 feet; thence South 0° 02' 54" West 350.00 feet and there terminating.

Containing 0.28 acre of land, more or less.

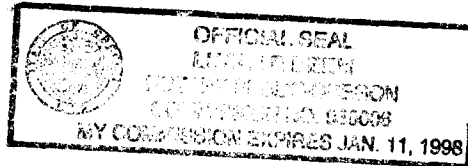
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00 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:**

  
Julie Sanford

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



The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of Oct, 1994, by Julie Sanford as her voluntary act and deed.

Lucille Deem  
Notary Public for Oregon

My Commission Expires: 1-11-98  
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 3432, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27<sup>th</sup> day of October, 1994.

Steve Bryant  
City Manager

ATTEST:

Norm C. Withrow  
City Recorder - Deputy





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

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MF 723  
PAGE 292

8:30 O'clock a.m.

NOV 01 1994

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Resolution No. 3432

Recorded Document Recorder File No. 2534