

RESOLUTION NO. 4070

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

**Keller Development Co.**

Purpose

A permanent public utility easement 20.0 feet in even width for the installation and maintenance of a storm sewer line.

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

DATED THIS 27TH DAY OF JANUARY 1999.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 12 day of JANUARY, 1999, by and between KELLER DEVELOPMENT CO., 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 20 foot wide easement for the installation and maintenance of a storm sewer line, which easement is described in "Attachment A" and shown in "Attachment 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 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:

KELLER DEVELOPMENT CO.

By: Rodney Keller Pres.  
Title:

By: Stanley Keller Sec  
Title:

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 4070 do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 27 day of January, 1999.

Steve Bryant  
City Manager

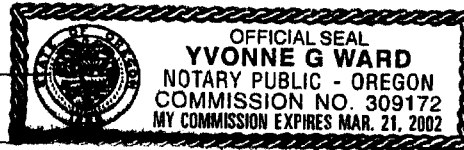
STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

The foregoing instrument was acknowledged before me this 12 day of Jan, 1999, by Rodney Keller, Title: Pres, and by Stanley Keller, Title: Secretary, of KELLER DEVELOPMENT CO., an Oregon corporation, on behalf of the corporation.

ATTEST:

[Signature]  
City Recorder

[Signature]  
Notary Public for Oregon  
My Commission Expires: 3/21/02



**MOORE SURVEYING**

Verle C. Moore  
Professional Land Surveyor

February 18, 1998

**Attachment A**

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Section 8, T.11 S., R.3 W. W.B. & M.  
Description for Keller Development

**Storm Line Easement**

an easement for the installation and maintenance of a storm sewer line, described as follows: Beginning at a point in the center of that Easement for Storm Drain conveyed to the City of Albany by instrument recorded in MF Volume 386, Page 154, Linn County Microfilm Records, which point is, 1339.06 feet North  $1^{\circ}35'$  West, 30.00 feet South  $89^{\circ}10'$  West, 134 feet South  $89^{\circ}18'22''$  West parallel to and 10 feet South of the south line of that parcel described in MF Volume 16, Page 664, Linn County Microfilm Records, and 104.38 feet South  $53^{\circ}36'13''$  West of the southeast corner of the Abram Hackleman Donation Land Claim Number 62, Township 11 South, Range 3 West of the Willamette Base and Meridian, Linn County, Oregon; thence North  $53^{\circ}36'13''$  East along the center line of said City of Albany storm sewer easement 21.09 feet to the southerly extension of that parcel conveyed to Keller Development Company, an Oregon Corporation, by deed recorded in MF Volume 748, Page 158, Linn County Microfilm Records; thence along the southerly extension and east line thereof North  $1^{\circ}40'45''$  West 61.61 feet, and North  $1^{\circ}47'13''$  West 141.39 feet to the northeast corner of said Keller parcel; thence South  $89^{\circ}10'$  West along the north line of said Keller parcel 20 feet; thence South  $1^{\circ}45'26''$  East 156.57 feet; thence South  $2^{\circ}59'49''$  West 58.90 feet to the center of said City of Albany easement; thence North  $88^{\circ}34'15''$  East 7.52 feet to the point of beginning.

589°10'W

NEW STORM SEWER EASEMENT

"ATTACHMENT B"

11-3W-8CB TL 103

EXISTING 20' STORM SEWER EASEMENT MF VOL 386 Pg. 154

11-3W-8CB TL 100

30 30

14th Ave.

589°10'W 30.00

GEARY STREET

N1°35'W 1339.06

N88°34'15"E 7.52

S2°59'49"W 58.90

N1°40'45"W 61.61

21.09

353°36'13"W 104.38

589°18'22"W 134

10' UTILITY EASEMENT MF VOL. 413 Pg. 768  
5' RAW EASEMENT PACIFIC POWER MF VOL 538 Pg 926  
AND DEDICATION DEED MF VOL 413 Pg. 759



30

STATE OF OREGON  
County of Linn

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FEB 10 3 01 PM '99

I hereby certify that the attached was received and duly recorded by me in Linn County records.

STEVE DRUCKENMILLER  
Linn County Clerk

MF 1010

By PA, Deputy

PAGE 844

LOT 1

EASTERN ADDITION TO OAK GROVE ACRES BLOCK 1

LOT 4

LOT 3

LOT 2

S.E. CORNER  
A. HALLIDAY DUL 62

P.028

Resolution No. 4070

Recorded Document Recorder File No. 3342