

RESOLUTION NO. 3463

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

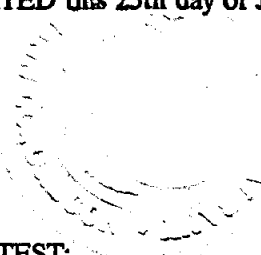
Grantor

Jack Keller and Agnes C. Keller

Purpose

permanent public utility easements across that property located at 1820, 1830, 1850, and 1860 Geary Street SE

DATED this 25th day of January, 1995.





Mayor

ATTEST:



Deputy City Recorder

EASEMENT FOR PUBLIC UTILITIES

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

THIS AGREEMENT, made and entered into this 21 day of January, 1995, by and between Jack Keller and Agnes C. Keller, 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 I: A 15.00 foot-wide permanent public utility easement (for a water line) across a portion of that parcel conveyed to Jack Keller and Agnes C. Keller by deed recorded in Volume 631, Page 409, Linn County Microfilm Deed records, said easement being more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a point on the south right-of-way line of vacated Oak Street, which point is 587.16 feet South 1° 40' 32" East, 30.00 feet South 88° 19' 28" West, and 318.44 feet North 52° 28' 49" West of the Northeast Corner of the C. D. Burkhart Donation Land Claim No. 52 in Township 11 South, Range 3 West of the Willamette Base and Meridian, Linn County, Oregon; and running thence South 37° 31' 11" West 16 feet and there terminating.

Containing 240 square feet of land, more or less.

TRACT II: A permanent public utility easement (for a bus shelter) across a portion of that parcel conveyed to Jack Keller and Agnes C. Keller by deed recorded in Volume 631, Page 409, Linn County Microfilm Deed records, said easement being more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at a point which is 3.50 feet west of the east line of said Keller parcel, said point being 729.05 feet South 1° 40' 32" East, 33.50 feet South 88° 49' 53" West, and 118.00 feet North 1° 40' 32" West from the Northeast Corner of the C. D. Burkhart Donation Land Claim No. 52 in Township 11 South, Range 3 West of the Willamette Base and Meridian, Linn County, Oregon; and running thence South 88° 19' 28" West 6.00 feet; thence North 1° 40' 32" West 10.00 feet; thence North 88° 19' 28" East 6.00 feet; thence South 1° 40' 32" East 10.00 feet to the Point of Beginning.

Containing 60 square feet of land, more or less.

TRACT III: A 3.50 foot-wide permanent public utility easement (for a sidewalk) across a portion of that parcel conveyed to Jack Keller and Agnes C. Keller by deed recorded in Volume 631, Page 409, Linn County Microfilm Deed records, said easement being more particularly described as follows and as shown on the attached map labeled Exhibit A:

Beginning at the southeast corner of said Keller parcel, said point being on the west right-of-way of South Geary Street, said point being 729.05 feet South 1° 40' 32" East and 30.00 feet South 88° 49' 53" West from the Northeast Corner of the C. D. Burkhart Donation Land Claim No. 52 in Township 11 South,

Range 3 West of the Willamette Base and Meridian, Linn County, Oregon; and running thence along the south boundary of said Keller parcel South 88° 49' 53" West 3.50 feet; thence North 1° 40' 32" West, parallel with the west right-of-way of South Geary Street, 183.16 feet to the center line of vacated Oak Street; thence, along the center line of said vacated Oak Street, South 52° 28' 49" East 4.52 feet to the west right-of-way of South Geary Street; thence South 1° 40' 32" East 180.37 feet to the Point of Beginning.

Containing 0.015 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.

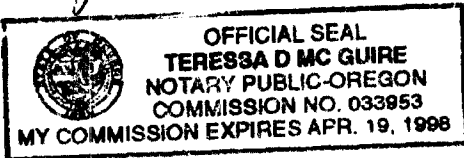
GRANTOR:

CITY OF ALBANY:

Jack Keller
 Jack Keller

Agnes C. Keller
 Agnes C. Keller

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 3463, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 25th day of January, 1995.

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

Steve Bryant
 City Manager

The foregoing instrument was acknowledged before me this 24th day of January, 1995, by Jack Keller and Agnes C. Keller as their voluntary act and deed.

ATTEST:

Teresa D. McGuire
 Notary Public for Oregon

Norm C. Withrow
 City Recorder

My Commission Expires: 04-19-98

QUEEN AVE.

NE Cor.
DLC No.52

OAK STREET

VACATED OAK STREET
MF706-700

POINT OF BEGINNING
(TRACT I: CL BEARS
S 37° 31' 11" W, 16')

318.44'
N 52° 28' 49" W

729.05' S 1° 40' 32" E
587.16' S 1° 40' 32" E

4.52'
S 52° 28' 49" E

GEARY STREET

KELLER
MF631-409

POINT OF BEGINNING
(TRACT II)

POINT OF BEGINNING
(TRACT III)

55.16'
10'
30.00'
N 1° 40' 32" W
180.37' S 1° 40' 32" E
118.00'
30.00'
33.50'

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
MF 734
By PH, Deputy PAGE 023

JAN 30 1995

8:30 O'clock a.m.

SS

SCALE: 1" = 60'

CITY OF ALBANY, OREGON
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION/JANUARY 1995

EXHIBIT A:
PUBLIC UTILITY EASEMENTS
FROM JACK KELLER AND AGNES C. KELLER
TO THE CITY OF ALBANY

Resolution No. 3463

Recorded Document Recorder File No. 2580