

RESOLUTION NO. 3785

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Linn County

Purpose


A permanent public sanitary sewer easement fifteen feet in even width across that property located in that tract conveyed to Linn County by deed recorded in Volume MF 421, Page 810 of the Linn County Deed Records on September 17, 1986.

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

DATED THIS 14TH DAY OF MAY 1997.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

EASEMENT FOR PUBLIC UTILITIES

(Pursuant to Order No. 97-180)

THIS AGREEMENT, made and entered into this 14 day of May, 1997, by and between LINN COUNTY, a political subdivision of the State of Oregon, 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:  
  
See legal description on attached Exhibit "A" and map 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 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 officially approved the foregoing and acknowledged the same by the signatures set forth below.

GRANTORS:

Linn County Board of Commissioners

David R. Schmidt  
David R. Schmidt

Catherine Skiens  
Catherine Skiens

Larry J. Johnson  
Larry J. Johnson

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 3785 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 14<sup>th</sup> day of May, 1997.

Steve Bryant  
City Manager

ATTEST:

Julie  
City Recorder

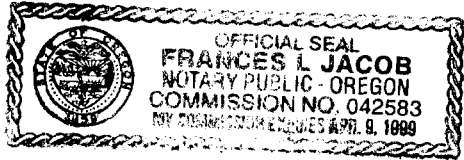


This easement is authorized by Order of the Board of Commissioners No. 97-180, dated April 30, 1997, and recorded in the Commissioners Journal at Volume 242, Page 243.

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

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of April, 1997, by David R. Schmidt, Catherine Skiens, and Larry J. Johnson on behalf of Linn County, a political subdivision.

Frances L. Jacob  
Notary Public for Oregon  
My Commission Expires: 4-9-99



APPROVED AS TO FORM:

Thomas N. Corr

Thomas N. Corr  
Linn County Legal Counsel

K &amp; D ENGINEERING, Inc.

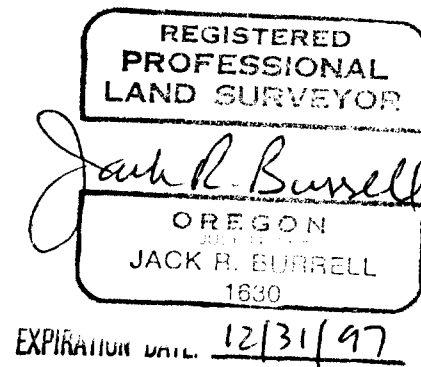
*Engineers • Planners • Surveyors*EXHIBIT "A"

(Sanitary Sewer Easement)

A 15.00 foot wide strip of land for public utility easement purposes located in that tract conveyed to Linn County by deed recorded in Volume MF 421, Page 810 of the Linn County Deed Records on September 17, 1986, the centerline of said 15.00 foot wide strip of land being an existing sewer line and more particularly described as follows:

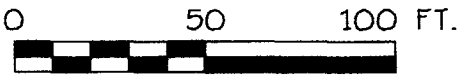
Beginning at a point on the easterly right-of-way line of Jackson Street (a 66.00 foot wide right-of-way) that is South 09°18' West 52.73 feet and North 09°05' West 575.65 feet from the INITIAL POINT of "WINONA PARK SUBDIVISION", a subdivision of record in Linn County, Oregon; thence South 86°40'26" East 94.92 feet; thence North 09°20'57" West 221.77 feet; thence North 80°51'17" East 249.54 feet to a manhole at end of said sewer line; thence continuing North 80°51'17" East 7.50 feet to the terminus of the herein described strip of land for public utility purposes.

The Basis of Bearings of the above described property is the said easterly right-of-way line of Jackson Street as shown on County Survey No. 19093.

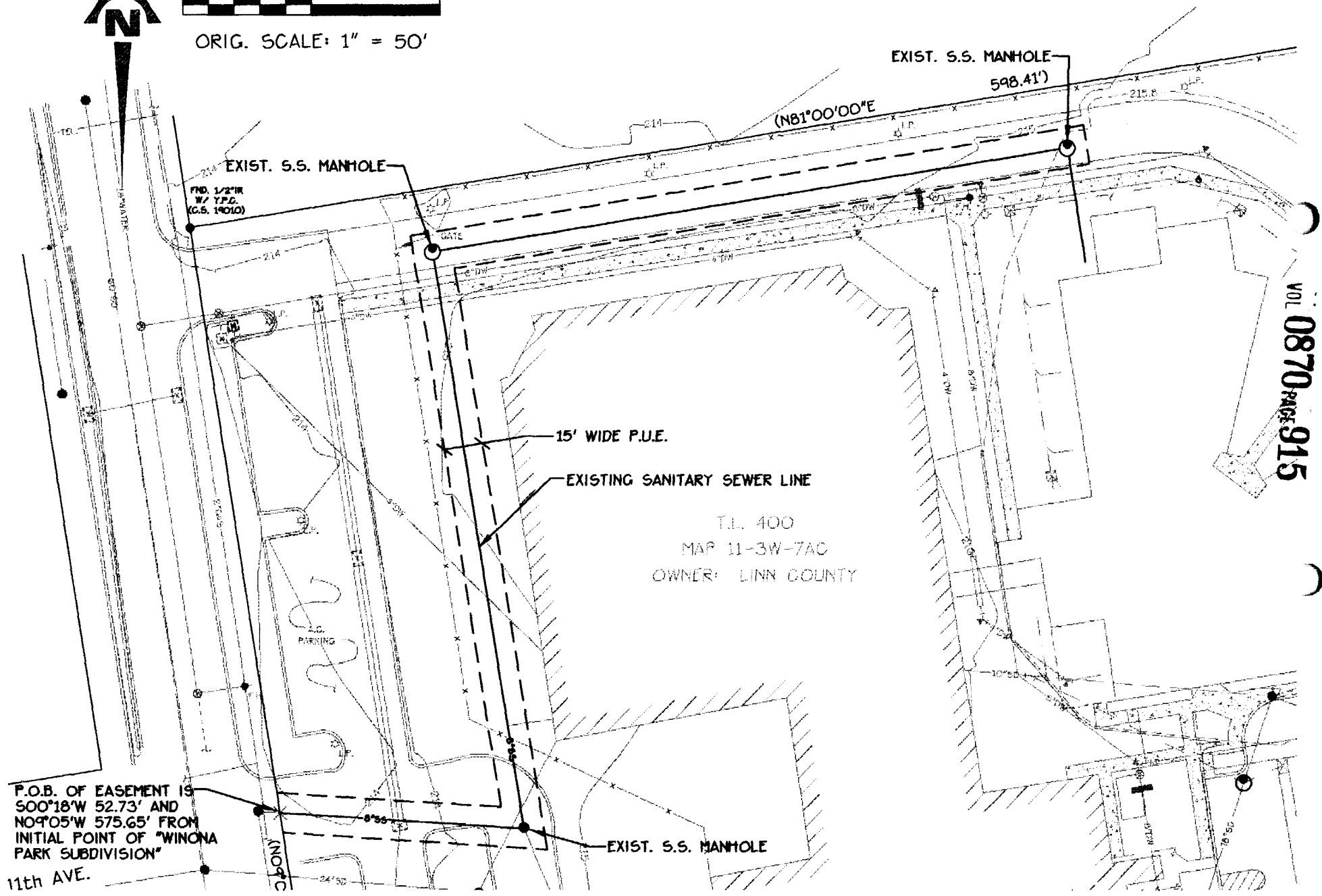


April 17, 1997  
LINN COUNTY JAIL EASEMENTS  
SANITARY SEWER EASEMENT  
JRB:ls (96-72-E)  
File Ref: nlm\legal\9672E#3.DES

EXHIBIT "B"



ORIG. SCALE: 1" = 50'



VOL 0870 PAGE 915

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 PA, Deputy

M  
R 20  
S 70  
A  
O

May 22 2 25 PM '97

MF 870  
PAGE 912

30

Resolution No. 3785

Recorded Document Recorder File No. 2968